

***Special Education  
Services:  
A Guide for Parents***  
*Revised 2023*

***Northwest Regional Interdistrict  
Council (NWRIC) #382-52***

***Member Districts:***

***Badger #676***

***Goodridge #561***

***Greenbush/Middle River #2683***

***Grygla #447***

***Kittson Central #2171***

***Tri-County #2358***

***Lancaster #356***

***Marshall County Central #441***

## Table of Contents

	page
Six Principles of IDEA	5-6
Who is eligible for special education services?	7
What is the criteria for special education?	7
What are special education Related Services?	7-8
What kind of education and placement is appropriate for a child with disabilities?	8
What is Free and Appropriate Public Education (FAPE)?	8
What must be done prior to a special education evaluation?	9
What must be done during a special education evaluation?	9-10
How can parents find out if a child has a disability and qualifies for special education services?	10
How can parents have a child evaluated for special education services?	10
How long after the parents give consent for an evaluation, does it take for the evaluation to begin?	10
Is it possible for a child to have a disability and not be in need of special education services?	10-11
What is an Individual Education Program (IEP)?	11-12
Who is on the IEP Team?	12-14
What is an IFSP?	14
What is Least Restrictive Environment (LRE)?	14-15
Do parents have any rights and responsibilities with special education?	16
Do students have any rights and responsibilities with special education?	17
When should parents tell the public agency?	17
What should parents tell the public agency?	18
What happens if parents don't notify the public agency?	18
Are there any exceptions?	18
What is a re-evaluation?	18
What is the parent's responsibility for a Due Process Hearing?	19
What is informed consent?	20

What are Extended School Year Services?	21
Who should parents contact if they have concerns or would like to make a recommendation about the special education program in the Northwest RIC and School Districts?	21
Are there parent advocacy organizations that can provide support and/or advice to parents?	21-22
District Contact Information	23

Credits: Robert Fischer, Director of Special Education, Northfield Public School  
National Information Center for Children and Youth with Disabilities, Washington, D.C.  
TchrMommy, website  
MaryKay Voll, Roseau Special Education Secretary

Dear Parents:

This booklet was developed by the Northwest Regional Interdistrict Council (NWRIC) and District #382 Parent Advisory Committee (PAC) as a guide to special education services in our schools. The booklet provides you with general information about special education services and how to initiate the process to access services. We have included an address and phone number listing for many advocacy groups and agencies.

Please do not hesitate to call our office, your building principal, or special education teacher if you have questions in regards to special education services in the district.

Sincerely,

Kim Johnson, Director of Special Education  
Northwest Regional Interdistrict Council (NWRIC)  
P.O. Box 9  
Newfolden, MN 56738  
Phone: 218-874-8215 (main #)

# **SPECIAL EDUCATION SERVICES**

## **A GUIDE FOR PARENTS**

The **Individuals With Disabilities Education Act (IDEA)** is a federal law that became twenty-five years old in 2000. First known as the Education for All Handicapped Children Act (EAHCA) or Public Law 94-142. This law was re-authorized by the United States Congress in 1997 as IDEA 97 and again in 2004 as the Individuals With Disabilities Education Improvement Act of 2004. It has been the impetus for the special education opportunities afforded to students with disabilities in our public schools today.

### **Six Principles of IDEA:**

#### **Free Appropriate Public Education (FAPE)**

“The term free appropriate education means special education and related services that (A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate preschool, elementary, or secondary school education in the State involved; and (D) are provided in conformity with the individualized education program required under section 614(d).” [Section 602(8)]

#### **Appropriate Evaluation**

One of the most significant changes in IDEA 97 relates to how the evaluation process should be viewed. “The committee believes that a child should not be subjected to unnecessary tests and assessments...and the LEA should not be saddled with associated expenses unnecessarily.” (Committee on Labor and Human Resources, p.19)

#### **Individualized Education Program**

“The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d). [Section 602(11)].

#### **Least Restrictive Environment (LRE)**

The presumption that children with disabilities are most appropriately educated with their non-disabled peers and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the

disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **Parent and Student Participation in Decision Making**

“The Congress finds the following:...Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by...strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home.” [IDEA 97, Findings, 601 (c)(5)(B)] and continues in IDEA 2004.

### **Procedural Safeguards**

Safeguards to ensure that the rights of children with disabilities and their parents are protected, that students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE, and that procedures and mechanisms are in place to resolve disagreements between parties.

**What is special education?** Special Education is specially designed instruction and services that enable a student with a disability to access and benefit from the education program. Special education addresses the individual needs of the child and is provided at no cost to the parent.

**What kinds of special education services are available?** A team of educators/professionals will evaluate your child’s area(s) of suspected disability. If special services are needed, the district will provide the services your child needs in order to benefit from the education program. These can include specialized personnel, special supplies, and instructional materials, adapted technology and/or equipment, modifications to the curriculum and other special accommodations.

**Who is eligible for special education services?** Any child, birth to twenty-one years of age, who (1) has a disability as determined through evaluation and (2) is in need of special education, is eligible for special education services.

**What is the criteria for special education?** Students who receive special education must meet specific criteria guidelines according to Federal and State guidelines. Some of the categories require specific teacher licensure,

and some do not. The categories without specific licensure must have a teacher licensed in one of the special education disability areas. The 14 disability categories are:

- Adapted Physical Education (DAPE), specific teacher licensure
- Autism, specific teacher licensure
- Deaf/Blind, specific teacher licensure
- Deaf/Hard of Hearing (D/HOH), specific teacher licensure
- Developmental Cognitive Disability (DCD, formerly Mild/Moderate/Severe Mental Impairment, MMI/MMMI/MSMI), specific teacher licensure
- Developmental Delay (formerly Early Childhood Special Education), specific teacher licensure
- Emotional/Behavioral Disorders (E/BD), specific teacher licensure
- Other Health Disability (OHD), formerly other Health Impairment
- Physically Impaired (PI), specific teacher licensure
- Severely Multiply Impaired (SMI), specific teacher licensure
- Specific Learning Disabilities (LD), specific teacher licensure
- Speech/Language Impairments, specific teacher licensure
- Traumatic Brain Injury (TBI)
- Vision Impaired (VI), specific teacher licensure

### **What are special education Related Services?**

Definition: Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. 34 CFR 300.34

A child may require any of the following related services in order to benefit from special education. Related services, as listed under IDEA, include (but are not limited to):

- Audiology services
- Physical therapy
- Counseling services
- Psychological services
- Early identification and assessment of disabilities in children
- Recreation
- Rehabilitation counseling services
- School health services
- Occupational Therapy
- Physical Therapy
- Social work services in schools
- Orientation and mobility services
- Speech-language pathology services
- Parent counseling and training
- Transportation

### **What kind of education and placement is appropriate for a child with disabilities?**

1. Conduct a nondiscriminatory evaluation.

2. Develop and implement an Individualized Education Plan (IEP).
3. Provide special education services in the Least Restrictive Environment (LRE).
4. Ensure parents access to the child's school records throughout this process.
5. Provide information to parents on how to protest the placement or any other action related to the child's right to a Free Appropriate Public Education.

The term, appropriate, then, is defined by this process in the belief that a fair team process which includes parents and is based on good information, will produce an acceptable result – an appropriate education.

### **What is Free and Appropriate Public Education (FAPE)?**

Congress requires states to provide full educational opportunities to all students with disabilities from birth through age 22. Congress defines appropriate in terms of school procedures:

1. The child must be evaluated by the school district on a nondiscriminatory basis.
2. The child must be furnished with an IEP.
3. The child is entitled to a due process hearing if the appropriateness of his/her education is in doubt.
4. The parents are entitled to be included in the development of their child's IEP.
5. The child is entitled to appropriately and adequately trained teachers.
6. The child has the right of access to his/her school records.
7. The child is entitled to a barrier-free school environment.
8. The child's representatives (parents or others) are entitled to participate in and be given notice of school actions affecting special education programs and the child's own education.

Free and Appropriate Public Education (FAPE) means special education and related services:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of Minnesota laws and rules and IDEA
3. Include children from birth through age 22; and
4. Are provided in conformity with the child's IEP.

**What must be done prior to a special education evaluation?** To assure that students are given ample opportunity to succeed in the regular education program, Minnesota Statute 125A.56 requires the district to implement and document at least two “instructional strategies, alternatives, or interventions” in the regular classroom prior to referring a child for a special education evaluation. This stage is called the pre-referral process. A child who may be struggling in the regular school setting is not necessarily in need of special

education services. The child's needs may be met by changing instructional strategies or through other interventions in the classroom.

The duration of the pre-referral interventions is based on the individual child. The interventions must be of sufficient duration to allow the child to succeed from the new instructional strategies and interventions. However, the pre-referral process must not be used to unduly delay a special education evaluation if it becomes apparent the interventions are not successful.

**What must be done during a special education evaluation?** The law requires certain things to be done during a special education evaluation. Those requirements are:

- Individualized testing.
- Evaluation in the native language or mode of communication, unless clearly not feasible to do so.
- Nondiscriminatory evaluation (on a racial or cultural basis)
- Any standardized tests are to be validated for the specific purpose for which they are used.
- Tests administered by trained and knowledgeable personnel.
- Tests administered in accordance with any instructions provided by the producer of such tests.
- The LEA must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- The LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent.
- The LEA must not use any single procedure as the sole criterion for determining whether a child is a “child with a disability” or for determining an appropriate educational program for the child.

**How can parents find out if a child has a disability and qualifies for special education services?** Any concerned party, including the parents or teacher, can request that a child be evaluated for special education services. The child must meet the minimum qualifying criteria under one of the disability areas specified in the Minnesota Rule. The district generally gives consideration to assessment results provided by outside clinics or agencies, but the district must conduct its own assessment to determine eligibility. The district is not required to implement recommendations from an outside

source unless the evaluation team agrees with the recommendations and elects to implement them.

**How can parents have a child evaluated for special education services?**

Contact your child's teacher or building principal for a form requesting an evaluation for special education services. They will provide you with the appropriate request form. You will be asked to give your consent to test your child in all suspected areas of disability. By law, the evaluation must be completed within designated timelines, dependant on the age of the student being evaluated, counted from the date that the district receives parental permission to conduct the evaluation.

**How long after the parents give consent for an evaluation, does it take for the evaluation to begin?** The district will conduct the evaluation as soon as possible after receiving the signature from the parent, giving permission to evaluate. For students age 3-22, an evaluation report must be given to parents within 30 school days from the parent signature date.

**Is it possible for a child to have a disability and not be in need of special education services?** Yes, it is possible to have a disability and not need special education services. A child, who uses a wheelchair but does not require any specialized instruction or services, in order to benefit from the education program, would be an example. The school district may need to make some adjustments and/or modifications to enable the student to maneuver within the school environment, but this would fall under Section 504 of the Rehabilitation Act of 1973 and not under the auspices of special education.

**What is an Individual Education Program (IEP)?** An IEP is a plan that outlines the special education services a child will receive based on the evaluation results. The IEP Team determines instructional strategies and writes goals and objectives for the student so that he/she can make progress in the education program. Appropriate goals are written so the child can reasonably achieve or come close to achieving them within one calendar year. An IEP is in effect for one calendar year and a new one is written for the child at the end of that year.

**IEP Definition and Components:** A Free and Appropriate Public Education (FAPE) is accomplished through an Individualized Educational Program (IEP), a written statement developed by a team of individuals

including parents which describes the specially designed instruction to meet the unique needs of a child with a disability. This plan includes a description of the child's current levels of performance, goals, objectives, and evaluation criteria based on the child's identified needs. The IEP also describes the nature and type of special education needs for special education services, any accommodations necessary, and other services to be provided to the child. The IEP is usually written for a period of twelve months and reviewed at least annually. The IEP includes key elements listed below.

1. A statement of the child's current level of performance.
2. A statement of annual goals, including short-term instructional objectives.
3. A statement of special education and related services to be provided and the extent of participation in regular educational programs.
4. The projected date for initiation and anticipated duration of special education services.
5. Objective criteria, evaluation procedures, and schedules for determining, at least annually, if instructional objectives are being achieved.
6. Modifications, accommodations, and/or assistive technology necessary in the school setting.

Schools are also responsible for implementing a child's IEP when a child in their district has a disability and attends a private or parochial school within the district's school boundaries.

**Who is on the IEP Team?** The IEP Team can consist of a rather large group of people, depending to a great extent on the educational needs of the student. Generally, the IEP Team consists of:

- One or both parents.
- The student, if appropriate. The student must be present when considering transition needs, or if he/she is not present, the student's preferences must be sought and considered.
- The special education teacher.
- School district representative who is qualified to supervise special education services.
- Regular Education Teacher.

- A person knowledgeable of the procedures and the results of the child's tests, for example, a school psychologist.
- Other individuals at the discretion of the parent or the school district.

IEP Team Members: By law, certain individuals\* must be involved in writing a child's Individualized Education Program. For an initial IEP, these people must work together to conduct an IEP meeting within 30 calendar days of determining that the child qualifies for special education services.

**Parents\*** are key members of the IEP team. They know their child very well and can talk about their child's strengths and needs as well as their ideas for enhancing their child's education. They can offer insight into how their child learns, what his or her interests are, and other aspects of the child that only a parent can know. They can listen to what the other team members think their child needs to work on at school and share their suggestions. They can also report on whether the skills the child is learning at school are being used at home.

**Teachers\*** are vital participants in the IEP meeting as well. At least one of the child's regular education teachers must be on the IEP team if the child is (or may be) participating in the regular education environment. The regular education teacher has a great deal to share with the team.

**The Special Education Teacher\*** contributes important information and experience about how to educate children with disabilities. Because of his or her training in special education, this teacher can talk about the specific needs of the student with a disability.

**Special Education Teacher licensed in the area of Disability\*** This may or may not be the same person who is the Case Manager for a student.

**School District Representative\*** Person qualified to provide or supervise special education services. This person knows a great deal about special education services and educating children with disabilities. He or she can talk about the necessary school resources. It is important that this individual have the authority to commit resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

Another important member of the IEP team is **the individual who can interpret what the child's evaluation results mean\*** in terms of designing appropriate instruction. The evaluation results are very useful in determining how the child is currently doing in school and what areas of

need the child has. This IEP team member must be able to talk about the instructional implications of the child's evaluation results, which will help the team plan appropriate instruction to address the child's needs.

The IEP team may also include additional **individuals with knowledge or special expertise about the child\***. The parent or the school system can invite these individuals to participate on the team. Parents, for example, may invite an advocate who knows the child, a professional with special expertise about the child and his or her disability, or others (such as a vocational educator who has been working with the child) who can talk about the child's strengths and/or needs.

When an IEP is being developed for a student of transition age, **representatives from transition service agencies\*** can be important participants, if appropriate. Whenever the purpose of the meeting is to consider needed transition services, the school must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. This individual can help the team plan any transition services the student needs.

And last but not least, **the student\*** may also be a member of the IEP team. If transition service needs or transition services are going to be discussed at the meeting, the student must be invited to attend. More and more students are participating in and even leading their own IEP meetings. This allows them to have a strong voice in their own education and can teach them a great deal about self-advocacy and self-determination.

**Parents, Please Note:** the IEP is the critical document in this process. The IEP is a legally binding contract between the school district and the child's parents that specifies the special services your child receives. It is therefore crucial that the IEP meeting be a free and open exchange between all team members.

**What is an IFSP?** The IFSP is an Individualized Family Service Plan. It is a plan for providing services to a student and the family through interagency agreements. The IFSP is used for children from birth through two years. The child may qualify for special education services as developmentally delayed or under a specific disability area.

### **Least Restrictive Environment**

**What is Least Restrictive Environment (LRE)?** Under the concept of least restrictive environment, children with disabilities are educated with their

non-disabled peers and attend regular classes. Children with disabilities are educated in other settings when the nature or severities of their disabilities are such that education in a regular educational program cannot be accomplished satisfactorily. Furthermore, documentation is necessary that the child will be better served outside of the regular program. The special needs of an individual child determine the type and amount of special education services. Least Restrictive Environment (LRE) is a concept, not a place. LRE is both a legal principle and an educational strategy.

**What is Inclusion?** Inclusion means educating all students in one education system and evolved out of the least restrictive environment concept. Inclusion represents an evolution of thinking and law regarding special education in the LRE. This evolution went from exclusion to separate participation to full inclusion of students with disabilities in the regular education environment today. In order to be inclusive, a district must provide the full range of services and settings that best meet the needs of all students. The concept of LRE can be summarized in these statements:

- Right to education: education for all children regardless of their abilities.
- Appropriate education: education based on the strengths and weaknesses of each child with a disability.
- Education benefit: opportunity for children with disabilities to develop their potential.
- Positive social consequences: enhancement of the social status of children with disabilities.

When making placement decisions, priority is given to providing an appropriate education in an environment that minimizes infringement on the liberty of children with disabilities to associate with their non-disabled peers.

**Acceptable placements are made when justifications:**

- Are based on a student's IEP;
- Include references to potential placement settings and the use of supplementary aids and services with a reason why each was rejected;
- Consider the student's educational history and individual evaluation information;
- Clearly outline IEP team discussion and considerations;

- Go beyond description of preferred option (i.e., student needs better teacher/student ratio than this option can provide), explain why the option is essential to the student's unique learning needs, and describe those needs; and
- Support for the decision is provided by the information in the IEP.

**Unacceptable justifications might include:**

- |  |   |
|--|---|
| * non-academic reasons   | * non-individualized reasons  |
| * administrative convenience   | * based on disability category  |
| * same as other students in<br>in that placement                             | * current availability of<br>related services   |
| * availability of space  | * availability of particular<br>curriculum content or method  |
| * no written documentation   | * current configuration of<br>services  |
| * no description of alternative<br>aids or services tried and/or<br>examined | * absence of a currently<br>appropriate continuum of<br>currently appropriate<br>available placements |

**Do parents have any rights and responsibilities associated with special education?** Yes, the Individuals with Disabilities Education Act (IDEA) requires procedural safeguards the school district must follow to protect the rights of parents and children. A copy of the procedural safeguards must be given to you each time you ask for a copy. You will also receive a copy:

- The first time your child is referred for a special education evaluation.
- Each time an annual individual education program (IEP) or an annual individual family service plan (IFSP) meeting is scheduled for your child.
- Each time your child is re-evaluated.
- If you request a due process hearing.
- If the district suspends your child for more than ten (10) consecutive days.
- If the district places your child in an interim alternative education setting for up to 45 days for certain drug weapons-related misconduct.

**Parental Rights and Responsibilities Maintained under IDEA 2004:**

- Public agencies must notify parents when they propose or refuse to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child.

- Parents have the right to inspect and review all records relating to their child that the public agency collects, maintains, or uses regarding the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.
- Parental consent is required before a child may be initially evaluated.
- Parents have the right to obtain an independent education evaluation (IEE) of their child.
- Parents are part of the team that develops their child's IEP.
- Parental consent is required for a child's initial special education placement.
- Parents have the right to challenge or appeal any decision related to the identification, evaluation, or educational placement of their child, or the provision of FAPE to their child.
- **Input during evaluation:** Parent input shall now be solicited during the evaluation process. As members of their child's IEP Team, parents are also involved in the review of existing evaluation data during the initial evaluation and any reevaluation of their child.
- **Eligibility:** Parents are entitled to be part of the group that makes the decision regarding their child's eligibility.
- **Placement:** Parents are entitled to be part of the group that makes the decision regarding their child's educational placement.
- **Reevaluation:** Parents need to be provided notice and allowed to revoke consent for their child to be reevaluated.
- **Participation in all meetings:** Parents must be given the opportunity to participate in meetings held with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE to their child.
- **Receiving progress reports and revising the IEP:** Parents have the right to receive regular reports on their child's progress. The IEP would need to be revised to address any lack of progress toward annual goals.
- **Notification to the public agency by parents regarding parental placement of their child in private school:** Parents must now notify the public agency if they intend to remove their child from the public school and place him or her in a private school at public expense.
- **Notification by parents of their intent to file a complaint:** If parents intend to request a due process hearing, they must notify the public agency.

### **Student rights and responsibilities maintained under IDEA 2004:**

- The student with disabilities could be invited to attend, and participate in, the IEP meeting, if possible.
- During Grade 9, the IEP Team must plan the transition services that her/she needs in order to prepare for life after high school. The student must be invited to participate in the IEP meeting where transition services will be discussed.
- The student has a "say" in determining these transition services, because the transition services are to be based on the student's needs and take into account his or her preferences and interests.

## **New Student rights and responsibilities added under the IDEA 2004:**

- **Transition Planning** will begin for a student during Grade 9. The plan must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living.
- If a State chooses to **transfer rights** when the student reaches the age of majority in his/her State, parental rights transfer to the student. At least one year before, the student must be told about the rights, if any, that will transfer to him/her.

**Appropriate Placement: Parents must now notify the public agency if they intend to remove their child from the public school and place him/her in a private school at public expense.**

**When should parents tell the public agency?** Parents need to tell the public agency of their intentions at the most recent IEP meeting they attend, OR give written notice 10 business days (this includes holidays that fall on a business day) before taking the child out of public school.

**What should parents tell the public agency?** Parents need to tell the public agency:

- That they are rejecting the placement the agency is proposing for the child;
- What their concerns are;
- That they are planning to enroll their child in a private school and they expect the public agency to pay for it.

**What happens if parents don't notify the public agency?** Parents may have to pay for all or part of the private school themselves. Public agencies are entitled to be told before the parents move the child to the private school.

**Are there any exceptions?** There are a few exceptions. Parents may be reimbursed for some or all of the private school costs:

- If parents are illiterate and cannot write in English;
- If providing the notice would likely result in physical or serious emotional harm to the child;
- If the public agency kept parents from giving the notice;

- If the parents hadn't been told by the public agency that they were required to provide notice before they moved their child to a private school.

**Reevaluations:** a reevaluation of students receiving special education services is needed every 3 years. This is done in order to see:

- If the child continues to have a disability and continues to need special education and related services.
- Determine the child's present levels of educational performance and educational needs.

**Due Process:** Education is a property right. The U.S. Constitution says that a person cannot be deprived of their property without affording them due process of law. Thus, parents have the right to question or challenge decisions made about their child's IEP.

**Due Process Hearings: Parents must now provide notice if they intend to request a due process hearing.** Both you and the district have a right to request an impartial due process hearing in writing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the due process complaint.

**Who should parents notify?** Parents need to notify the State educational agency or the local educational agency, as the case may be, that they intend to request a due process hearing to resolve their conflict with the school. This notice will remain confidential.

**What should the notice include?** The notice from parents to the public agency must include:

- The name of the child, the address of the residence of the child, and the name of the school the child attends.
- A description of the nature of the problem of the child relating to the school's proposed initiation or change in the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child; this includes facts relating to the problem.
- A proposed resolution of the problem, to the extent known and available to the parents at this time.

**What happens if parents don't provide this notice?** Reduction in the amount of attorneys' fees, whenever the court finds that the attorney representing the parent did not provide the school district with the appropriate information in a due process complaint.

**Why is this notice required?** When parents signal their intention to request a due process hearing, it permits the school system to try to resolve the problem without resorting to due process. It gives parents and schools the opportunity to talk about their concerns, to explore mediation as a way of resolving the conflict, and to remain partners working on behalf of the child with disabilities.

**What is informed consent?** Parents have the right of informed consent. Informed consent is a parent's agreement to allow something to happen that based on understanding the facts needed to make the decision intelligently, i.e., with knowledge of risks involved, alternatives, etc. If parents wish to

question or challenge decisions, a formal process exists to help them do so. Parents also have the right to participate on the team that assesses their child's needs, makes decisions about placement and develops the IEP. Before decisions are made, parents must give informed consent.

Parents have the right to informed consent. Before decisions are made, parents must give informed consent. Parents of students with disabilities must be notified (in the parent's native language) about the following:

1. Personal information about their child is on file at the school.
2. The type of information the school plans to collect and how it plans to use the information.
3. A summary of policies and procedures to be used by any agency or institution that collects, maintains and uses or provides information. This summary describes policies and procedures for storing information, releasing it to third parties, destroying it and protecting personally identifiable information.
4. Parents and their representatives have the right to inspect information in their child's records.
5. Parents must give informed consent before assessments or decisions are made regarding their child's IEP.
6. Parents have rights to informally or formally challenge the contents of student records.

Schools also must develop policies for access and protection of school records.

**What are Extended Year Services?** Extended Year Services are considered for students age 3-22. The child's IEP Team (at the annual review) must consider if the child will need extended year services when school is out of session (i.e. over the summer) to prevent regression of skills learned during the year. Current MN Law requires one of three anticipated significant regression in knowledge and skills, and if recoupment of those skills will take longer to regain than the length of the period of the instructional break, then extended year services must be provided.

- Recoupment – refers to a student's ability to regain the performance of a skill or acquired knowledge to approximately the same level of performance just prior to the break.

- Regression – means a significant reduction in the performance of a skill or acquired knowledge, specified in the annual goals as stated in the student’s IEP, due to a break in instruction.
- Self-sufficiency – means a domain of functional skills necessary for a student to achieve a reasonable degree of personal independence as typically identified in the annual IEP goals.

**Who should parents contact if they have concerns or would like to make a recommendation about the special education program in one of the NWRIC Member School Districts?** There are a number of possibilities available to parents. If your concerns are specifically related to the implementation of your child’s IEP, you should discuss them with your child’s case manager. Although the Director of Special Education cannot overrule an IEP Team’s decisions, you may wish to contact him/her for issues of clarification or mediation if you cannot resolve the problem within the IEP team. Contact the Director of Special Education for the NWRIC Member Districts at 218-874-8215.

**Are there parent advocacy organizations that can provide support and/or advice to parents?** Yes, there are many organizations that provide support to parents of children with disabilities.

***Minnesota Department of Education (MDE)***

400 NE Stinson Blvd  
 Minneapolis, MN 55413  
 651-582-8200

For a language other than English, or if you have a disability and need assistance:

Email: [mde.engagement@stat.mn.us](mailto:mde.engagement@stat.mn.us)

Call: 651-582-8641

[www.education.mn.gov](http://www.education.mn.gov)

***PACER Center***

8161 Normandale Blvd.  
 Minneapolis, MN 55437-1044  
 PH: 952-838-9000  
 TTY: 952-838-0190

[www.pacer.org](http://www.pacer.org)

***MN Disability Law Center***

612-332-5970 (Twin Cities Metro)  
1-800-292-4150 (Greater Minnesota)  
612-332-4668 (TTY)  
[www.mndlc.org](http://www.mndlc.org)

***The ARC Minnesota***

641 Fairview Ave N, Suite 195  
St. Paul, MN 55104  
952-920-0855  
1-833-450-1494  
[www.arcminnesota.org](http://www.arcminnesota.org)

***Minnesota Association for Children's Mental Health***

23 Empire Drive, Suite 1000  
St. Paul, MN 55103  
651-644-7333  
1-800-528-4511  
[www.macmh.org](http://www.macmh.org)

## Contact Information

Kim Johnson, Director of Special Education  
Becky Levenhagen, Assistant Director of Special Education  
NWRIC #382-52  
Phone: 218-874-8215