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① [Education Department]

AND

② FISCAL YEAR 1978

③ ANNUAL PROGRAM PLAN AMENDMENT

for

PART B of the EDUCATION OF THE HANDICAPPED ACT

AS AMENDED BY PUBLIC LAW 94-142

③ 1979

⑤ 1979

① 1979 10/10 1979

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Information System Concerning Minnesota's Handicapped Children and
Youth

Discover Us--Poster

SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of The State of Minnesota, hereby submit the following amended Annual Program Plan for Fiscal Year 1978 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.

I CERTIFY that the following assurances will be met within the State of Minnesota.

- 1) That the Annual Part B Program Plan under Public Law 93-380 for Fiscal Year 1976-1977 is hereby incorporated by reference into the APP for FY 1978 and that no revisions have been made which have not been submitted to the USOE/BEH and approved.
- 2) That the attached Annual Program Plan amendment for FY 1978 has been adopted by the Department of Education on .
NAME OF STATE EDUCATION AGENCY DATE
- 3) That the Annual Program Plan submitted under the provisions of Public Law 93-380 together with the attached amendment to the plan, constitute the basis for the operation and administration of the activities to be carried out in the State under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.
- 4) The Amended Annual Program Plan for Fiscal Year 1978 was submitted to the Governor on June 24, 1977, to provide 45 days for an opportunity for comment on the relationship of this plan to other State plans and programs for the handicapped in accordance with 45 CFR 100b.15 of the Office of Education General Provisions Regulations. The Governor's comment, or a statement that no comments have been made, is attached.
- 5) The State Education Agency is responsible for assuring that the requirements of P.L. 94-142 are carried out and that each educational program for handicapped children administered within the State, including all programs administered by any other State or local agency, is under the general supervision of the State Education Agency persons responsible for educational programs for handicapped children and that all such programs will meet the education standards established by the State Education Agency. Attached as Appendix A-F are copies of State administrative policies or agreements between the State Education Agency and other State and local agencies supporting the SEA responsibility for general supervision of all educational programs for handicapped children.
- 6) Procedures have been established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children.
- 7) Funds received by the State or any of its political subdivisions under any other Federal program, including Section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241e-2), Section 305(L)(8) of that Act (20 U.S.C. 844a(b)(8)) or its successor authority, and Section

122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262 (a)(4)(B)), under which there is specific authority for assistance for the education of handicapped children, will be used by the State or any of its political subdivisions, only in a manner consistent with the goal of providing free appropriate public education for all handicapped children, except that nothing in this section will limit the specific requirements of the laws governing those Federal programs.

8) Control of funds under Part B of the Act, and title to property acquired with those funds is in a public agency for the uses and purposes provided in Part B, and that a public agency will administer the funds and property.

9) The State will keep such records and afford access to those records as the Commissioner deems necessary to assure correctness and verification of reports and proper disbursement of funds.

10) Funds made available under Part B of the Act will not be commingled with State funds and will be used to supplement and increase the level of State and local funds expended for the education of handicapped children.

11) Consistent with procedures under Section 617(a)(2) of the Act, the State will adopt necessary fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for Federal funds paid under Part B of the Act, including any of those funds paid to local education agencies.

12) Confidentiality safeguards are being followed in the child identification program and all other aspects of our program as outlined in the Confidentiality Section of the 1976 Amended Annual Program Plan for EHA-B. This Confidentiality Section will be made available to parents, guardians, and other members of the general public upon request.

13) A State Advisory Panel on the Education of Handicapped Children will be appointed by the Governor or any other official authorized under law to make such appointments and the composition of the panel will include at least one person representative of each of the following groups; handicapped individuals; teachers of handicapped children; parents or guardians of handicapped children; State and local education officials and Special Education Programs Administrators.

OR

The existing Advisory Panel on the Education of Handicapped Children will be modified so that it fulfills all of the requirements and functions contained in Part B.

I, the undersigned authorized official of the State Education Agency of Minnesota, hereby submit the Incentive Grant Application for fiscal year 1978 under Part B of the Education of the Handicapped Act. This application is subject to the same procedures for review by the Governor and Attorney General as required for the Annual Program Plan.

DATE

Signature of Chief State School Officer
or person authorized to submit this plan

Date Received in Bureau

Howard B. Casmey

Typed name

Howard B. Casmey

Title

Commissioner of Education

(Date)

(State)

CERTIFICATION OF STATE ATTORNEY GENERAL
OR OTHER APPROPRIATE STATE LEGAL OFFICER
121a.6, Title 45 CFR

I hereby certify that:

1. The Minnesota Department of Education
LEGAL NAME OF STATE EDUCATION AGENCY

has authority under State law to submit a State plan pursuant to Part B of the Education of the Handicapped Act (Public Law 91-230, Title VI, as amended), and to administer or supervise the administration of the plan:

2. Said agency has authority under State law to carry out, directly or through local educational agencies, the activities described in the plan:
and

3. All plan provisions are consistent with State law.

Michael J. Bradley
SIGNATURE

December 1, 1977
DATE

OFFICE OF THE ATTORNEY GENERAL
/s/ MICHAEL J. BRADLEY
Special Assistant
Attorney General

TYPED NAME AND TITLE OF STATE LEGAL OFFICER



STATE OF MINNESOTA

NOV 1 1977

STATE PLANNING AGENCY
101 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

October 31, 1977

Dr. Wilfred Antell
Minnesota Department of Education
Capitol Square Building
St. Paul, Minnesota 55101

RE: Fiscal Year 1978 Annual Program Plan Amendment for Part
B of the Education of the Handicapped Act

Dear Dr. Antell:

This is to certify that the Minnesota State Planning Agency has in accordance with Part III of Office of Management and Budget (OMB) Circular A-95 reviewed the Department of Education's Annual Program Plan amendment for Part B of the Education of the Handicapped Act. State agencies that may be interested in or affected by the plan have been notified by this office.

This letter represents the final action of the State Planning Agency's review of this plan amendment in its role as State Clearinghouse under the OMB Circular A-95 procedures. A copy of this letter should be attached to the plan amendment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas N. Harren".

Thomas N. Harren, Administrator
State Clearinghouse

TNH:dlg

I. Public Notice and Opportunity for Comment

To be published in the State Register, St. Paul Dispatch,
SDE Update and State Advisory Council Notice upon approval
of the final draft of Minnesota's State Plan.

PUBLIC NOTICE

As required by the final regulations for the Education of
Handicapped Children (E.H.A.) Part B (P.L. 94-142) 121a 284
Notice is given of the following:

Minnesota's State Plan, final draft, has been
approved by the Commissioner of Education, the
Bureau of Education for the Handicapped. Copies
of the plan or information about the plan may be
obtained by contacting either Dr. Will Antell,
Assistant Commissioner of Special and Compensatory
Education at 550 Cedar Street, Capitol Square
Building, 8th Floor, St. Paul, Minnesota 55101,
telephone (612)-296-7020, or the Special Education
Regional Consultant for your area.

Regions 1 & 2.....Mr. Norman Cole
Special Education Regional Consultant
408 Minnesota Building
Bemidji, MN 56601

Region 3.....Mr. Robert L. Larson
Special Education Regional Consultant
St. Louis County Courthouse
Hibbing, MN 55746

Region 4.....Mr. Wallace Pierce
Special Education Regional Consultant
120 South Vine
P.O. Drawer E
Fergus Falls, MN 56537

Regions 5 & 7.....Mr. Dennis N. Becchetti
Special Education Regional Consultant
139 East First Avenue
Cambridge, MN 55008

Regions 6 & 8.....Mr. Tom Emery
Special Education Regional Consultant
Educational Cooperative Service Unit
Southwest State University
Marshall, MN 56258

Regions 9 & 10.....Mr. Daniel F. Bryan
Special Education Regional Consultant
2855 N.W. First Avenue
Box 815
Faribault, MN 55021

Region 11 East.....Dr. J. Gary Hayden
Special Education Regional Consultant
9875 Inver Grove Trail
Inver Grove Heights, MN 55075

Region 11 West.....Ms. Betty Christenson
Special Education Regional Consultant
5430 Glenwood Avenue
Golden Valley, MN 55422

NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION REGARDING THE STATE PLAN FOR
THE OPERATION AND FUNDING OF PROGRAMS FOR THE HANDICAPPED AT THE 4-21 AGE
LEVELS IN MINNESOTA SCHOOL DISTRICTS

The Department of Education has drafted a State Plan to meet the requirements
of Public Law 94-142.

The Department invites interested persons or groups to provide information,
comment, and advice on the subject, in writing, or orally either: to Dr.
Wilfred Antell, Assistant Commissioner of Education, Minnesota Department
of Education, 8th Floor, Capitol Square Building, 500 Cedar Street, St. Paul,
MN 55101, or at any of the following meetings:

9:00 a.m. - 12:00 p.m. - July 25, 1977

Bemidji Holiday Inn

9:00 a.m. - 11:30 a.m. - July 28, 1977

Registry Hotel, Bloomington, MN

9:00 a.m. - 12:00 p.m. - August 8, 1977.

Mankato Holiday Inn

Copies of the State Plan may be received by calling (612)-236-7000 or by
writing Dr. Wilfred Antell at the above address.

Written statements will be made part of the public review record.

This notice also appeared in the State Register, and the St. Paul Dispatch.

Office Memorandum

DEPARTMENT—Education—

TO : Von Valletta, Deputy Commissioner

DATE: October 26, 1977

FROM : Robert P. Van Tries, Assistant Commissioner
Division of Vocational Technical EducationPHONE: *RPV*

SUBJECT: Public Law 94-142 - State Plan

The Vocational-Technical Division has reviewed the Public Law 94-142, State Plan for fiscal year 1978. Our concern with the State Plan is that the Division of Special and Compensatory Education should recognize that the Vocational-Technical Division should be involved in assisting districts and reviewing applications for program approval when the proposed programs for out-of-school young adults (Priority I of 94-142, policy on priorities) include a vocational education component.

We recognize that the U. S. Office of Education did not require that the Division of Special and Compensatory Education address the vocational education needs of the handicapped in this year's State Plan. However, it is important to recognize that the definition of the term Special Education in the 94-142 Rules and Regulations also include vocational education if it consists of specifically designed instruction designed to meet the unique needs of a handicapped student. The actual definition of vocational education in Public Law 94-142 is taken from the Vocational Education Act of 1963 as amended by Public Law 94-482.

We believe Congress recognizes that vocational education can play an important role in the education of all handicapped students and we want to take this opportunity to point out that we recognize our responsibilities.

RPVT:HB:aab

cc: Dr. Will Antell

	IDENTIFYING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Bill Hopkins	Director of Public Affairs Courage Center		When and how will the state move to implement Part A of P.L. 94-142. Where are the funds to be obtained?	Public Hearing and letter	State staff has met with the Governor's office aids regarding survey of state educational buildings. The survey will take place during the 77-78 school year. Congress is negotiating on funds to assist in the modification of buildings and removal of barriers.
Dan Moriarty	Assistant Executive Director Minnesota Education Association	4	Identify that there is a lack of training of regular education teachers to receive children into their classrooms as a problem.	Public Hearing	Inserted on page 4 the following: The difficulty in persuading LEA's to utilize existing resources to properly prepare regular education teachers for the integration of handicapped children/youth into regular education programs.
		4	How can opportunities for inservice training of regular classroom teachers be increased?	Public Hearing	Pages 63-83 describe the state's effort to train regular and special education staff with state and federal monies.
Sister Conrad Ostrander	Director of Special Education Catholic Education Center for the Archdiocese of Minneapolis and St. Paul.	83	Request that non-public be specified to delineate from private.	Public Hearing	Inserted non-public with private where appropriate.

NAME	REPRESENTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Sister Conrad Ostrander (cont.)		83	Object to the word "sign-off" request it be changed to inclusion or another positive word.	Public Hearing	<u>Changed</u> sign-off to involvement.
		83	Paragraph 3 seems to be an incomplete sentence.	Public Hearing	<u>Changed</u> to read "Implicit in the law is that all rules and laws for handicapped students will be followed."
		Appendix D	Request that the revision of the non-public school guidelines be drafted and disseminated.	Public Hearing	<u>Referred</u> to State Assistant Director of Special Education because the law was mandated by state action.
		Not indicated	Request that the State summarize Woman vs. Essex court decision.	Public Hearing	<u>None</u> Attorney General's office has advised that summaries may not be in the best interest because of the fear of misinterpretations due to brevity.
Douglas H. Butler	Program Manager Developmental Disabilities Southeastern Minnesota	Preschool Plan	One consultant for regions 6, 8, 9 and 10 appears to be inadequate.	letter	<u>Changed</u> to increase staff to two positions, one for 6 and 8 and one for 9 and 10.
		Preschool Plan	How will the coordination of data gathering and communication occur particularly in Region 10?	letter	Included in job descriptions that the early childhood consultants will work directly with LEA and agency personnel in order to ensure accurate data and faster direct communication.

NAME	REPRESENTING	PAGE OF STATE PLAN	AREA OF CONCERN	HOW RECEIVED	ACTION TAKEN
an Schoepke	Executive Board Member PACER and Behalf of Society for Autistic Children	19 20 81	The release of public information document's timeline is contradictory.	Public Hearing	<u>Changed</u> language on pages 19 and 20 to reflect sample information has been distributed to superintendents, state personnel and agency staff. Orders are being processed during August and September.
		20 # 2	Where were 20 inservices conducted for school board members, parents, parent advocates, superintendents, principals, directors of special education and teachers?	Public Hearing	<u>Letter</u> indicating that these inservices were conducted with funds provided by Title VI Part D, and the Regional Resource Center grant.
		None Indicated	Where are autistic chil- dren counted - in what category?	Public Hearing	<u>Letter</u> indicating that the explanation is that the autistic children were counted in the category of emotionally disturbed as required by B.E.II.
nold Rehmann	Director, Special Education Minneapolis Public Schools	3 - D	What is an IEPP?	Public Hearing	<u>Letter</u> indicating that the <u>I</u> ndividual <u>E</u> ducation <u>P</u> rogram <u>P</u> lan and the <u>I</u> ndividualized <u>E</u> ducational Plan are referred to interchangeably. They are one and the same.

		STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Arnold Rehmann (cont.)		Preschool	Are there to be four or five regional persons?	Public Hearing	<u>Changed</u> to indicate that the plan was modified to support six regional and one state person.
		Preschool Plan	Coordination of state, regional and local persons within a state plan.	Public Hearing	<u>Letter</u> indicating that the State Special Education Section is writing all job descriptions for state and regional staff to ensure coordination. State Plan monitored by State staff, Advisory Council Sub-committee, State Administration and regional consultants.
		5 Preschool	Requirement of quarterly reporting.	Public Hearing	The quarterly report is for the regional persons only and not required for local district persons. The reports required for local persons are those that are already in place i.e. state applications and end of year report, Federal child counts in October and February. All counts are required by either state or federal laws.
hyllis Roderick	Director of Rehabilitation Service Courage Center		Request inclusion of private agency personnel in the assessment team when the child has received assessment or services from the agency.	Public Hearing	The requirement is already in place and is found on page 59 - 60 #3 of the State Plan. The Rule citation is EDU 125 A4.

	REPORTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Christine Spaulding	Head Start/Home Start Director West Central Minnesota	Preschool Plan	Request that Head Start/Home Start program information for handicapped children be incorporated into the State Plan.	letter	<u>Letter</u> stating B.E.H. did not request any information related to Head Start/Home Start in the State Plan. Suggest the Head Start/Home Start alert B.E.H. of this omission. Minnesota will include in the addendum if B.E.H. so requests.
Marylee Fithian	Executive Director Governor's Planning Council on Developmental Disabilities.	Not indicated	Can due process procedures be utilized by parents of children who have not attained school age as defined by M.S. 120.17 when the parent feels the child is "ready" for services beyond the pre-school program?	letter	<u>Letter</u> indicating that serving 0-3 age children is permissive in Minnesota therefore due process procedures do not apply. LEAs frequently have early entrance policies that parents may utilize. P.L. 94-142 monies may be utilized if the LEA has or will meet the first priority within the 77-78 school year and will certify that they can meet the full service goal for ages 5 - 18.
		Not indicated	What is meant by "services" and "related services" in the state plan.	letter	<u>Letter</u> indicating that these are defined in the Minnesota State Board of Education Rules EDU 120 - Policies and definitions B 1 and 3.

rylee
Fithian
(cont.)

Not indicated	If services and related services are provided by an agency other than the LEA, what steps are taken to ensure that payments are made and no duplication occurs?	letter	<u>Letter</u> indicating that if the LEA recommends they need the service in order to complete implementation of the child's I.E.P. the LEA does not need agency assistance to complete implementation of the I.E.P they are not financially responsible.
Not indicated	What role can concerned professionals/paraprofessionals, parents and citizens in a school district play in the development of that school districts special education plan?	letter	<u>Letter</u> indicating that the district's application for P.L. 94-142 funds must be open to public review. The LEA may choose to involve interested parties in planning the project, but it is not a requirement.
Not indicated	That optacon training for students who are blind is viewed as one among many alternative techniques rather than the ultimate method.	letter	<u>Letter</u> indicating that training was a technological update on one alternative it was not presented as the only alternative.

NAME	REPRESENTING	PAGE OF STATE PLAN	AREA (CONCERN	HOW RECEIVED	ACTION TAKEN
Paula Goldberg	PACER	20	Inclusion of explicit information regarding PACER.	Public Hearing	The suggested changes were <u>incorporate</u> into the State Plan.
Fred . . .	Coordinator, Human Services Unit, Division of Economic Opportunity, Governor's Manpower Office		Change four year old law to mandate services when child turns four.	Public Hearing and letter	<u>None</u> - Legislature defined school age in 1976-77 session. Another change would require legislative action. Districts may serve 0 to 4 under permissive law.
		15	Change public information planning to be either general, specific or both.	Public Hearing and letter	The suggested changes were <u>incorporated</u> into the State Plan.
		17 # 9	Change <u>may</u> include observation of the student to should include observation	Public Hearing	<u>None</u> - Directly taken from State Rules EDU 124 B 3 a.
		Not indicated	Inclusion of pre-school staff on planning team in federal regulations.	Public Hearing	<u>None</u> - Unknown if federal regulations include this provision. Question should be posed at federal level.
		17	Non-discriminating testing	Public Hearing	<u>None</u> - Information on non-discrimination is in Section IX in the State Plan Protection in Evaluation Procedures.

NAME	REPRESENTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Marylee Fithian (cont.)		Not indicated	Amount of notification given before the public hearing was short.	letter	<u>Letter</u> indicating that the public notices were published in the State Register, St. Paul Dispatch and mailings sent out to agencies serving the handicapped. Mailings to agencies were difficult due to no compilation existed in the SEA. PACER provided the SEA with the list.
		Not indicated	Location of hearing in barrier free building commendable however, availability of public mass transportation to the site should be considered.	letter	<u>Letter</u> indicating that future hearings the SEA will take into consideration the availability of public mass transportation.

NAME	REPRESENTING	ITEM OF STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Fred Aden. (cont.)		17	Recommend that a child's teacher be included in both the assessment and IEP process.	letter	<u>None</u> - The basic team specified in EDU 124 & 125 requires the child's classroom teacher be involved i.e. include. . . and others who may have the responsibility for implementing the educational program and exclude the students regular classroom teacher.
		17	Recommend inclusion of child's teacher be extended to four year olds and older, out of school handicapped children including private agency teacher in the IEP and assessment process.	letter	<u>None</u> - EDU 124 & 125 as specified above does not exclude involvement of the teacher because of the child's age.
		26	Recommend the early childhood educator be one of the designated IEP team members Recommend that private special education service providers be designated as members of the IEP team at the point transferred to the core of public school special educators	letter	<u>None</u> - EDU 124 & 125 in addition to requiring the above stated persons the district must review all assessment and program information available. The parent may request that other persons involved with the child be included State rules cannot mandate agency persons be involved as they are not under State's jurisdiction.

NAME	REPRESENTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Fred Aden (cont.)		26	Recommend that the guidelines speak to support transportation and child care so low/marginal income parents can participate in the IEP process.	letter	Rules for the pre-school area will be developed during the 1977-78 school year therefore all of Mr. Aden's recommendations will be <u>forwarded</u> to the state pre-school consultant for consideration and possible inclusion. All of these responses will be sent to Mr. Aden by letter.
		26	Recommend that guidelines stipulate that evening meetings are necessary in order to accomodate low income and working parents	letter	<u>Forwarded</u> to State Pre-school Consultant
		Section VII	Recommend that school districts be required to inform agencies from which they usually collect data of the confidentiality requirements and that agencies be invited to participate in relevant training provided to or by the school district.	letter	<u>Forwarded</u> to State Pre-school Consultant

	REPRESENTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Fred Aden. (cont.)		Section VIII	Recommend that existing pre-school programs be recognized as environment which may satisfy the "least restrictive alternative requirements for some four year old handicapped children such as Head Start and Home Start.	letter	<u>Forwarded</u> to State Pre-school consultant
		Section VIII	Recommend that the guidelines specify that the child not be removed from his/her "regular educational environment..." if that pre-school program is determined to be appropriate and the least restrictive for that child.	letter	<u>Forwarded</u> to State Pre-school consultant
		Section VIII	Recommend that guidelines specify that necessary special education services be provided to the four year olds and pre-school educator within the pre-school environment	letter	<u>Forwarded</u> to State Pre-school consultant

NAME	REPRESENTING	STATE PLAN	AREA OF CONCERN	RECEIVED	ACTION TAKEN
Fred Aden (cont.)		Section X	Recommend that personnel development be offered for pre-school educators who work in settings where handicapped four old children are integrated with non-handicapped children.	letter	<u>Forwarded</u> to State Pre-school consultant

II. RIGHT TO EDUCATION (612 (1))

A. The Minnesota Board of Education promulgated extensive Rules that govern the programs for children and youth who are handicapped. These Rules became effective on February 28, 1977, and include the following policy on full services:

Provision of full services. All children and youth who are handicapped and who are *eligible for special education services shall have access to free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic school or other services which may be located within the district. EDU 120 (asterisk added)

Eligible handicapped children are defined in M.S. 120.03 and is paraphrased as follows:

*Every child who is deaf, hard-of-hearing, blind, partially seeing, crippled, speech defective, physically impaired in body or limb, mentally retarded, emotionally disturbed, learning disabled or has a special behavior problem. (Appendix A)

School Age

M.S. 120.17 defines school age as "four (4) to twenty-one (21) years for children who are handicapped, as defined in section 120.03, and shall not exceed beyond secondary school or its equivalent. For purposes of this subdivision the age of a handicapped child shall be his age as of September 1 of the calendar year in which the school year for which he seeks special instruction and services commences".

Permissive Law to Serve

M.S. 120.17 Subd 1, states that "every district may provide special instruction and services for handicapped children who have not attained school age".

B. The procedures the State Education Agency will or has undertaken in order to implement the Right to Education policy are as follows:

The SEA developed a working agreement with the State Department of Health

in order to develop a coordinated effort relating to identifying and serving handicapped children. (Appendix D)

The special education Rules which brought Minnesota into compliance with P.L. 94-142, went into effect February 28, 1977. (Appendix B)

The SEA issued a guideline memorandum apprising LEA's of their responsibilities effective August 15, 1977, to identify and serve (1) all 4 year old handicapped children and (2) all handicapped children and youth who attend nonpublic schools. (Appendix D)

By September, 1977, every LEA either singly or in cooperation with other LEA's will submit in writing to the Commissioner of Education a copy of their child study subsystem. Each LEA will also incorporate all relevant mandates contained in Law and Rule. The LEA will provide documentation of the implementation of their child study subsystem by incorporating forms either in use or to be used.

The State of Minnesota has fully implemented the zero reject philosophy since the enactment of legislation in 1971 which required that school districts provide special instruction and services to the trainable mentally retarded child. With the enactment of this legislation, it was established that all handicapped children regardless of the severity of the handicapping condition had a right to an education. No child is denied that right in the State of Minnesota at this time.

III. FULL EDUCATIONAL OPPORTUNITIES GOAL AND TIMELINES (612 (2)(A))

Section 612 (2)(A) requires that each Annual Program Plan set forth detailed policies and procedures to assure that

"there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal and (iii) a description of the kind and number of facilities, personnel and services necessary throughout the State to meet such a goal...."

A. Goal Statement

M.S. 120.17 requires that local school districts provide special instruction and services to all school age handicapped children. School age is defined as the age of the child on September 1 of the year for which services are commenced. The overall school age is four (4) to twenty-one (21). School districts may provide instruction and services to handicapped children who have not attained school age. The 1976 legislature transferred the State School for the Deaf and Braille and Sight-Saving School to the Department of Education effective July 1, 1977. The legislation made it clear that the local school district continues to be responsible for the education of all resident pupils regardless of where the child is receiving the services. It is very clear in the statute that all handicapped pupils in the State have a right to an appropriate education and that local school district must provide the services.

B. The major problem areas in meeting the full service goal by 1978 are:

1. The difficulty of providing comprehensive programs for the low incident handicapped populations in the sparsely populated areas of the State.

2. The difficulty of persuading handicapped pupils over 16 years of age who have dropped out of school, etc. to return to school.

3. Lack of sufficient numbers of fully trained staff in some categorical programs.

4. The difficulty in persuading LEA's to utilize existing resources to properly prepare regular education teachers for the integration of handicapped children/youth into regular education programs.

5. Fiscal constraints resulting from inflation, declining enrollments, and statutory limitations on revenue and expenditures. The result of the interaction of the variables tends to place education for the handicapped in competition for funds currently used to support other educational activities.

TABLE 1. - DETAILED TIMETABLE

DATE
12-1-77NAME OF STATE
Minnesota

Show the percent (%) of the State's population of handicapped children expected to be receiving full educational opportunities in each school year. In the appropriate cells, * estimate the year you expect all children to be provided full educational opportunities (full service).

HANDICAPPING CONDITIONS	* A. AGES 3 THRU 5			B. AGES 6 THRU 17		C. AGES 18 THRU 21					D. AGES 0 THRU 2 ESTIMATE THE YEAR FULL SERVICES ARE EXPECTED TO BE REACHED. SCHOOL YEAR NON-CATEGORIAL 1985
	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79	ESTIMATE YEAR* OF FULL SERVICE	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79	SCHOOL YEAR 1977-78(%)	SCHOOL YEAR 1978-79	SCHOOL YEAR 1979-80	SCHOOL YEAR 1980-81	ESTIMATE YEAR* OF FULL SERVICE	
a. Mentally Retarded	65%	73%	1980	84%	100%	55%	60%	80%	100%	1980	
b. Hard of Hearing											
c. Deaf	70%	80%	1980	65%	100%	50%	50%	60%	100%	1980	
d. Speech Impaired	70%	80%	1980	100%	---	90%	90%	98%	100%	1980	
e. Visually Handicapped	65%	75%	1980	80%	100%	60%	50%	60%	100%	1980	
f. Seriously Emotionally Disturbed	60%	70%	1980	80%	100%	70%	50%	60%	100%	1980	
g. Orthopedically Impaired	65%	75%	1980	80%	100%	75%	50%	60%	100%	1980	
h. Health Impaired	60%	67%	1980	98%	100%	95%	49%	50%	100%	1980	
i. Specific Learning Disability	65%	70%	1980	90%	100%	80%	55%	60%	100%	1980	

*If these requirements are inconsistent with your State law, or practice, estimate the year you expect to reach full services in these areas.

* State law defines school ages as age 4 to 21 or completion of a secondary program. Service before age 4 is permissive. Percentage stated include permissive 3 year old children. All mandated school age will be served as well as the most severely handicapped 3 year old children.

TABLE 2A. - STATE PERSONNEL SUMMARY OF ACTUAL NUMBER OF PERSONNEL
EMPLOYED DURING THE 1976-77 SCHOOL YEAR FOR SERVICES
TO THE 0-21 AGE HANDICAPPED POPULATION

(A)

MANDATED SCHOOL AGE IN THE STATE OF

FOR SCHOOL YEAR 1978-79

[illegible]

TABLE 2B. - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

PERSONNEL							(A)			
							MANDATED SCHOOL AGE IN THE STATE OF			
							FOR SCHOOL YEAR 1978-79			
	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDI- CAPPED (f)	SERIOUSLY EMOTION- ALLY DISTURBED (g)	ORTHO- PEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	1893	1043	20		85	20	290	97	136	202
2. Resource Room Teachers	2429	687						4		1738
3. Itinerant/Consulting Teachers	744		75		613	39	5	12		
4. Psychologist	230									
5. School Social Workers	290									
6. Occupational Therapists	37									
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Audiologists										
10. Teacher Aides	1677									
11. Vocational Education Teachers	130									
12. Work-Study Coordinators	60									
13. Physical Education Teachers	75									
14. Recreation Therapists										
15. Diagnostic Staff										
16. Supervisors	381									
17. Other Non-Instructional Staff	80									
18. TOTAL PERSONNEL	8026									

TABLE 2C. - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1978-79 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDI- CAPPED (f)	SERIOUSLY EMOTION- ALLY DISTURBED (g)	ORTHO- PEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	2022	1050	30		125	30	320	107	140	220
2. Resource Room Teachers	2469	705						8		1756
3. Itinerant/Consulting Teachers	782		89		613	46	10	24		
4. Psychologist	250									
5. School Social Workers	300									
6. Occupational Therapists	47									
7. Home-Hospital Teachers	140									
8. Speech Pathologists										
9. Audiologists										
10. Teacher Aides	1725									
11. Vocational Education Teachers	160									
12. Work-Study Coordinators	80									
13. Physical Education Teachers Teachers	85									
14. Recreation Therapists										
15. Diagnostic Staff										
16. Supervisors	400									
17. Other Non-Instructional Staff	85									

TABLE 3. - CHILDREN SERVED AND SERVICE NEEDS IN PRIORITY AREAS

STATE
MinnesotaDATE
June 20, 1977

HANDICAPPING CONDITIONS	1976-1977								
	RECEIVING AN EDUCATION WHICH MEETS ALL EDUCATIONAL NEEDS*			1ST PRIORITY NOT RECEIVING AN EDUCATION			2ND PRIORITY, SEVERELY HANDICAPPED BEING EDUCATED, BUT REQUIRING ADDITIONAL SPECIAL EDUCATION AND RELATED SERVICES		
	(1)			(2)			(3)		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21
Mentally Retarded	323	13688		306	153	153	160	3422	
Hard of Hearing	112	1033		45	25	25	60	550	
Deaf	441	147		15	5	5	200	50	
Speech Impaired	2904	23618		240	120	120	968	7872	
Visually Handicapped	32	473		60	30	30	11	157	
Seriously Emotionally Disturbed	68	4235		90	90	180	34	2115	
Orthopedically Impaired	106	815		84	42	42	35	271	
Health Impaired	15	1347					5	450	
Specific Learning Disabilities	220	21236		50	160	210	73	7078	
TOTAL	4221	66592		890	625	765	1546	21965	

*(1) - Include only handicapped children who are having all of their educational needs met.

*(3) - Include those handicapped children who are not having all of their educational needs met.

TABLE 4. -- LEAST RESTRICTIVE ENVIRONMENT (Placement and number of handicapped children in each setting for school year 1976-1977*)														STATE Minnesota		DATE June 20, 1977						
DISABILITY	REGULAR CLASS (a)									TOTAL RECEIVING SPECIAL EDUCATION IN REGULAR CLASS * (4)			TOTAL NEED- ING PLACE- MENT IN REGU- LAR CLASS (5)	SEPARATE CLASS (b)								
	REGULAR CLASS WITH INDIRECT SERVICES WITHIN REGULAR CLASS			REGULAR CLASS WITH DIRECT SERVICES AND INSTRUCTION WITHIN REGULAR CLASS			REGULAR CLASS WITH RESOURCE ROOM SERVICES							SELF CONTAINED SPECIAL CLASSROOM WITH PART-TIME INSTRUCTION IN A REGULAR CLASS			SELF CONTAINED SPECIAL CLASS FULL- TIME ON A REGULAR SCHOOL CAMPUS			SELF CONTAINED SPECIAL CLASS IN A SPECIAL PUBLIC DAY SCHOOL FACILITY		
	(1)			(2)			(3)			(6)			(7)			(8)						
	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	3 thru 6	6 thru 17	18 thru 21	
Id Retardation										4694												
of Hearing										1376												
ly Impaired										5913												
ly Handicapped										449												
ly Emotionally Disturbed																						
edically Impaired										50												
ly Impaired																						
ic Learning Disability										20608												
TOTAL										43090			1100									

E: Data reported in columns (5), (10), (15), and (19), concerning needed services will be translated into facility projections by the U.S. Office of Education
 ment refers to the primary placement of the handicapped child as determined by the Individualized Education Program.

*We do not have this information by age level; we will in 77-78.

TABLE 4. - LEAST RESTRICTIVE ENVIRONMENT (Continued)

DISABILITY	TOTAL RECEIVING SPECIAL EDUCATION IN SEPARATE CLASS			TOTAL NEEDING PLACE-MENT IN SEPARATE CLASS	SEPARATE SCHOOL FACILITY (c)									TOTAL RECEIVING SPECIAL EDUCATION IN SEPARATE SCHOOL FACILITIES	TOTAL NEEDING PLACE-MENT IN SEPARATE SCHOOL FACILITIES	OTHER EDUCATIONAL ENVIRONMENTS (d)						TOTAL RECEIVING SPECIAL EDUCATION IN OTHER EDUCATIONAL ENVIRONMENTS	TOTAL NEEDING PLACE-MENT IN OTHER EDUCATIONAL ENVIRONMENTS									
					SELF CONTAINED SPECIAL CLASS IN PRIVATE DAY SCHOOL FACILITY			PUBLIC RESIDENTIAL SCHOOL FACILITY			PRIVATE RESIDENTIAL SCHOOL FACILITY					HOSPITAL PROGRAMS			HOMEBOUND													
	(9)				(10)	(11)			(12)			(13)				(14)			(15)	(16)				(17)			(18)			(19)		
	3 thru 5	6 thru 17	18 thru 21		3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	6 thru 17	18 thru 21	3 thru 5	6 thru 17			18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17			18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17
Retardation		7405												911				←1001→														
Hearing		139												35																		
														183																		
Impaired		10609																														
Handicapped														56																		
Emotionally Disturbed		1076												3144			83															
Visually Impaired		75												796																		
Impaired																					1362→											
Learning Disability		440												408																		
TOTAL	19744			695										5533			445	1084			1362→								40			
2446																																

TABLE 5. —INSERVICE TRAINING FORM (1977-1978 school year)

AREA OF TRAINING (a)	NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING (b)																							
	REGULAR CLASS TEACHERS	SPECIAL CLASS TEACHERS	RESOURCE ROOM TEACHERS	ITINERANT/CONSULTING TEACHERS	HOME-HOSPITAL TEACHERS	PHYSICAL EDUCATORS	VOCATIONAL EDUCATORS	TEACHER AIDES	WORK-STUDY COORDINATORS	RECREATIONAL THERAPISTS	OCCUPATIONAL THERAPISTS	SPEECH PATHOLOGISTS	AUDIOLOGISTS	PSYCHOMETRISTS/EDUCA- TIONAL DIAGNOSTICIANS	PSYCHOLOGISTS	SCHOOL SOCIAL WORKERS	PARENTS OF HANDICAPPED CHILDREN	SURROGATES	VOLUNTEERS	HEARING OFFICERS	SUPERVISORS	ADMINISTRATORS	OTHER NON-INSTRUCTIONAL STAFF	
istic Procedures						100									50						225			
tional Procedures	5000					100															225			
entation of P.L. 94-142	5000					100	100										100				225	400		
vidual Education Programs	5000			225		100	100								50		100				225			
st Restrictive Environment	5000					100	100										100							
ederal Safeguards	5000						100										100							
of Surrogates																								
ritues - Served - Unserved																								
i-Discriminatory Testing	5000					100	100								50		100							
g (Specify)	5000			225													100				225	400		

IV. POLICY ON PRIORITIES (612 (3))

A. The Education for All Handicapped Act requires that the first priority for the use of these funds shall be for out-of-school, school age handicapped children. The second priority is for the inadequately served severely handicapped in all disability areas. The State will, therefore, consider approval and funding the local educational agencies' projects which address to the needs of children and youth who are handicapped as required by Public Law 94-142.

B. Programs to be considered for funding under the first priority:

1. Projects designed to identify, assess and offer a free appropriate education, including special education and related services to handicapped students of school age who have withdrawn from or for some reason are out of school.

2. Projects designed to identify, assess and implement a program for the four (4) year old handicapped child.

3. Projects designed to develop a system to identify, refer, monitor (follow-along), plan for, but not program for with 94-142 monies, handicapped children who are ages zero through three. It is permissible in Minnesota to program for this age level with local and state monies.

Each of the above three (3) projects must include the components of a public information system for the purposes of informing all resident parents and their handicapped children of their right to a free appropriate education. This includes activities such as training census enumerators, establishing an information hot line, implementing methods which develop administration, teacher and parent awareness and screening procedures. For further description of child identification refer to the Administrative Handbook.

C. Programs to be considered for funding under the second priority:

1. Projects designed to identify, assess and implement the Individual Education Program Plan (IEP) for those students who are severely handicapped (those that the team determines to be in the greatest need) in any disability area and are receiving an inadequate education, e.g. students in need of additional services in order to fully implement the IEP. These projects may include components regarding professional development of a public information system for the purposes of informing all resident parents and their handicapped child of their right to additional services as specified in the IEP.

NOTE: If the local educational agency has information systems in place as described in priorities one (1) and two (2) the school officials must provide the State Education Agency with a brief description of it.

2. Projects previously funded by Public Law 93-380 are eligible to transfer to Public Law 94-142 funds if they meet the priorities.

The LEA must maintain the total local overall per pupil cost funding level across combined handicap program areas in order to ensure there is no supplanting.

D. Project length and funding policies.

1. The term for funding local education agency projects with P.L. 94-142 monies is ongoing according to the legislative requirements. The LEA may develop programs that are maintained by P.L. 94-142 monies in successive years as long as the average per pupil cost level of local funding does not decrease across the total of all programs for handicapped children. LEA's will submit annual and renewal applications to the SEA.

2. The amount of P.L. 94-142 monies available to the local edu-

cational agencies is set at eighty (80) per cent of the allocation or \$56.00 of the \$70.00 per child allotment.

3. The local education agency will report to the SEA the amount of additional funding needed in order to meet the first priority. If the LEA needs assistance they are encouraged to involve the Special Education Regional Consultant for their region or request assistance from the Special Education Section. The SEA will within budget limitations assist those LEA's in meeting the first priority with the SEA's share of the formula (discretionary) grant. Due to the fact that these monies are designated to make programs equitable across the State these monies will primarily be distributed on a regional, ECSU or cooperative basis. Consideration may be given to a single LEA application in unique cases. The LEA's are encouraged to involve the Special Education Regional Consultants (SERC's) in cooperative planning in order to assist the SEA in determining funding.

4. Minnesota Statute 120.17 Subdivision 1 requires that:

SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE* Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03.

*School age means the ages of four years to 21 years for children who are handicapped as defined in Section 120.03 and shall not extend beyond secondary school or its equivalent. Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the State Board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in Section 120.03. The age of a handicapped child shall be his age as of September 1 of the calendar year in which he seeks special instruction and services commences.

Currently there are forty-six (46) cooperatives representing 388 of Minnesota's 434 school districts.

Therefore, the SEA strongly recommends consolidated applications. The Federal government requires that the \$7500 minimum be enforced in fiscal 1979. The SEA, in order to provide direction for positive, long range planning will require the \$7500 minimum in fiscal 1978. This will ensure that the programs developed will be broad in scope yet specific to the individual student's needs. The SEA will encourage LEA's to utilize the Special Education Regional Consultants and/or State staff to assist them in cooperative planning. The Special Education Advisory Council in concert with the staff from the Special Education Section will establish policies and procedures as it relates to the selection, administration and priorities for those projects funded with the SEA's portion of P.L. 94-142 monies. (Appendix E Advisory Council Operating Procedures and Recommendations)

E. Policy on excess costs

1. The SEA shall require assurance from the LEA's that P.L. 94-142 funds are utilized to develop programs that are additions to present programs in order to avoid supplanting.

2. During the 76-77 school year the LEA's and SEA spent approximately 127 millions in providing instruction and services for handicapped children and youth. The SEA has budgeted \$66,225,000 for fiscal 1978 and the LEA's will expend approximately 87 millions.

3. Local educational agencies when providing services to students in settings requiring fifty (50) per cent more of their education from regular education shall calculate the amount of P.L. 94-142 funding needed to implement the programs to be completely excess cost and foundation aid shall not have to be deducted.

4. Local education agencies when providing services to students in settings requiring fifty (50) per cent or more of their education from

special education shall first deduct the educational costs or formula allowance for each elementary or secondary student, as the case may be, prior to calculating the amount of P.L. 94-142 funding needed to implement the program.

The SEA requires LEA's to utilize one of two options to calculate the request for 94-142 monies.

The LEA officials can select either option; however, if there is a consolidated application they must utilize the same option for all LEA's covered by the application.

Excess Cost Options

Option 1

1. Calculate the total 77-78 proposed program cost.
2. Total the number of pupils by appropriate formula allowance: (.5 for preschool and kindergarten or \$515.00, 1.0 for elementary or \$1030.00, 1.4 for secondary or \$1442.00)
3. Subtract 2 from 1; remainder is amount eligible for 94-142 funds.

Option 2

(a) Each local educational agency shall maintain records which show that the agency uses funds provided under Part B of the Act only for the excess costs of special education and related services for handicapped children.

(b) For the purposes of this part, "excess costs" means costs:

- (1) Which are for special education and related services, and
- (2) Which are above the costs of regular education and for an elementary or secondary school student in the local educational agency.

(c) The cost of regular education is computed as follows:

- (1) Add all 76-77 expenditures of the local educational agency in the preceding school year, except capital outlay and debt service:

(i) For elementary school students, if the handicapped child is an elementary school student, or

(ii) For secondary school students, if the handicapped child is a secondary school student.

(2) From this amount, subtract the total of the following amounts:

(i) Amounts the agency spent in the preceding school year from funds awarded under Part B of the Act and Titles I and VII of the Elementary and Secondary Education Act of 1965, and

(ii) Amounts from other sources which the agency spent in the preceding school year for:

(A) Programs for handicapped children,

(B) Programs to meet the special educational needs of educationally deprived children, and

(C) Programs of bilingual education for children with limited English speaking ability.

(3) Divide the result under paragraph (d) (2) of this section by the average number of students enrolled in the agency in the preceding school year:

(i) In its elementary schools, if the handicapped child is an elementary school student, or

(ii) In its secondary schools, if the handicapped child is a secondary school student.

(d) The cost of regular education under a consolidated application of two or more local educational agencies is the average of the combined cost of regular education in those agencies for elementary or secondary school students, as the case may be.

(e) Neither a State educational agency or a local educational agency may use funds provided under Part B of the Act to pay for all of the special education and related services given to a handicapped child.

F. Waiver Policy on Priority One

The LEA shall be required to assure to the SEA that it has or will meet during fiscal 1978 all the requirements of priority one as specified in IV B before requesting the SEA to waive the first priority and allow the LEA to move to priority two. The SEA will require written documentation from the LEA in the application for P.L. 94-142 funds.

V. CHILD IDENTIFICATION (612 (2) (C))

A. The following are the policies and procedures which Minnesota has undertaken in order to assure that:

"All children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and services and which children are not currently receiving needed special education and related services".

M.S. 120.17 HANDICAPPED CHILDREN (Appendix A)

Subdivision 1. SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE. Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age* who are residents of the district and who are handicapped as set forth in section 120.03.

*School age means the ages of four years to twenty-one years for children who are handicapped as defined in Section 120.03 and shall not extend beyond secondary school or its equivalent. Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the State Board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in Section 120.03.

Subdivision 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in Section 120.03, Subd 4, who have attended public school less than nine years prior to September, 1975.

MINNESOTA RULES, Chapter Seven: Standards and Procedures for the Provision of Special Education Instruction and Services for Children and Youth Who are Handicapped. (Appendix B)

EDU 120 policies

Provision of full services. All children and youth who are handicapped and who are eligible for special education services shall have access to free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her own development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity

of the child's mental, physical or emotional disability or other impairment or handicap. The responsibility of the school districts is not diminished by the availability of nonpublic schools or other services which may be located within the district.

EDU 121 Application:

District special education plan. On or before September 1, 1977, each district shall submit to the Commissioner the district's plan for providing special instruction and services for all handicapped pupils as required by M.S. 120.17. The plan may represent the plan of a single district or a plan for all of the member districts of a formal special education cooperative. The plan shall be considered as a part of the annual school district application for program review, but will not be required to be resubmitted annually. The plan shall include descriptions of:

The district's child study procedures for the identification and assessment of handicapped pupils.

The district's methods of providing the special instruction and services for the identified handicapped pupils.

The district's administration and management plan to assure effective and efficient results of the two above.

Procedures to assure compliance with State statutes and rules relating to the education of handicapped pupils.

EDU 124 Identification and Assessment procedures:

Identification of handicapped children:

School districts shall develop systems for locating all children residing within their jurisdiction who may be handicapped. Those systems shall be designed to identify (a) preschool age handicapped children (b) handicapped persons attending school and (c) handicapped persons of school age who are not attending any school.

Formal educational assessment.

An assessment:

must be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement or program or special education services as set forth in EDU 125 E which will provide an educational program, including special education services appropriately suited to the person's needs;

must be conducted at least every two years as required by EDU 126 B; may be conducted if the parents request.

The State Department of Education's Administrative Handbook states that identification is a process of surfacing those students thought to be in need of special education or services. Identification is the first activity used to determine whether a student is potentially eligible for special education instruction and services. The outcome of identification activities is a request for initial assessment of a student. Identification procedures do not, by themselves, provide sufficient information with which to determine if a student is handicapped, nor do they provide sufficient information from which to develop an individual educational program plan. Only a thorough educational assessment is adequate for that purpose. The criterion for a "good" identification procedure is that it surfaces only those students for whom a formal educational assessment is needed. The formal educational assessment will identify the student's specific need for special education instruction or services.

The system should be part of the school district's total special education plan.

Reference: EDU 121 (a) (1)

The system must meet the requirements of nondiscrimination.

Reference: EDU 124 (a) (2)

The system should enumerate or identify, via the school census, all students aged 0-21 who are or may be handicapped.

Reference: M.S.120.095 Subd 5

The system allows parents to identify their child whom they feel is handicapped by requesting an assessment of their child. Parents may be effective identifiers. The district staff may or may not perform an assessment when a parent requests one. In most cases, district officials should honor the parent's request for assessment. Procedural safeguards must be honored if district officials deny this request.

Reference: M.S. 120.17 Subd 9

Beginning August 15, 1977, public schools must include students enrolled in nonpublic schools in district identification activities. District officials need not provide formal notice to parents in order to conduct identification activities as distinguished from formal assessment.

There are three general categories of identification activities: (1) census, (2) screening and (3) public information and referral. A school district's identification system may include any or all of these methods. Identification activities may be ongoing, be undertaken at regular intervals, or be activities undertaken only once for a particular purpose. This process is called child find.

School districts, except for cities of the first class (Minneapolis, St. Paul and Duluth), are required to take an annual school census, which must identify the names of all children, ages 0-21, who are handicapped.

To insure a more effective school census, district officials should consider:

1. Developing appropriate forms and definitions for inclusion in mailed census activities.
2. Training enumerators in how to ask appropriate questions, for districts which use census takers.
3. Checking the extent to which the census actually does identify handicapped students already known.
4. Insuring that parents have information on available special education services.
5. Setting up a routine procedure to assure that students identified by the census receive appropriate screening and referral for a formal educational assessment, or other follow-up.

District officials should consider which methods are likely to be most effective in a given situation or for a particular population in selecting methods of identifying students who may be handicapped.

Census may be most effective in locating for the first time, preschool, or out-of-school youth. For students in school, the census may be useful as a confirmation of the extent to which parents are aware of what services their child is receiving.

Screening, like census, is a method of identifying potentially handicapped students by considering all students in a given population.

The purpose of screening is early identification; that is, to identify students who may have health or educational problems which may affect their success in school. Early intervention allows diagnosis and medical treatment or educational interventions to begin before significant educational problems develop. All too often, educators fail to give adequate attention to a student's health status until educational problems become apparent.

An effective screening test or instrument is one that is quick, easy to administer, relatively inexpensive and accurately identifies those students who should be referred for further medical diagnosis and/or educational assessment services. The population to be screened may be general (e.g. all students of a certain age or grade level) or only within a high risk group (e.g. hearing screening of an identified physically handicapped population). District personnel utilizing health screening, whether done by the schools or other agencies as a means of identifying children with handicaps, should be very careful to determine the educational relevance of health problems detected by screening and confirmed by medical diagnosis.

When district officials set up early educational screening programs, they should also conduct longitudinal evaluation studies. These studies should collect data on the accuracy of the early identification systems used and the benefits of early intervention. Without careful evaluation, it is

possible that educational screening may result in premature and unwarranted labeling of young children. Educational screening instruments may lack high validity and reliability. Even if this is true, screening instruments and programs can be valuable to school officials in helping to identify those who need special education assessment. The point is that screening should be conducted and district officials need to consider the results, but need to interpret the results cautiously.

Public information and referral is a component of any identification activity. It is often the exclusive means of identification in many cases.

Referrals for assessment from classroom teachers are the primary means by which students attending school come to the attention of special education staff. District officials should not only develop clear, simple referral procedures, but should carefully examine the forms and instruments which they use for this purpose. The forms should insure that district officials have complete and accurate information from classroom teachers. Special education staff may also conduct some activities in conjunction with obtaining referrals from teachers. Examples include observation of individual students within a classroom, consultation between regular education and special education staff and informal inventories. A team staffing may be used to decide whether to refer a student.

District officials have a responsibility to provide teachers, administrators and other staff with information on the rights parents have on behalf of their handicapped children. It should include (1) the mandate to provide an appropriate education, (2) referral and eligibility criteria, (3) whom to contact, (4) the kinds of information gained from a formal assessment and (5) those special education services that are available.

District officials should distribute specific information on referral procedures. Of particular importance would be guidelines regarding who may or may not refer a student to a service not under the jurisdiction of the school district or who may request that a parent take a child to an agency for a specific service.

Public information and referral can be a means of actively seeking out children already known to community agencies or children whose parents have concerns about their child needing special education services. Background information on the kinds of students who are educationally handicapped and information on special education services available should be provided to parents and other agencies. Interagency referral procedures and positive working relationships should be established. Coordination with health, social services and other community resources should be an explicit goal.

Public information and referral activities should be specifically planned (e.g. agreements with community agencies, working with advocacy groups), combination of both specific and general activities.

The identification system is the starting point for the district's child study system. Both the district officials and the child's parents must

decide if the child is to receive a formal educational assessment. District officials have the option of refusing a parent's assessment request, but the parents must be notified of their right to object to the refusal. District officials should have well documented reasons before refusing a parent request for assessment.

FORMAL EDUCATIONAL ASSESSMENT/REASSESSMENT (Appendix C)

The Administrative Handbook/states that a formal educational assessment is:

1. A formal procedure which yields information that through appropriate interpretation by a team of persons, can confirm or disconfirm the informal identification procedure.
2. An individual evaluation of a student's performance and/or development which can be used in educational program planning which may or may not result in instruction and services from special education.
3. A set of procedures which must be conducted in accordance with recognized professional standards.
4. An action with such significant potential consequences for the student that procedural safeguards must be invoked.

Under EDU 120 B 12 "Formal Educational Assessment" referred to in these rules also an "assessment," is defined as an individual evaluation, conducted in accordance with recognized professional standards and the provisions of EDU 124, of a person's performance and/or development for the purpose of determining the need for initiation or change in his or her educational program including special education services.

EDU 124 Identification and Assessment Procedures.

A. Identification of handicapped children.

1. School districts shall develop system for locating all children residing within their jurisdiction who may be handicapped. Those systems shall be designed to identify:
 - a. preschool age handicapped children;
 - b. handicapped persons attending school;
 - c. handicapped persons of school age who are not attending any school.
2. The districts identification system shall be developed in accordance with the requirement of nondiscrimination.

B. Formal educational assessment.

1. An assessment:

- a. must be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement or program or special education services as set forth in EDU 125 E which will provide an educational program, including special education services appropriately suited to the person's needs.
- b. must be conducted at least every two years as required by EDU 126 B.
- c. may be conducted if the parent requests.

2. Prior to conducting an assessment the district shall:

- a. review the screening, referral or other data about the person and select licensed special education personnel and others as appropriate to conduct the assessment.
- b. include on the assessment team licensed special education personnel and others who may have the responsibility for implementing the educational program for the person.
- c. conduct the educational assessment preferably at the school which the person attends. When the district determines that the assessment or a portion of the assessment cannot be performed utilizing the personnel resources of the district, the district shall make arrangements elsewhere for that portion of the assessment and shall assume all costs for such assessment.
- d. conduct the assessment within a reasonable period of time not to exceed 30 days after the need for an assessment is determined by the district unless a conciliation conference or hearing is requested by the parent.

3. The assessment must reflect the person's current level of performance and shall:

- a. be appropriate to the presenting problem and may include observation, evaluation, and testing of the persons intellectual, academic, verbal, emotional, adaptive behavior, sensory, physical, and social development.
- b. include a review of the person's learning environment and learning modes. When the team determines it to be necessary because of racial, cultural, or other differences presented by the person or due to the nature of the student's presenting handicapping condition they shall make reasonable efforts to obtain information from the parents relating to the student's functioning in his or her total environment.

- c. be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so.
- d. be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of nondiscrimination.

EDU 120 B states that: Nondiscrimination for purposes of this rule means the requirement that school districts shall:

- a. not discriminate in any manner in the full utilization of or benefit from any educational institution of the services rendered thereby because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability and otherwise comply with the provisions of M.S. Chapter 363.
- b. provide procedures that insure that in accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation, notice and hearing are selected and administered so as not to be discriminatory including cultural discrimination. All such procedures and materials shall take into account the special limitations of handicapped persons and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions which will serve the individual student.

The assessment must be conducted by certified special education staff and others as appropriate. "Others" may include physicians, health professionals, persons from minority cultures, etc. This is necessary in order to insure that assessment staff have the background to give adequate recognition to or accommodation for the student's handicapping condition. For example, it is very important to include on the assessment team persons who are specialists in these areas when the student's presenting problems and educational needs may be related to a physical/sensory etiology. This may include teachers of the hearing impaired, visually impaired or physically handicapped. It may include persons who provide developmental, corrective and other supportive services including medical and counseling services.

School officials and the assessment team members should determine their ability and expertise to conduct an assessment when the student's presenting problems are complex. In these cases it is appropriate to seek consultation or purchase an assessment from an agency which employs personnel skilled in the areas of concern.

Inservice training may be needed for those persons with whom the student is to be placed or with whom he/she will be in contact. The team may wish to consider recommendations to the administration regarding these needs as they arise.

B. Responsibility for Implementation of Child Identification

EDU 121 Application

On or before January 1, 1978, the Commissioner shall approve or implement appropriate procedures for modification of the district plan. The Commissioner may grant the district a reasonable period of time to make necessary modifications of the plan provided that the Commissioner has satisfactory assurances of compliance with standards for the education of handicapped pupils.

The district plan includes a description of the district's child study procedures for the identification and assessment of handicapped pupils. EDU 121 A 1

M.S. 120.17 Subd 2

The primary responsibility for the education of a handicapped child shall remain with the district of the child's residence regardless of which method of providing special instruction and training and services is used.

Subd 3. (RULES OF THE STATE BOARD) The State Board shall promulgate rules relative to qualifications of essential personnel, courses of study or training, methods of instruction and training, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation and any other rules and standards it deems necessary, for instruction of handicapped children. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b of this section.

Minnesota Statute 120.17 requires that local school districts provide special instruction and services to all school aged handicapped children as defined, residing within the boundaries of the district. The mandate applies to all handicapped children residing within the district whether or not the children are legal residents of the district or whether the children reside in foster homes, private residential facilities or state institutions. The statute is all encompassing and applies to all handicapped children living in the State, including children from other states. The State does operate two schools, School for the Deaf and School for the Blind under the Department of Education. Referral to these two schools must be made by the LEA and the program at the state school must meet State standards. Therefore, in the State of Minnesota, the responsibility for implementation of the child identification procedures clearly rests with the LEA. The SEA is charged by statute to set minimum program standards, provide technical assistance, administer the state special education aids, approve or disapprove program and budget application and monitor the LEA,s to assure compliance with State statutes and regulations. The SEA will evaluate each district's identification and assessment procedures as described in EDU 121 (b) above.

C. Other State Agencies which participate in child identification

1. Welfare responsibilities to handicapped

M.S. 248.07 Subd 3 (SPECIAL ATTENTION)

The commissioner of public welfare shall give special attention to the cases of handicapped youth who are eligible to attend the Minnesota Braille and Sight-saving School, the Minnesota School for the Deaf or the public school classes for handicapped children, but are not in attendance thereat, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the State Board of Education.

Welfare has not compiled information at this time which indicates the extent to which students have been identified in this way.

2. A two year effort to coordinate early identification efforts with various screening programs (such as EPS/EPST) has culminated in legislation which provides for "health and developmental screening" to be administered through school districts "once before entering kindergarten". This screening will be incorporated into LEA child find systems for the identification and referral of children aged zero to four (0-4).

D. A description of the extent to which FY 1977 activities have been completed.

1. Statement of objectives:

In order that all handicapped children in Minnesota are afforded the opportunity for an appropriate education, the Special Education Section, Division of Special and Compensatory Education, Minnesota Department of Education adopted the following as its objective regarding child identification.

FY 1977 Objective: Awareness

The SEA completed the development of a comprehensive set of public information materials including:

- | | |
|--|----------------------|
| 1. Special Education Administrators Handbook | 5. Parent manual |
| 2. Administrator slide/tape on law and rule | 6. Parent slide/tape |
| 3. Public information manual | 7. Parent brochure |
| 4. Teacher brochure | 8. Posters |

Items 2-8 were completed and distributed broadly throughout the State by regional consultants, directors of special education, SEA staff, parent groups, etc. for regional, district and organizational inservices, workshops, speeches, etc. Item 1 was delayed due to a fire in the printer's plant. Sample documents were mailed to superintendents and agencies and orders are being processed during August and September.

These materials are disseminated to LEA's, parents, physicians, agencies, e.g. 265 parent brochures were mailed to all pediatricians in the State and 140 were distributed to early childhood programs and organizations.

2. By January 1, 1977, the SEA/LEA will have conducted at least 20 inservice training sessions for school board members, superintendents, principals, directors of special education, teachers, parents and parent advocates with specific emphasis on child identification.

Many state, regional and local inservice training and special study institutes were held during FY 1977. At least four were specific to child identification.

Minnesota, utilizing state funds and Title VI-B SEARCH project funds, hosted the National Child Find Conference in September, 1976.

3. Between March 26 and June 2, 1977 twenty-one parent workshops were conducted by the Parent Advocacy Coalition for Educational Rights (PACER) which is a coalition of over twenty parent advocacy and handicap organizations. A major focus of the workshops was on P.L. 94-142 and Minnesota Rules specifically related to early identification and assessment of handicapped children. Many additional materials from the organizations representing the various disabilities were distributed. Parents also received information about agencies and support groups in the state. Information about proven child find procedures was disseminated as appropriate.

At the workshop where parents were training parents the average attendance was forty. At least two workshops were held in each of Minnesota's eight special education regions. The workshops were held in the following towns:

Minneapolis
St. Paul
Owatonna
Mankato
Austin
Worthington
Winona

Cambridge
Willmar
Brainerd
St. Cloud
Marshall
Duluth
Eveleth

Fergus Falls
Moorhead
Anoka
Thief River Falls
Bemidji
Grand Rapids
International Falls

Pacer is in the process of completing an evaluation report on this project.

Staff has assisted in the Special Education Section development and Implementation of the Child Study System in Minnesota through:

Collection and dissemination of information on Child Find Systems.

Literature search (ERIC)-identification, screening and assessment, referral systems, state plans.

Use of materials and information from 23 states on early identification systems and procedures. (Material used as a base for technical assistance to school districts in Minnesota.)

Assisted in planning National Child Find Conference co-sponsored by Minneapolis SEARCH Project and NASDSE. Wrote three state-level simulations, acted as panel member and group leader.

Regional and district presentations on new legislation and early identification.

Development of model systems for early identification in Minnesota

School screening/EPSDT coordination:

Cass County--established task force, coordinator hired.

Carver County--formal agreement between Nursing Service and schools in several districts using school psychologist and speech clinician.

Wright County--pilot screening, eight elementary schools using CIP school screening with two of the eight developing coordinated EPSDT/CIP using school nurses and clinicians.

Metro area--some EPSDT/School screening efforts will be compared with parent checklist and health history procedure, other screening processes.

Invited to BEH Directors' Meeting to explain Child Find/EPSDT coordination to representatives of three other states. Dr. Charles Colvin, EPSDT/SRS, who arranged the meeting, is supportive of our efforts at data collection and research design for evaluation of health information as a part of early identification.

In May, 1977, the Minnesota Special Education Section applied to BEH for an Early Childhood State Implementation Grant. The plan of action under this grant would include "continuing data collection....designed and used for both formative and summative evaluation of:

effectiveness of identification systems and components within those systems: information campaigns, screening, referral, census, parent histories--validation of one identification procedure against others".

4. Major child identification activities to be carried out in FY 1978.

Prior to September 1, 1977, responsible LEA staff will prepare a description of the district's child identification and assessment procedures. The description will include the components outlined in EDU 124 A and B.

By September 1, 1977, the SEA will have received a description of each district's child study procedures for the identification and assessment of handicapped pupils. EDU 121 (a)

By January 1, 1978, the Commissioner shall approve or implement appropriate procedures for modification of the district's plan. A reasonable period of time may be granted to the district to make necessary modifications of the plan provided that the Commissioner (SEA) has satisfactory assurance of compliance with standards for the education of handicapped pupils. EDU 121 B

The SEA's special education State and Federal staff and the Special Education Regional Consultants (SERC's) will serve as the Commissioner's resources in these review, approval, technical assistance and request for modification procedures.

It is projected that between sixty (60) to seventy (70) per cent of the districts will have immediately approvable child identification procedures. Thirty (30) to forty (40) per cent will need some technical assistance from State, Federal or regional consultants. Higher education personnel, other LEA staff and out-of-state resources may be consulted or employed to provide assistance in modifying a district's child identification and assessment procedures.

To date the State staff has suggested members for Sub-Committee on Nursery Certification to guarantee representation of special education on the Teacher Licensing Board.

E. The State's method to determine which children are currently receiving special education and related services is by utilizing the data collected in the October and February Federal child count.

The State will collect estimates from each LEA by August 1, 1977, as to how many children will be served. The LEA's will also report the number actually served in their end-of-year report sent to the SEA by June 30, 1978.

To determine the number of unserved the SEA will compare the number served, as collected above, to State incidence figures.

In addition the LEA's will be requested to respond to the Federal form requiring number of students not served.

Minnesota's child identification, location and evaluation procedures are State-wide and on-going.

School Census Law	M.S. 120.095 Subd 5
Parent Referral	M.S. 120.17 Subd 9
LEA System of Identification	EDU 124 (a) (1), (b) (1)
Pupil Fair Dismissal Act	M.S. 127.26 (EDU 120.8)
Handicapped Children	M.S. 120.17 Subd 1
Policies-Provision of Full Service	EDU 120 (a) (1)
Application-District Special Education Plan	EDU 121 (a)

F. EDU 121 Application

1. Annual application for programs and budget.

Regular School term. On or before May 1 of each school year districts shall submit to the Commissioner an annual application for program and budget approval necessary for determining the special education aids during the next school year. On or before July 1 the Commissioner shall approve, disapprove or modify each application and notify each applying district of his action and the estimated level of education aid to be paid.

Summer school term. On or before March 15 districts shall submit separate applications for program and budget approval for summer school. The Commissioner shall approve, disapprove or modify each application and notify the district of his action and the estimated level of special education aid by May 1.

Amendment to applications. School districts shall apply to amend applications as needed during the school term to reflect program and budget changes necessary to meet the changing needs of handicapped pupils in the district.

G. The monitoring of child identification procedures are described in the total monitoring system described in Section XV of this document.

VI. INDIVIDUALIZED EDUCATION PLAN (612 4)

A. The following statements provide Minnesota's policy and rule which require that local education agencies will maintain individualized education programs and establish, review and revise individualized education programs.

1. EDU 120 states:

All children who are handicapped must be afforded special education services based on an individual educational plan. Such programs need to include an assessment of the student's performance utilizing licensed personnel, a determination of the student's needs in a team process, an identification of appropriate goals and objectives, a selection of teaching strategies designed to enhance learning, delivery of services in an environment which is conducive to learning and periodic review and evaluation of the performance of the student.

"Individual educational program plan" referred to in these rules also as a "program plan", means a written statement for each handicapped person setting forth the person's educational needs and the educational program, including special education services, to be provided to such person. The program plan shall be developed in accordance with and contain the information required by EDU 125. (Appendix B)

EDU 125 B 1 states: The development of the program plan must:

be prepared in writing by the providing district for each person in need of special education services. When the providing district is not the resident district, a copy of the program plan shall be sent to the resident district.

2. P.L. 94-142 requires that on October 1, 1977, and at the beginning of each school year thereafter each local education agency shall have in effect an individualized education program for every handicapped child who is receiving special education and related services.

On February 28, 1977, Chapter Seven, Rules of the Minnesota Department of Education, State Board of Education, entitled "Standards and Procedures for the Provision of Special Education Instruction and Services for Children and Youth Who are Handicapped" became effective. The two sections of these rules which specifically address the IEP and its continuous review are EDU 125 and EDU 126. (Appendix B)

The LEA is responsible for initiating and conducting meetings for the purpose of developing, reviewing and revising a handicapped child's individualized education program. EDU 125 states the following:

Team and program needs determination. Following the assessment, in order to determine if the person is in need of special education services, the district shall:

Designate a team of persons responsible for determining the educational needs of the student which, at a minimum, shall include a school administrator or designee, the student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent and when appropriate, the student. (underline added)

Organize the assessment data and other relevant information and reports, including information supplied by the parents, review that data and determining the student's educational needs.

Interpret the data consistent with the requirements of nondiscrimination.

Upon request of the parent, determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority, as that term is defined in M.S. 126.021, or cultural background or who is knowledgeable concerning the racial, cultural or handicapping differences of the student.

Schedule the student staffing at a time and place that is mutually acceptable to the school and parents; the district shall proceed if the parents do not respond to the request to participate.

In addition EDU 125D states that:

At the request of the parent, the district shall schedule an individual conference with a knowledgeable school employee for the purpose of receiving interpretations of the assessment or reassessment data or procedures or for the purpose of explaining the individual educational plan or its development.

Pages 25 and 26 of the Administrative Handbook clearly delineate the school officials responsibility to document parent contact.

3. EDU 126 Periodic Reviews, Reassessment and Follow-up states the following:

Periodic reviews.

The providing school district shall conduct periodic reviews of the program plan and shall determine:

The degree to which the periodic review objectives are identified in the educational program plan are being achieved.

The appropriateness of the educational program plan as it relates to the student's current needs.

What modifications, if any, need to be made in the program plan.

The initial review shall be made at the time specified in the program plan, but at least twice a year following placement.

These periodic reviews shall be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to insure an informed and adequate review.

The results of such periodic reviews shall be included in the student's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents or the resident district that they may request a conference to review the student's program plan at any time and the procedure to do so.

4. P.L. 94-142 requests that the SEA provide information relevant to handicapped children currently served. If the public agency has determined that a handicapped child will receive special education during school year 1977-78, a meeting must be held early enough to insure that an individualized education program is developed by October 1, 1977. Minnesota's rule requires that the IEP be in effect; therefore, LEA's are required to have IEP's in effect for all students to be served at the beginning of the 1977-78 school year and in order to include them on the Federal count by October 1, 1977.

5. Parent opportunity to participate in the planning conference is addressed in the following laws and rules:

M.S. 120.17 Subd 3 (a) and (b) requires that parents or guardians be guaranteed procedural safeguards and the right to participate in decisions about the educational placement of their handicapped children.

Subd 3 (a) (SCHOOL DISTRICT OBLIGATIONS) Every district shall insure that:

All handicapped children are provided the special instruction and services which are appropriate to their needs.

Handicapped children and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment and educational placement of handicapped children.

Subd 3 (b) (PROCEDURES FOR DECISIONS) Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment of their child; (2) a proposed placement of their child in, transfer from or to or denial of placement in a special education program or (3) the proposed provision, addition, denial or removal of special education services for their child.

EDU 120 4 and 5, insures parent participation through procedural safeguards. When a change in the educational placement or special education service of a child is proposed, including the assessment and program planning processes, procedural safeguards must be assured by the school district. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. When a child's parents or legal guardians are not available, the school district shall contact the local welfare department and request the public welfare system intervene on behalf of the child.

Parents of handicapped children have a right to be involved by the school district in the education decision making process. Only by consistent and direct involvement of parents will the school receive sufficient input to design and implement an effective program for the handicapped student. Parents and schools are encouraged to cooperate in an open and objective manner, utilizing periodic conferences when possible so that formal hearings are necessary only when substantive disagreements exist between the parties.

EDU 125 A 5 provides for the planning conference at a time and place mutually acceptable to the school and parents.

Schedule the student staffing at a time and place that is mutually acceptable to the school and parents. The district shall proceed if the parents do not respond to the request to participate.

It is assumed LEA's will keep parents who cannot attend well informed about the results and/or proposed actions under consideration as a result of the meeting. A copy of the proposed action must be sent to the parent in writing and the parents have the right to a conference with knowledgeable staff (EDU 125 D) and ten (10) school days to object to it.

6. Provision for interpreters or other facilitators are insured by the following:

EDU 125 A 4 provides for interpreters:

Upon request of the parent, determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority, as that term is defined in M.S. 120.021, or cultural background or who is knowledgeable concerning the racial, cultural or handicapping differences of the student.

EDU 127 A 3 and 4 provides for parents who do not speak English or are handicapped:

EDU 127 formal notice to parents.

General provisions.

The notice shall be in writing, and shall be served on parents.

Every effort shall be made by the providing school district to assure that no person's rights are denied for lack of a parent, or surrogate parent or duly appointed guardian.

The notice shall be written in the primary language of the home and in English, and the district shall make reasonable provisions for such notice to nonreaders and non-English speaking persons necessary to insure that the information contained in the notice is understood.

For parents who are handicapped persons because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language as provided in M.S. 546.42 the school district shall cause all pertinent proceedings, including but not limited to the conciliation conference, the pre-hearing review, the hearing and any appeal to be interpreted in a language the handicapped person understands by a qualified interpreter as provided in M.S. 545.42.

7. P.L. 94-142 requires that for a handicapped child who is not included under handicapped children currently served that a meeting must be held within thirty (30) calendar days of a determination that the child will receive special education.

Minnesota rules do not specifically require this. However the precedent is set in EDU 124 b 2 d:

Conduct the assessment within a reasonable period of time not to exceed 30 days after the need for an assessment is determined by the district unless a conciliation conference or hearing is requested by the parent.

Other rules which would insure a meeting within 30 days are

EDU 124 B 4 a:

The assessment must reflect the person's current level of performance and shall:

Be appropriate to the presenting problem and may include observation, evaluation and testing of the person's intellectual academic, verbal, emotional, adaptive behavior, sensory, physical and social development.

In addition, parents are involved prior to assessment; therefore, monitoring the progress of their child through the process and have the right to conciliation should it be necessary.

EDU 215 C 1 and 2:

Content of the individual educational program plan. The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of least restrictive alternative and must include:

A description of the special education service needs of the student as determined by the staffing team and the names of the persons on the team.

A statement of annual goals and periodic review objectives for the special education services including the criteria for attainment.

These rules require assessment data to be based on current level of performance and the content of the IEP to be based on the assessment data. An appropriate IEP would, therefore, have to be developed soon after the completion of the assessment data as required in EDU 125 A 1 and 2.

8. The planning conference will include the persons specified in EDU 125 A 1:

Designate a team of persons responsible for determining the educational needs of the student which, at a minimum shall include a school administrator or designee, the student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent and when appropriate, the student.

There is no limitation to prevent others not listed from attending the meeting.

9. The content of Minnesota's individualized education plan is specified in EDU 125:

Content of the individual educational program plan. The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of least restrictive alternative and must include:

A description of the special education service needs of the student as determined by the staffing team and the names of the persons on the team.

A statement of annual goals and periodic review objectives for the special education services including the criteria for attainment.

The plan for, location of and frequency of periodic review of the progress in reaching the prescribed educational goals and objectives.

The reasons for the type of education placement and program including type of special education services to be provided, the location, amount of time, starting date, anticipated special education service duration, names and school telephone numbers of those personnel responsible for providing the special education services. In accordance with the principle of least restrictive alternatives, substantiate why the proposed action is the most appropriate in terms of the persons educational needs.

The changes in staffing, transportation, facilities, curriculum, methods, materials and equipment and other educational services that will be made to permit successful accommodation and education of the student in the least restrictive alternative.

A description of the educational activities in which the student will participate in environments which include nonhandicapped students. This provision must be included in the plan only when the student's primary placement will be in a special education program.

10. Policies have been established to insure that the LEA develops, maintains and evaluates individualized programs for children placed in private schools by the LEA.

The participation of private school personnel at planning conferences is insured by EDU 124:

Include on the assessment team licensed special education personnel and others who may have the responsibility for implementing the educational program for the person.

Conduct the educational assessment preferably at the school which the person attends. When the district determines that the assessment or a portion of the assessment cannot be performed utilizing the personnel resources of the district, the district shall make arrangements elsewhere for that portion of the assessment and shall assume all costs for such assessment. EDU 124 2 b.

EDU 126 states:

These periodic reviews shall be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to insure an informed and adequate review.

The results of such periodic reviews shall be included in the student's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents or the resident district that they may request a conference to review the student's program plan at any time and the procedure to do so.

11. The LEA has final responsibility for the development of the individualized education program as specified in EDU 125 B 4 and EDU 120 A 6:

The IEP must be prepared, in writing, by the resident district when contracting for special education services from a public, private or voluntary agency.

Accountability for instruction and services. As provided in M.S. 120.17 Subd 2, the district of residence is responsible for maintaining an appropriate program for all eligible handicapped persons regardless of the method or location of instruction utilized. However, if the handicapped person lives outside of his district of residence under the provisions of M.S. 120.17 Subd 6, 7, the district where the child lives is responsible for providing an appropriate program for the child as set forth in state statutes and these regulations including the notice and hearing provisions. In such cases the district of residence is responsible for assuming the cost of the educational program. If the districts do not agree on the tuition rate, either district may appeal to the commissioner as provided in M.S. 120.17 Subd 4. The district shall not purchase special educational services for a child from a public or private agency when such service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Whenever it is appropriate for a district to purchase special education service for children who are handicapped and who reside in the district, it continues to be the responsibility of the school district, consistent with the provisions of Minnesota Statutes and these rules, to assure and ascertain that such children and youth receive the education and related services and rights to which they are entitled.

Minnesota now has laws and rules in effect which cover all the aspects of implementing the individualized education program plan.

Refer to Appendix A for the laws, Appendix B for the rules and Appendix C for the Department's Administrative Handbook on State Special Education Laws and Regulations.

Refer to the total monitoring and compliance system for the activities which will be undertaken to assure the implementation of the Individualized Education Policy, Section XV.

VII. PROCEDURAL SAFEGUARDS (612 (5) (A), 615)

A. Minnesota's Law 120.17, Subd 3a and 3b specifically addresses procedural safeguards. (Appendix A)

Minnesota rules EDU 120, EDU 124, EDU 125, EDU 126, EDU 127, EDU 128 and EDU 129 address procedural safeguards. (Appendix B)

1. Written prior notice to parents. M.S. 120.17 Subd. 3 b (a) states:

Parents and guardians shall receive prior written notice of:
(1) any proposed formal educational assessment of their child;
(2) a proposed placement of their child in, transfer from or to or denial of placement in a special education program or
(3) the proposed provision, addition, denial or removal of special education services for their child.

EDU 120, 4 states:

4. Procedural safeguards. When a change in the educational placement or special education service of a child is proposed, including the assessment and program planning processes, procedural safeguards must be assured by the school district. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. When a child's parents or legal guardians are not available, the school district shall contact the local county welfare department and request the public welfare system intervene on behalf of the child.

EDU 127 A, 1 states:

1. The notice shall be in writing and shall be served on the parent.

The written notice includes a description of the action proposed.

EDU 127 A, 5 states:

5. The notice must be sufficiently detailed and precise to constitute adequate notice for hearing of the proposed action.

EDU 120 B, 17 states:

17. "Proposed action" for purposes of this rule shall be construed to mean a providing school district's proposed initiation or change or refusal to initiate or change a child's educational placement of special education services as set forth

in EDU 125 E or an educational assessment or reassessment as set forth in EDU 124 B.

EDU 127 B states:

B. Prior to the performance of or refusal to perform a formal education assessment or reassessment as provided for in EDU 124 B, the providing school district shall prepare and serve a notice which shall:

1. Include the reasons for assessment or the refusal to assess and how the results may be used.
2. Include a general description of the procedures to be used.
3. State where and by whom the assessment will be conducted.

EDU 127 outlines the general notice provisions and part B, 4 through 8 states:

4. Inform the parents of their right to review and receive copies of all records or other written information regarding their child in the school's possession.
5. Inform the parents of their right and the procedure and time for them to participate as a team member in developing and determining their child's educational program, including special education services and/or to provide information relative to his or her assessment and the development of the program plan.
6. Inform the parents of their right and the procedure and time to receive interpretations of assessment or reassessment procedures, instruments and data or results of the program plan from a knowledgeable school employee and for that conference to be held in private.
7. Inform the parents of their right and the procedure and time to have included on the team that interprets the assessment data and/or develops the individual program plans, such person(s) described in EDU 125 A including a person who is a member of the same minority (as defined in M.S. 126.021) or cultural background or who is knowledgeable concerning the racial, cultural or handicapping differences of the student.
8. Inform the parents that they may obtain an independent assessment at their own expense.

M.S. 120.17 Subd 3b (b) and (c) provides for parent objection:

- (b) Parents and guardians shall have an opportunity to meet

with appropriate district staff in at least on conciliation conference if they object to any proposal of which they are notified pursuant to clause (a).

(c) Parents and guardians shall have an opportunity to obtain an informal due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education progra, (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child or (5) the proposed denial or removal of special education services for their child.

EDU 127 B, 9 through 11, provides for objection to the proposed action:

9. Inform the parents that the district will proceed with the proposed action unless the parent objects on the enclosed "response form" or otherwise in writing within ten (10) school days after receipt of the notice.
10. Inform the parents that if they object to the proposed action in writing a conciliation conference will be held at a mutually convenient time and place, but that if the parent refuses to attend the conference the school district will proceed with the proposed action.
11. Inform the parents that if the parent still objects to the proposed action after the final conciliation conference they have a right to voice that objection at an informal due process hearing.

The notice must be written in appropriate language as stated by EDU 127 A

3 and 4:

3. The notice shall be written in the primary language of the home and in English, and the district shall make reasonable provisions for such notice to nonreaders and non-English speaking persons necessary to insure that the information contained in the notice is understood.

4. For parents who are handicapped persons because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language as provided in M.S. 546.42 the school district shall cause all pertinent proceedings, including but not limited to the conciliation conference, the pre-hearing review, the hearing and any appeal to be interpreted in a language the handicapped person understands by a qualified interpreter as provided in M.S. 546.42. (Appendix A)

2. Obtaining parental consent prior to formal evaluation procedures are initiated is addressed in EDU 124 B, 5 (a):

5. Notice before assessment:

(a) Must be provided in accordance with the provisions of 127 B prior to conducting a formal educational assessment or reassessment or when the district refuses a parent's request to conduct a formal educational assessment or reassessment. In case of refusal the notice shall be served within ten (10) school days after the refusal.

M.S. 120.17 Subd 3a (b) states:

(b) Handicapped children and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment and educational placement of handicapped children.

The uses of information for purposes other than these previously specified to the parent is summarized as follows:

The Minnesota Data Privacy Act and Federal Regulation 121a.15 afford parents of handicapped children certain rights related to the collection and storage of personally identifiable information on handicapped children. Following is a summary of the afforded rights.

1. To be informed of the data to be collected, the purpose for collection and whether the data will be classified as public, private or confidential.
2. To be informed of the school district procedures for disclosure of private and confidential data including information on what persons have access to the data and that only upon permission of the parent will others have access to the data.
3. To inspect any such information which is subject to collection, to receive explanation and interpretation of same and to require the accuracy of information. Parents must be notified prior to destruction of such information.

School districts are responsible for maintaining the confidentiality of information collected for this purpose and for the destruction of same when the information is no longer needed for the purposes for which it was collected. (Appendix D)

In accordance with detailed criteria prescribed by the Commissioner, the following policies and procedures have been established to protect the confidentiality of the child identification data and information by the State:

The 1974 session of the Minnesota Legislature passed a Data Privacy Act. This Law was amended by the 1976 session. The Law with amendments covers all of the essential elements identified in Title 45 of the Code of Federal Regulations as amended. The minor elements previously missing from the State Legislation have been covered and are included in the due process regulations, Department of Administration regulations or in guidelines for pupil records. (Appendix A)

Responsibility for Confidentiality

The Data Privacy Act is a Minnesota Law which covers many agencies and governmental units including the SEA and all LEA's. This statewide feature dictates that any regulations written pursuant to the law are promulgated by the State Department of Administration. Such regulations, based on the 1976 amendments are expected to be completed by January 1977.

The SEA has two responsibilities. First to assure that it adheres to all laws and regulations relative to Data Privacy. Second, to assist LEA's through dissemination, interpretation, guideline development and in-service training on the development of their procedures.

Procedure for implementation

1. Informational meetings were held at annual administrative meetings relative to the 1974 law and similar sessions were held regarding the 1976 amendments.
2. The SEA developed, for statewide distribution, pupil record guidelines for LEA use. These guidelines were completed and were disseminated.
3. The due process regulation includes specific requirements for school district action at the time of notice prior to assessments. Several of the elements previously missing in the State Law as compared to the Federal Regulations were included. The major elements of these were the requirement that (a) notice be in the native language of the parent, (b) notice be given as to parental and student rights, (c) descriptions of the types of data to be collected be a part of the notice and (d) descriptions of the use to be made of the data be included in the notice. (Appendix B)
4. The SEA's public information effort to assist LEA's in their child find programs contains significant efforts in two specific areas of concern regarding confidentiality.

There was a complete re-draft of the existing parent information brochure. The re-draft was necessary due to changes in state laws and regulations regarding the rights of parents of handicapped children and the child's right to an education. The original brochure informed parents and was widely disseminated through schools, advocate groups and directly from the SEA. The re-draft was written with the same emphasis, with updated information and received the same level of distribution. Winter, 1977, was the completion date. (Appendix F)

The second public information effort which addressed the issue of confidentiality is television and radio spot advertising. A portion of the message delivered through these media was specification of the kinds of information we are seeking, statements of what will be done with the information and identification of who will use the information. There was explicit reference to assurance that no one will see the information for whom parental permission has not been received.

Following are the state procedures for assuring confidentiality according to the recommended outline distributed by B.E.H., ASB Information Bulletin #202

1. Notice

(i) Parents and/or pupils must be notified in writing prior to: (1) any formal assessment or re-assessment which could result in the formal identification of a handicapped child, (2) placement in a special education service for handicapped children.

A. The notice must be written in the primary language of the home and in English. Reasonable efforts must also be made to assure understanding of the notice by nonreaders as well as non-English speaking persons receiving the notice.

B. The notice for formal assessment must include:

1) The reasons education officials have determined a formal educational assessment is necessary.

2) Description of procedures to be used.

3) Right of the parents to receive and review all records, reports, test results, etc. to be used in the assessment process.

4) Right of the parents to participate in the assessment procedure.

5) Where, when and by whom the assessment will be conducted.

6) Before collecting any data on any person including handicapped children, all state agencies must inform the parents and/or child the purpose of collecting the data and how the data will be used. (Appendix A, M.S. 15.163 Subd b, c and d)

C. Before any state agency or subdivision thereof may solicit data on any person including handicapped persons the agency must inform the parent and/or the person of:

- 1) The purpose and the intended use of the data.
- 2) Whether the data will be classified as public, confidential or private.
- 3) Procedures for storage and disclosure of confidential and private data.
- 4) Whether the person may refuse or is legally required to supply the requested data.
- 5) Any known consequence arising from supplying or refusing to supply the requested data.

D. In addition to notifying the person on whom data is requested, the agency must inform the person whether he is the subject of stored data on individuals, whether it is classified as public, private or confidential, and his right to access to the data. (Appendix A)

(ii) Publication of Notice

A. There is no statutory requirement that policies and procedures assuring the privacy of data of the various state agencies be published. However, each agency is required to submit a comprehensive report to the State Department of Administration detailing their policies and procedures for compliance with the Data Privacy Act. This report is a public record. The publicity through media of the contents of the Data Privacy Act of 1974 was very extensive to the point where most citizens of the State are aware of their rights in this area and are exercising these rights.

The State Department of Education, through its authority to supervise all education programs for handicapped children, will take further steps during the 1977-78 school term to assure that parents of handicapped persons and/or the handicapped person, are aware of their rights related to privacy of data as follows:

- 1) Require all agencies responsible for the education of handicapped children to submit assurance to the Department of compliance with the Data Privacy Act.

2) Continue statewide distribution of public information brochures on the rights of handicapped children including the right to data privacy.

3) Workshops encompassing the entire State for school officials, parents and others on procedures to assure the rights of handicapped children.

4) Investigate all complaints submitted to the Department on questionable practices in this area and assure that corrective action is taken.

2. Access rights

(i) Parents are assured the right to inspect and review all stored public and private data by the Data Privacy Act as well as by State Board of Education Regulation. The Data Privacy Act does not specify a specific time limit for the agency to comply. However, by interpretation, the Federal time limit of 45 days would apply in the absence of specific limitation in State statute.

(ii) Parents Rights

Upon request, the handicapped person and/or his parent shall be informed of the content and meaning of the data stored by the agency.

(iii) Parent Authority

Minnesota statutes provide that the parent or legal guardian is responsible for rights of a handicapped child except as provided by age of majority statutes and other special provisions necessary for insuring that the best interests of the handicapped child will prevail.

(iv) Records of parties obtaining access

All data classified as private shall be used only for the purposes stated as the data was collected, and access to the data shall be limited to those responsible for carrying out the administration and management of programs for which the data is essential. In order to assure compliance of this requirement, all agencies responsible for the education of handicapped children have been advised through workshops, memoranda, etc. that records of all access be kept in order to demonstrate appropriate procedures to the persons concerned.

(v) Parents access to private data is limited to such data on their own children.

(vi) State Board of Education regulations require that all public and private data stored on a handicapped child shall be made available to the parent prior to educational assessment and

placement at no cost. The Data Privacy Act requires that the subject of data stored has the right to inspect and review all such data at no cost to the subject.

(vii) The Data Privacy Act requires that all political subdivisions of the State comply with the act. The State Board of Education regulation requires that all public agencies responsible for the education of the handicapped comply with the regulations.

3. Hearing Rights

(i) The Data Privacy Act provides for an individual to contest the accuracy or completeness of public or private data.

(ii) After being notified in writing of the individual's contest, the agency has 30 days to correct the data or notify the individual of disagreement.

(iii) If the request to correct data is denied, the agency must notify the individual of this decision and that the decision is appealable in accordance with the provisions of the administrative procedure act relating to contested cases.

(iv) The administrative procedures act provides that in any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(v) The parties in a contested case may either accept the decision of the hearing or seek a judicial review thereof.

(vi) Data in a dispute shall not be disclosed except under conditions of demonstrated need and then only if the individual's statement of disagreement is included with the disclosed data.

(vii) See (vi) above.

(viii) A. The Minnesota State Administrative Procedures Act requires that the hearing notice state the time, place and issues involved, and that the hearing shall take place after reasonable notice. All contested cases related to data privacy are subject to this act.

Contested cases related to decisions on assessment or placement of handicapped children are subject to M.S. 120.17 and the State Board of Education Rules (Chapter Seven) for implementation of M.S. 120.17. The Rules require at least 10 days written notice which must include the date, time and place of the hearing.
(Appendix B)

B. Under the administrative procedures act, the hearing of contested cases is conducted by an independent hearing officer.

Under M.S. 120.17, at the option of the school board, the hearing is conducted by the school board or (1) its designee, (2) a person mutually agreed to by the school board and the parent or guardian

of a handicapped person or (3) appointed by the State Commissioner of Education.

(Note: Contested cases heard by the school board or its designer are subject to a second hearing under the State Administrative Procedures Act)

C. In all hearings of contested cases, the parents have the opportunity to be represented by individuals of their choice, to present evidence, to cross examine witnesses who testify and to submit rebuttal evidence.

D. Decisions in all hearings must be in writing. Under M.S. 120.17 the decision must be issued within five (5) days. Under the Administrative Procedures Act, there is no specific time limit. However, most decisions have been rendered within 60 days or less.

E. All hearing decisions must be based solely on the evidence, include a summary of such and the reasons for the decision.

(ix) Decisions of hearings conducted under the Administrative Procedures Act may be appealed to the State courts. Decisions of hearings conducted by the local school board or its designee may request a second hearing under the Administrative Procedures Act or may be appealed to the Commissioner. Decisions of hearings conducted by a person mutually agreed upon by the local school board or appointed by the State Commissioner of Education may be appealed to the Commissioner.

(x) The hearing procedures apply to all state agencies and subdivisions thereof responsible for the education of handicapped persons in the state.

4. Consent

(1) A. The Data Privacy Act requires that private data may only be disclosed to those persons in need of such data in order to perform the administrative and management duties for which the data was initially requested. Further disclosure requires parental consent.

B. The Data Privacy Act requires that data may be used only for the purposes stated as the data was collected.

C. State Board of Education Rules permit the evaluation of a child only when informed consent of the parent has been secured.

(ii) In all instances when a parent refuses to consent, the issue becomes a contested case and may be resolved either through the provisions of the administrative procedures act or M.S. 120.17.

5. Safeguards

(i) All state agencies and political subdivisions thereof are required by the Data Privacy Act to protect data during collection, storage, disclosure and destruction.

(ii) The Data Privacy Act requires that each state agency and political subdivision thereof, designate a person as the responsible authority of the agency for the collection and use of any set of data on individuals or summary data.

(iii) Following the enactment of the Data Privacy Act in 1974 the State Department of Education created a new position, the major responsibility of which is to inform school officials in general, of the requirements of the act. The position was also responsible for providing inservice training for the responsible authorities for each of the agencies. Numerous workshops have been conducted since enactment and several more are scheduled for special education directors and supervisors responsible for the education of handicapped children. Confidentiality is a major section in the Administrative Handbook. (Appendix C)

(iv) The agency plan for collection and storage of data is public information and must be filed with the State Department of Administration. The plan must demonstrate procedures to insure protection of data which would include agency disclosure procedures.

6. Destruction of Data

(i) Data on individuals are stored only as long as such data is used for the purposes stated as requested. Therefore, most, if not all private data stored by an agency responsible for the education of a handicapped person is destroyed or returned to the parent as the agency completes its responsibility to the person. Other individual data such as name, address, grades, attendance records, etc. must be maintained by the agency with no limitation.

(ii) There is no requirement that agencies provide a copy of data to be destroyed to the subject. However, agencies responsible for the education of handicapped persons are encouraged to do so.

7. Children's Rights

Minnesota statutes provide that children reach the age of majority at age 18. There are special provisions for protection of severely handicapped persons beyond the age of 18. Also, provisions exist for children to exercise certain rights prior to the age of majority. M.S. 120.17 and the State Board Rules were designed to specifically deal with the rights of the child when conflict may exist with the parents wishes. Through the due process procedure provided in the statute and regulation, either the interests of the parent or the LEA, acting on behalf of the child, may be equally protected.

8. Enforcement

The Data Privacy Act provides that administration of the act rests with the State Department of Administration. The act provides for a responsible authority or state agency which violates any provisions of the act is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring on action against the responsible authority or agency to cover damages sustained, plus costs and reasonable attorney fees. In the case of willful violation, the agency shall, in addition, be liable to exemplary damages of not less than \$100 and not more than \$1,000 for each violation.

An agency or principle authority which violates the act may be enjoined by the district court. The court may make any order or judgement necessary to prevent the use or employment by any person which violates the act.

In addition to the above provisions for the administration of the act, the attorney general's office has ruled that the SEA has responsibility for compliance of the act as it relates to the education of handicapped children. The SEA will require assurances of compliance of the act from all agencies providing educational programs for school aged and preschool handicapped persons. The SEA will monitor agency compliance through regular schedules of site visits, reaction to complaints and systematic review of the agency plans for compliance.

In cases of noncompliance, the SEA has authority through M.S. 124.15 to eventually withhold state aid from such agency. Should such action be necessary, the entire role of the agency would be in jeopardy and could conceivably result in reorganization for the delivery of services. It is very unlikely that state aids would have to be withheld. Agencies would probably make the necessary changes rather than have state aids withheld.

3. The opportunity for parents to examine all relevant records is addressed in EDU 127 B 4, EDU 125 D and E and EDU 120 A 1:

4. Inform the parents of their right to review and receive copies of all records or other written information regarding their child in the school's possession.

D. At the request of the parent, the district shall schedule an individual conference with a knowledgeable school employee for the purpose of explaining the individual educational plan or its development.

E. Notice to parents after completion of the program plan and prior to placement. Notice in accordance with the provisions of EDU 127 C is required whenever the providing school district proposes to

initiate or change or refuses to initiate or change the level of educational placement as defined in the Continuum of Placement Model, or proposes to initiate or significantly change or refuses to initiate or significantly change the special education services for the child. For the purposes of this rule the terms initiate or change shall be construed to include the proposals set forth in M.S. 120.17 subd 3b (c) (2), (3), (4) and (5). The notice shall be served prior to the initiation or change or refusal to initiate or change the educational placement or special education services for the child. The notice shall be served within 10 days after completion of the program plan and/or the refusal to initiate or change.

1. Provision of full services. All children and youth who are handicapped and who are eligible for special education services shall have access to free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

4. The opportunity for an informal hearing is stated in M.S. 120.17

subd 3b:

(c) Parents and guardians shall have an opportunity to obtain an informal due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program, (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program, (4) the proposed provision or addition of special education services for their child or (5) the proposed denial or removal of special education services for their child.

At the option of the school board, the hearing shall take place either before the school board, or (1) its designee, (2) a person mutually agreed to by the school board and the parent or guardian or (3) a person appointed by the commissioner. A decision pursuant to (1), (2) or (3) shall be subject to review by the school board within ten days at its option. The proceedings shall be recorded and preserved at the expense of the school district pending ultimate disposition of the action.

(d) Within five days of a hearing or review or review pursuant to clause (c), the person or persons conducting the hearing or review shall issue a local decision which shall be binding on all parties unless appealed to the commissioner by the parent or guardian pursuant to clause (e).

The local decision shall:

- (1) be in writing,
- (2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for the decision,
- (3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts,
- (4) state the amount and source of any additional district expenditure necessary to implement the decision, and
- (5) be based on the standards set forth in subdivision 3a and the rules of the state board.

(e) Any local decision issued pursuant to clauses (c) and (d) may be appealed to the commissioner within 15 days of receipt of that written decision by the parent or guardian. The school board shall be a party to any appeal. EDU 129 F 4 states the following: A tape recording, stenographic record, or other record of the hearing shall be made, and if an appeal is filed pursuant to EDU 129 H., the hearing shall be transcribed by the providing school district and shall be accessible to the parties involved within five days of the filing of the appeal. Provided however, for appeals of local decisions issued by school boards or their designees concerning proposed actions as set forth in EDU 129 H.2.a., no written transcript shall be made if the parent requests a chapter 15 due process hearing pursuant to EDU 129 H. The record or transcription, as the case may be, shall, upon request, be made available to the parent or their representative. The commissioner shall issue a final decision based on a review of the local decision and the entire record within 30 days after receipt of the local decision and the transcript. However, in appeals of local decisions issued by school boards or their designees concerning proposals set forth in clause (c) (1), (2) and (4) a parent or guardian may, at the time the appeal is filed, request a due process hearing conducted pursuant to the provisions of Chapter 15. In that case the commissioner shall issue a final decision within 30 days after that hearing and the final decision shall be based on the report of the hearing examiner.

The final decision shall:

- (1) be in writing,
- (2) include findings and conclusions and

(3) be based upon the standards set forth in subd 3a and in the rules of the state board.

(f) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located. The scope of judicial review shall be provided in Chapter 15.

(g) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

EDU 129 provides the specific details of the hearing:

EDU 129 The Hearing

A. When a hearing must be held. A hearing regarding a proposed action as set forth in EDU 124 B, or EDU 125 E shall be held not later than thirty (30) days unless continued pursuant to the mutual agreement of the parent and school district(s) after the providing district receives the parents' request for a hearing. This request must be in writing and must be made within seven (7) days after the parents' receipt of the written memorandum pursuant to EDU 128 B. Provided however, that no parent shall have a right to request a hearing unless at least one conciliation conference has been held pursuant to EDU 128 A.

B. Notice.

1. Written notice of the time, date and place of all hearings shall be given to all parties by the providing district at least ten days in advance of such hearings; and the hearing shall be held at a time, date, and place mutually convenient to all parties.

In the event a school board chooses to hold the hearing its decision can be, at the request of the parent, reviewed by impartial parties:

4. All local decisions shall:

a. contain written findings of fact, and conclusions of law, including a statement of the controlling facts upon which the decision is made in sufficient detail to appraise the parties and the commissioner of the basis and reason for the decision,

b. state whether the special education services appropriate to the child's needs can be reasonably provided within the resources available to the providing district,

c. state the amount and source of any additional district expenditures necessary to implement the decision and

d. be based on the standards and principles set forth in M.S. 120.17 subd 3a and EDU 129 G 1 and 2.

4. All decisions shall be filed with the commissioner of education and shall be sent by mail to the parties. The decision of the person conducting the hearing shall not be served until after expiration of the time for school board review. The decision(s) shall also include information detailing the right to appeal the decision, the procedure and time in which to do so and an appeal form on which the parent may identify which appeal option, as set forth in EDU 129 H 2, they request.

EDU 129 also provides for the following:

(1) to be represented in preparation of and at the hearing by legal counsel or other representative of their choice;

(2) in accordance with laws relating to confidentiality to examine and receive copies of the child's school records before the hearing, including tests, assessments, reports or other information concerning the educational assessment or reassessment upon which the proposed action may be based;

(3) to call their own witnesses and to present evidence, including expert medical, psychological and educational testimony and relevant records, tests, assessments, reports or other information;

(4) to request the attendance of any official or employee of the providing or resident school district or any other person, who may have evidence relating to the proposed action and the manner and time in which to do so;

(5) to cross examine any employee of the school district(s) or other persons who present evidence at the hearing;

(6) within five days after written request to receive from either the school district(s) a list of persons who will testify on behalf of the district concerning the proposed action;

(7) within five days after written request by the school district(s) to provide to the district(s) a list of persons who will testify on the parent's behalf concerning the proposed action;

(8) at least five days prior to the hearing, to receive from the providing or resident school district, a brief resume of "additional material allegations" referring to conduct, situations or conditions which are discovered to be relevant and which were not contained in the original notice or memorandum, and that if such material allegations are not so disclosed, it shall be left to the discretion of the person conducting the hearing to determine if those material allegations may be introduced or considered.

d. that at the hearing the burden of proof is on the school district to show that the proposed action is justified on the basis of the child's educational needs or his or her current educational performance, or presenting handicapping conditions taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom;

e. that a tape recording, stenographic record, or other record will be kept of the hearing and will be made available at cost to the parent if the decision is appealed by the parent;

f. that the person conducting the hearing will make a written decision based only on evidence received and introduced into the record at the hearing within five days following the hearing and that the proposed action will be upheld only upon showing by the school district by a preponderance of the evidence. A proposed action that would result in the child being removed from regular education program may be sustained only when, and to the extent the nature or severity of the handicap is such that a regular education program would not be satisfactory and the child would be better served in an alternative program. Consideration of alternative educational programs must also be given.

g. that the decision of the person conducting the hearing may be reviewed by the school board, at its option within ten days following the hearing officer's decision;

h. that the written review decision of the school board must occur within five days of the review and must be based on the standards set forth in d and f;

i. that the decision of the hearing officer may be appealed to the commissioner;

j. that the student's education program will not be changed as long as the parents object to the proposed action in the manner prescribed by these rules or until after the decision is finally made at the hearing or an appeal.

5. Surrogate parent provisions are stated in M.S. 120.17 Subd 3a (e),
EDU 120 and EDU 123.

(e) The rights of the child are protected when the parents or guardians are not known or not available or when the child is a ward of the state.

4. Procedural safeguards. When a change in the educational placement or special education service of a child is proposed, including the assessment and program planning processes, procedural safeguards must be assured by the school district. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. When a child's parents or legal guardians are not available, the school district shall contact the local county welfare department and request the public welfare system intervene on behalf of the child.

Surrogate parents. When a child is the ward of the commissioner of public welfare, when the parent or guardian is unknown or unavailable or when parental rights have been terminated, the district shall insure that the rights of the child to a free and appropriate education are protected by contacting the local county welfare department and requesting that the public welfare system intervene on behalf of the child. The district shall suggest to the local county welfare system that a contact with the county attorney's office be made to determine whether a guardian ad litem should be appointed.

Since the district officials refer the request for surrogate parents to the local county welfare system there is an assurance that the individual selected is not an employee of the SEA or LEA; that he/she is competent to represent the child; and that he/she has no interest that conflicts with the interests of the child he/she represents. The Administrative Handbook (pg. 28) states that county welfare officials may designate a foster parent or other persons with whom the child is living, a county social worker, an attorney, or any other person they deem appropriate to represent the child.

B. Minnesota has well defined laws, rules and administrative procedures for the implementation of the Procedural Safeguards Policy. (Appendices A, B and C)

Monitoring activities will include the logging in and review of the LEA's statements of assurances and the activities outlined in the master monitoring system described in Section XV of this document.

VIII. LEAST RESTRICTIVE ENVIRONMENT (612 (5) (B))

A. The State of Minnesota has defined a continuum of levels of service in its Standards and Procedures for the Provision of Special Education and Services for Children and Youth Who are Handicapped. This continuum defines the different levels of service which local education agencies may utilize in delivering programs and services to students who are handicapped. This continuum of levels of service is defined in Rule EDU 120 B 11. It reads:

"Least restrictive alternative" means the principle that to the maximum extent appropriate, handicapped persons, including those in public or private institutions or other care facilities, are educated with persons who are not handicapped, and that special classes, separate schooling or other removal of handicapped persons from the regular educational environment shall occur only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of special education services cannot be achieved satisfactorily. Furthermore, there must be an indication that the program will be better served outside of the regular program. For the purposes set forth therein this principle shall include the following 'Continuum of Placement Model':

Level 1. Students in regular classrooms functioning appropriately without any special education services. This level includes assessment services, monitoring, observation and follow-up.

Level 2. Students with handicaps functioning appropriately in the regular education program with the assistance of special education supportive services being provided to the classroom teacher.

Level 3. Students with handicaps functioning appropriately in a primary placement in a regular education program, but needing direct service assistance from special education personnel.

Level 4. Students with handicaps functioning appropriately with a primary placement in a special education program.

Level 5. Students with handicaps functioning appropriately in a primary placement in a special education program at a nonresidential school for children and youth who are handicapped.

Level 6. Students with handicaps functioning appropriately in a primary placement in a special education program at a residential facility for children and youth who are handicapped.

The responsibility of providing the different levels of service is that of the local education agency. The difficulty in the State of Minnesota in providing the total continuum is that of the population distribution in the State. For example, in the metropolitan areas the total continuum of services is provided. In the sparsely populated areas outstate, it is very difficult if not impossible to provide level 4 and 5 services for low incidence handicapped students. The problem is that there may be only one or two children in a geographically feasible area which means that either the student is served in a lesser restrictive setting or is placed in a special residential school. In addition, there are a few districts who still do not offer services to students who are handicapped. These are typically small school districts and the Minnesota Department of Education, Special Education Section, will be working to develop programs and services in those districts during the 77-78 school year. The districts will have to indicate either that they have services available, plan to implement those services or that they have no handicapped students within their school district.

B. The State of Minnesota Law M.S. 120.17 Subd 3a (c) states:

To the maximum extent appropriate, handicapped children including those in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling or other removal of handicapped children from the regular education environment occurs only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily.

In addition, State Board of Education Rules on Standards and Procedures for the provision of Special Education Instruction and Services for Children and Youth Who are Handicapped states in EDU 120 B 11, that:

'Least restrictive alternative' means the principle that to the maximum extent appropriate, handicapped persons, including those

in public or private institutions or other care facilities, are educated with persons who are not handicapped, and that special classes, separate schooling, or other removal of handicapped persons from the regular educational environment shall occur only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of special education services cannot be achieved satisfactorily. Furthermore, there must be an indication that the person will be better served outside of the regular program. For the purposes set forth therein this principle shall include the 'Continuum of Placement Model'.

The responsibility for implementing this requirement is that of the local education agency. However, the requirement that parents be involved in the team planning conference may also assure that the student will be placed in the least restrictive environment.

The rules of the State Board of Education make provision for each of the following:

1. That each handicapped child's educational placement shall be individually determined, be determined at least annually and be included on his/her individual education program.

EDU 125 B 4, 120 A 3, 126 A 1 and 2, state:

'Primary placement in a regular education program' means an educational program wherein a regular classroom teacher(s) has the primary responsibility for the student's daily program planning, for parent conferences and for curriculum content; and where special education staff member(s) play no daily role in the education of the student or where they are providing part-time supporting instruction or services for the student.

Individualized program. All children who are handicapped must be afforded special education services based on an individual education plan. Such programs need to include an assessment of the student's performance utilizing licensed personnel, and identification of appropriate goals and objectives, a selection of teaching strategies designed to enhance learning, delivery of services in an environment which is conducive to learning, periodic review and evaluation of the performance of the student.

The providing school district shall conduct periodic reviews of the program plan and shall determine:

- a. The degree to which the periodic review objectives as identified in the educational program plan are being achieved.
- b. The appropriateness of the educational program plan as it relates to the student's current needs.
- c. What modifications, if any, need to be made in the program plan.

The initial review shall be made at the time specified in the program plan, but at least twice a year following placement.

2. That to the extent necessary to implement the individualized educational program for each handicapped child in an applicable agency, that agency must provide or arrange for the provision of all of the alternative settings included in Table #4.

State Law M.S. 120.17 states that:

Every district shall provide special instruction and services,.... for handicapped children of school age who are residents of the district and who are handicapped....

Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children.

3. That except where a handicapped child's individualized educational program requires some other arrangement, the child shall be educated in the school which he/she would normally attend if not handicapped.

Minnesota State Law 120.17 states:

To the maximum extent appropriate, handicapped children, including those in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily.

The State Board of Education Rules state in EDU 125 C 4, that:

With the principle of least restrictive alternative the individual plan must substantiate how the proposed action is the most appropriate in terms of the person's education needs.

In addition, EDU 125 C 5, states:

Changes in all aspects of the child's educational program will be made to permit successful accommodation and education of the student in the least restrictive alternative.

4. That steps must be taken to assure that the implementation of the least restrictive environment provision will not produce a harmful effect on the child or reduce the quality of services which he/she requires.

Minnesota law and rules allow for placement in a more restrictive setting when that need is documented through the assessment and team planning process.

EDU 125 C 5, also states that:

In accordance with the principle of least restrictive alternative, substantiate why the proposed action is the most appropriate....

This requires for justification of placement in any level of service from least to most restrictive.

Section XV on Compliance and Monitoring describes the SEA's role in ensuring that LEA's are addressing the least restrictive environment and that the SEA will provide technical assistance to LEA's who are encountering difficulty.

IX. PROTECTION IN EVALUATION PROCEDURES (NONDISCRIMINATORY TESTING)
(612 (5) (C))

A. Minnesota State Law and Rules provide for the protection of students who are handicapped regardless of their culture or race.

Minnesota Law 120.17 Subd 3a (d) states:

In accordance with recognized professional standards testing and evaluation materials and procedures utilized for the purpose of classification and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.

Rules promulgated by the State Board of Education further expand on the State Law.

EDU 120 B 16, makes the following definition:

Nondiscrimination for purposes of this rule means the requirement that school districts shall:

Not discriminate in any manner in the full utilization of or benefit from any educational institution of the services rendered thereby because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability and otherwise comply with the provisions of M.S. Ch. 363.

Provide procedures that insure that in accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation notice and hearing are selected and administered so as not to be discriminatory including cultural discrimination. All such procedures and materials shall take into account the special limitations of handicapped persons and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions which will serve the individual student.

EDU 127 A 3, states:

The notice shall be written in the primary language of the home and in English, and the district shall make reasonable provisions for such notice to nonreaders and non-English speaking persons necessary to insure that the information contained in the notice is understood.

B. In addition, local education agencies must assure to the State Commissioner of Education that nondiscriminatory practices and procedures will be utilized with all students who may be or are handicapped. State law and rules include the following policies or provisions:

1. No single test shall be used as sole criteria for placement.

EDU 124 4a, states:

The assessment must reflect the person's current level of performance and shall be appropriate to the presenting problem and may include observation, evaluation and testing of the person's intellectual, academic, verbal, emotional, adaptive behavior, sensory physical and social development.

The Special Education Section published an Administrative Handbook that was distributed to all local education agencies. Within that handbook

(Appendix C) it states that:

The assessment should not normally consist of a single test or procedure. An exception might be a specific physical or minor articulation problem.

2. A formal evaluation must occur prior to any action with respect to (a) the initial placement or denial of placement of a handicapped child into a special education program or (b) the transfer or denial of transfer of a child from a special education program to full-time regular class placement.

EDU 124 B 1 a, states:

An assessment must be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement of program or special education services as set forth in EDU 125 E which will provide an educational program, including special education services appropriately suited to the person's needs.

Minnesota Statute 120 Subd 3b (a) further states:

Parents and guardians shall receive prior written notice of:

- a. any proposed formal educational assessment of their child;

- b. a proposed placement of their child in, transfer from or to or denial of placement in a special education program; or
- c. the proposed provision, addition, denial or removal of special education services for their child.

The meaning of this part of the statute and rules is that no placement, denial or significant change in program is made in special education without a formal assessment or reassessment.

3. Evaluation materials are administered in the child's native language unless it is clearly not feasible to do so.

Minnesota Rule EDU 124 4c, states:

be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so.

4. Evaluation materials adopted must have been recommended by their producer for a specific purpose, administered in conformance with the instructions provided by their producer and administered by licensed personnel.

EDU 124 B 2a, states:

Prior to conducting an assessment the district shall:

review the screening, referral or other data about the person and select licensed special education personnel and others as appropriate to conduct the assessment.

Implied in this rule is that persons properly licensed to conduct formal assessments will do the assessing. Also implied in this rule is that the person will be trained to (a) know if they have the expertise to do the assessment, (b) understand the uses of the different tests and (c) properly administer the test.

EDU 124 B 4, states:

be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose

differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of non-discrimination.

5. Evaluation materials adopted must be tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

EDU 124 B 4, states:

The assessment must reflect the person's current level of performance and shall:

be appropriate to the presenting problem and may include observation, evaluation and testing of the person's intellectual, physical and social development.

This implies that the assessment must include more than a single general intelligence quotient.

6. Evaluation materials administered to a child with impaired sensory, manual or speaking skills must yield results which accurately reflect the child's aptitude or achievement level.

EDU 124 B 4c, states:

The assessment must be provided and administered in the person's primary language or mode of communication unless it is clearly not feasible to do so.

7. Data from sources other than from achievement tests must be gathered and considered.

EDU 124 B 4, states:

The assessment must reflect the person's current level of performance and shall:

be appropriate to the presenting problem and may include observation, evaluation and testing of the person's intellectual, academic, verbal, emotional, adaptive behavior, sensory, physical and social development.

8. Interpretation of evaluation data and determination of child's educational placement must be made by a team knowledgeable about the child,

the meaning of the evaluation results, the placement options and the personnel available to provide appropriate educational and related services.

EDU 125 A 4, states:

Team and program needs determination. Following the assessment in order to determine if a person is in need of special education services the district shall:

upon request of the parent, determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority, as that term is defined in M.S. 126.021, or cultural background or who is knowledgeable concerning the racial, cultural or handicapping differences of the student.

9. If evaluation data shows the child does not need instruction in a special setting, the child will not be placed outside the regular instructional setting.

EDU 120 B 11, states:

....Furthermore, there must be an indication that the person will be better served outside of the regular program.

EDU 125 B 2, 3, states that the individual education program plan must:

be developed in accordance with the requirement of nondiscrimination, the principle of the least restrictive alternative and recognized professional standards.

be based on the assessment data and other relevant reports and information.

In addition, EDU 125 C, states:

Content of the individual educational program plan. The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of least restrictive alternative.

10. The requirement that any changes in the child's special education placement will be based on (a) the child's current individualized education program, (b) any other information relating to the child's current educational performance, (c) existing formal evaluation data on the

child which is not more than two years old.

The rules provide that any substantive change in the student's educational program requires a reassessment prior to the change in placement.

In addition, EDU 126 A 2, states:

that periodic reviews shall be made at the time specified in the program plan, but at least twice a year following placement.

In addition, EDU 126 B, states:

that when a student is continued in his or her primary placement in a special education program, the providing district shall conduct an educational reassessment....at least once every two years.

In addition, EDU 124 B 1a and b, states:

An assessment:

must be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement or program or special education services as set forth in EDU 125 E which will provide an educational program, including special education services appropriately suited to the person's needs.

must be conducted at least every two years as required by EDU 126 B.

11. Reevaluation must include:

revision of individualized educational program periodically

but not less than annually.

that a formal evaluation of the child, based on above procedures, is conducted at least every two years or whenever conditions warrant, including that it may also occur at the request of the child's parents or teachers.

EDU 124 B 1b and c, states that the assessment:

must be conducted at least every two years as required by EDU 126 B, may be conducted if the parent requests.

EDU 126 B, states:

When a student is continued in his or her primary placement in a special education program, the providing district shall conduct an educational reassessment according to the procedures specified in EDU 124 B at least once every two years.

The law and rules as they apply to evaluation procedures have been specified in the points of B above. In addition, local education agencies will be required to assure to the State Department Special Education Section that they are using nondiscriminatory assessment practices and procedures. This will require local education agencies to submit a program application form requiring a sign-off by the school officials that they are indeed using nondiscriminatory assessment practices and procedures.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

A. The System (613 (a) (3))

The State of Minnesota has been in the process of developing a comprehensive system of personnel development during the past year. In order to induce this momentum, BEH Division of Personnel Preparation allocated \$10,000 to the Special Education Department of the University of Minnesota for the purpose of developing a cooperative manpower planning group. This award was provided to the University of Minnesota to expedite the development of a comprehensive system not to identify responsibility.

In September, 1976, a planning committee consisting of SEA personnel representation from public and private training institutions and a representative from the State Planning Agency, met to set the policies for the comprehensive committee. Mr. Robert McGough from the "Project on Cooperative Manpower Planning", at the University of Missouri, provided technical assistance to this group.

The purpose of the initial meeting was to: familiarize participants with Federal requirements in establishing a coordinated statewide training plan for personnel serving the handicapped, draw upon the efforts of other states in this area and achieve consensus on the purpose and scope of the coming year's planning effort. Before this meeting adjourned it was decided that an ad hoc task force would be formed for the purpose of developing a plan that included: goals for the committee, a suggested work plan, criteria for representation on the statewide planning committee, a structure of the statewide planning committee and procedural guidelines for cooperative personnel planning. This task force met and

drafted a paper which proposed a structure and purpose for the state's cooperative personnel planning effort in special education. This document (Appendix D) was reviewed, amended and adopted by the full committee on January 13, 1977. The title of this organization is, "Special Education Personnel Development Committee" (SEPDC). The purposes of SEPDC are two-fold:

1. To provide guidance for a statewide cooperative personnel preparation planning effort with respect to needs assessment, program design, implementation, evaluation and dissemination.

2. To facilitate communication and cooperation among agencies, institutions, organizations and professions regarding the purposes and objectives of SEPDC.

This committee will meet on a regular basis during the year in order to carry out the above purposes.

The State Legislature has created a statutory advisory council to the State Board of Education for the purpose of reviewing and recommending techniques of educating handicapped students for those projects that are state financed and for whom the emphasis is inservicing regular educators and principals. The state allocation for the current biennium is 1.5 million dollars. This is M.S. 123.581.

B. Programs for Inservice Training for Regular Classroom Teachers in Techniques of Educating Handicapped Pupils. (Appendix D)

Description of agency involvement in personnel planning. The SEPDC rules identify group membership. That membership includes:

State Education Agency (3)
State Board of Teaching (1)
State Organization of Dean of Education (1)
Special Education Regional Consultants (1)
Special Education Administrators (2)
Parent Groups of Handicapped Children (2)
Minn. Higher Education Coord. Unit (1)
Public Training Institutions (8)
Private Training Inst. (2)

These members have input into determining need areas, developing the needs assessment instruments, and determining plans based on the needs.

This responsibility is identified in the SEPDC Rules.

The Statutory Advisory Committee to the State Board for State Inservice Training of Regular Educators also has broad representation. The statute requires a committee of 12. Nine shall be professionally qualified in the fields of special and general education and three must be from associations and organizations concerned with the problems of handicapped students. The current committee representation includes:

Darlene Olson
Minnesota Association for Retarded Citizens (MARC)

Dr. Virginia Bruininks
Ass't. Professor, University of Minnesota

Kenji Oyanagi, Principal
Como Lake Elementary School
St. Paul Public Schools

Carolyn Elliott, Consultant
Special Education Section
Minnesota Department of Education

E. Jean Hosterman
Special Education Consultant
East Metropolitan Special Education Cooperative
St. Paul, Minnesota

Keith Kromer, Ass't. Director
School Based Services
Minneapolis Public Schools

Billy Blackwell (he dropped out and wasn't replaced)
Ojibwe Cultural Resource Center
Grand Portage, Minnesota

Peggy Martin, Teacher
Anoka Public Schools

E. Ray Peterson
Assistant Commissioner
Minnesota Department of Education

Lloyd Petri
Area Vocational Technical Institute
East Grand Forks, Minnesota

Judie Rivkin
Research Assistant
Minnesota Association for Children With Learning Disabilities
Minneapolis, Minnesota

Sister Bernadette Weber, O.S.B.
Director, Special Religious Education
St. Cloud, Minnesota

This committee determines the types of projects to be elicited, reviews the projects, recommends funding to the State Board and evaluates the projects.

C. Procedures For and Results of Personnel Needs Assessment. In July, 1976, as a part of the State Title VI D plan, a needs assessment was conducted to determine the needs which should be addressed in that plan. (Appendix D) The needs assessment was completed by special education directors and supervisors in every region.

In May, 1977, the SEPDC Council determined that the needs assessment should be updated. As a result, a more comprehensive survey was conducted (Appendix D) The purpose of the May, 1977, needs assessment was threefold:

1. To focus on the inservice needs of educators for the purpose of planning, training and pinpointing the location, range of interest and subject matter for outreach programs.
2. To aid teacher training programs as they plan for special education training needs.

3. To determine what additions/changes in licensing categories would be welcomed by local school districts.

The results of this survey will not be tabulated and analyzed until July 1, 1977. Therefore, the results are not included in this plan. However, the results will be used during 1977-78 for the purpose of revising the State Part D Plan if deemed appropriate; revising curriculum in the State's Training institutions and recommending to the Teacher Licensure Board modifications of licensure requirements.

In addition, SEPDC is also in the process of determining the training needs of teachers in the field of learning disabilities. In Minnesota many learning disability teachers are not fully licensed. This study will identify the numbers of those persons, the number of credits needed for licensure and the training institutions attended by the students.

D. Inservice Training Needed. As stated earlier, a needs assessment was conducted during the fall of 1976 to determine the inservice training needs. This information was submitted as a part of the Title VI D Plan. The needs assessment was conducted in each of the State's eight regions and is compiled by region. (Appendix D) The statewide needs in priority are:

1. Writing individual program plans.
2. Responsibilities of special education and regular education personnel for due process procedures including how to document procedures.
3. Measurement of the effectiveness or lack of effectiveness of a program on a child's behavior including periodic review and follow-up review.

4. Mainstreaming; models, techniques, skill for consultation with regular classroom teachers.
5. Team planning techniques and staffing procedures.
6. Systems and strategies for identification of handicapped children.
7. Developing and writing the instruction and services subsystem of the Total Special Education System (TSES).
8. Evaluation of disability programs in a district or cooperative.
9. Developing and writing the child study subsystem of TSES.
10. Practices and procedures for assessing handicapped children.

In analyzing the statewide results of the needs assessment, it is clear that the rank ordering of the inservice training topics yielded the most significant and useful results for establishing priorities. Although the rank orderings of the disability areas, age levels for programming and persons to be trained are interesting, it is difficult to draw any conclusions which can be used in establishing priorities.

Among the topics for inservice training writing individual program plans emerged as the first priority in the statewide compilation and in seven out of eight regions was ranked 4th or higher:

Priority "1" in three regions
Priority "2" in two regions
Priority "3" in one region
Priority "4" in one region
Priority "10" in one region

On both a statewide basis and an individual regional basis there is an overwhelming need for inservice training in writing program plans.

The need which emerged as the second priority in the statewide compilation and which was ranked 4th or higher by six out of eight regions was

the responsibilities of special education and regular education personnel for due process procedures including how to document procedures. The ranking by regions is listed below:

- Priority "1" in one region
- Priority "2" in three regions
- Priority "3" in one region
- Priority "4" in one region
- Priority "6" in one region
- Priority "7" in one region

The need which emerged as the third priority in the statewide compilation and which was ranked 5th or higher by half of the regions was a measurement of the effectiveness or lack of effectiveness of a program on a child's behavior including periodic review and follow-up review. The ranking by regions is listed below:

- Priority "1" by two regions
- Priority "4" by one region
- Priority "8" by four regions
- Not ranked in the top ten by one region

In establishing Part D program priorities for 1977, responsibilities.... for due process procedures.... was eliminated from consideration because the need will be met during the current year by the activities described under the carryover request. The regional inservice activities for regular and special education administrators concerning implementation of the new regulations will clarify responsibilities and procedures.

E. Existing Inservice Programs

The following inservice programs were conducted during the 1976-77 school year:

1. Title VI D

Appendix D identifies the inservice activities which were conducted during the 76-77 year utilizing Title VI D funds. In most of these conferences, SEA staff, LEA staff and training institution personnel were

involved in the actual conduct of the conference. The evaluation procedures are included in Appendix D.

2. State Pilot Inservice

During 1976-77, 9 projects were funded with state dollars for the purpose of providing inservice training to regular education teachers to expand their skills at working with children and youth with mild to moderate handicapping conditions. The state funds expended were \$100,000. An outside evaluator is under contract with the SEA to evaluate each project.

3. RRC/ALRC

During 1976-77, inservice activities were initiated utilizing RRC and ALRC funds. A copy of the State Plan for these two projects is included. (Appendix D) Each conference was evaluated with pre-post assessments or impact questions.

4. Each district or special education cooperative employs special education administration and supervision staff. These persons have a key role in delivering inservice training to the regular and special education staff in their respective districts or cooperatives. Training is accomplished in nearly every district or cooperative in the State.

5. The eight teacher training institutions offer on and off campus courses for personnel who work with handicapped children. These courses are available in each region of the State.

Inservice evaluation

Each conference conducted included an evaluation. This consisted of either a pre-post test, and impact questionnaire or other feedback procedures. The state inservice training program included a contract with an outside evaluator to evaluate each of the pilot inservice projects.

F. Personnel Development Plan

The State personnel development plan has four components which are the state financed training for regular education teachers and principals, Title VI D plan, training institution plan and SEA staff training.

1. State Financed Training

As identified above, the State Legislature has appropriated 1.5 million dollars for 1977-78 and 78-79 for the purpose of training regular classroom teachers and principals to work with handicapped children and youth. The Statutory Advisory Board will be reviewing and recommending projects for funding in September, 1977. Policies and standards which will be followed by these projects have been written. (Appendix D)

2. Title VI D Plan

The Part D Plan is based on the needs assessment referred to earlier. This plan may be revised based on the SEPDC comprehensive needs assessment. The targets which emerged as the first and third priorities in the statewide needs assessment will be combined as Part D program objective A: Training in writing individual program plans and in measuring the effectiveness of those individual programs including periodic review and follow-up. Training will be a coordinated statewide effort conducted on a regular basis. The approach will be to provide at least six regional or bi-regional 2-3 day special study institutes. Since it is clearly impossible for the state to train all educational personnel who will be involved in developing and evaluating individual program plans, the objective will be to train all special education administrators and supervisors and a team from each special education cooperative and large single district. Teams would be comprised of a principal, a special education teacher, a regular classroom teacher and a parent of a handicapped child. The team

and special education administrators and supervisors from each cooperative would then serve as a resource to personnel in a cooperative in writing and evaluating individual program plans. \$34,000.00 or 53% of program funds will be allocated for Program Objective A.

Results or benefits expected from Program Objective A:

As a result of the SSI's conducted under Program Objective A all special education cooperatives and large school districts should make available a team of persons who are capable of writing individual program plans and who are capable of serving as a resource to and provide training to other personnel. It is projected that the following personnel would receive training:

All directors of special education	100
All SLBP lead teachers	120
All speech coordinators	75
All coordinators of programs for mentally retarded	30
All supervisors and itinerant teachers for hearing impaired	150
All supervisors and itinerant teachers for visually impaired	75
All supervisors and itinerant teachers for physically handicapped	55
1 principal from each special education cooperative	100
1 special education teacher from each special educa- tion cooperative	100
1 regular classroom teacher from each special educa- tion cooperative	100
1 support personnel from each special education cooperative	100
1 parent of a handicapped child from each special education cooperative	100
A projected total of approximately	<u>1,100</u>

BEH priorities addressed by Program Objective A:

Program Objective A addresses the following BEH priorities:

general special education, severely handicapped.

Program Objective B

The topic which emerged as the fourth priority in the statewide needs assessment will become Program Objective B: training in mainstreaming;

models, techniques, skills for consultation with regular education teachers. Five regions have proposed two-day special study institutes directed at increasing skills of special education personnel and regular classroom teachers in serving handicapped children in the regular classroom. Three of the five regions will focus training on the secondary school handicapped student. Skills to be developed include: developing alternative programming and scheduling within the mainstream, providing vocational education options, developing techniques for behavior management in the regular classroom, utilizing special education staff as support to regular classroom teachers, determining what is the least restrictive alternative for a student. \$9,600 or 15% of program funds will be allocated for Program Objective B.

BEH Priorities addressed by Program Objective B:

Program Objective B addresses the following BEH priorities: regular education, general special education, vocational education.

Results or benefits expected from Program Objective B:

As a result of the inservice training conducted under Program Objective B the special education cooperatives in five regions should have an increased capacity to provide appropriate programs for more handicapped children in mainstream programs and regular classes and a core of special education and regular education administrators and teachers who can serve as resources for mainstreaming techniques in their special education cooperatives. It is estimated that 325 persons will be trained, at least 1/3 to 1/2 of them regular classroom teachers.

Program Objective C, Braille and Deaf:

Program Objective C is designed to meet long term needs which are being

felt more urgently because of a recent change in Minnesota law.

Minnesota Law 1976, Chapter 271, mandates the transfer of the Minnesota School for the Deaf and the Minnesota Braille School from the jurisdiction of the Department of Welfare to that of the State Board of Education. This action also imposes licensure standards for the first time on the teachers at these two residential schools that must be met by 1978. These require that teachers of visually handicapped children hold an elementary or secondary teacher's license plus licensure in visual impairment, and, that teachers of hearing impaired children hold licensure in hearing impairment. There are 48 teaching staff at the School for the Deaf approximately 20 of whom do not hold licensure in hearing impairment; and 18 teaching staff at the Braille School, approximately 11 of whom do not hold licensure in visual impairment. This situation precipitates an immediate training need for these approximately 30 teachers.

In response to this recognized need the State Department of Education, the University of Minnesota and St. Thomas College, a private institution, have begun to plan a cooperative response of commitment of resources and sharing of funding. At this time a cooperative effort is being explored which would involve:

The University of Minnesota assuming responsibility of making available the coursework needed in the area of hearing impairment. Mankato State University, located close to the Schools under discussion, would cooperate by offering certain courses coordinated through University of Minnesota.

St. Thomas College may be involved in providing courses for either staff depending upon developments in planned discussions. The possibility of

cooperative programming with other training institutions would be investigated.

Because of the time limitation, the major need will be met by summer institutes with some coursework offered during regular academic quarters.

Use of qualified instructional staff from both in-state and out-of-state resources to augment permanent college faculty in order to meet this intense, although short-term, need.

The SEA will supply data on licensure requirements, numbers of teachers lacking required licensure, data on number and kind of courses needed by noncertified teachers and participants in shared funding with training institutions involved.

At the present time, the Department of Education is collecting information regarding the coursework and credits needed by each individual to attain licensure. Preliminary figures indicate that a significant number of persons need as many as 20 credits to meet the 30 credit minimum for licensure. Therefore, it is obvious that no single program or source of funds can support all training efforts to move all of the teachers involved to full licensure by 1978.

Program Objective C proposes to support training costs to the level of \$12,000 or 19% of program funds, during the 1977 grant period. Training costs of participants, or of the training institutions can be supported for summer sessions, regular sessions, extension coursework or other training strategies deemed appropriate. Funds will not be used to support living stipends for participants.

Minnesota has a major statewide concern in that low incidence expertise is not available adequately throughout the State. Part D funds have been used on a regular basis to attain appropriate instruction expertise for special need areas. We have far to go, but some progress has been made in the State's thrust to provide the necessary expertise to instructors in out-state areas. During the 77-78 grant period emphasis would be to provide training to residential school staffs coupled with training to staff from some target out-state areas. Therefore, forty training slots will be available with 25-30 for the residential facilities and 10-15 for low incidence staff statewide.

BEH priorities addressed:

Program Objective C addresses the BEH priority of severely handicapped.

Results or Benefits expected from Program Objective C:

As a result of the coordinated training efforts of the Department of Education and cooperating training institutions it is projected that 25-30 teachers from the State School and 10-15 teachers from the field will be at least six to nine credits closer to meeting licensure requirements by the spring of 1978.

Program Objective D

The needs assessment survey was useful in identifying statewide needs relating to responsibilities, procedures and systems which are generic to all areas in special education. However, it did not identify needs for training which are unique to a disability area or geographic area. Therefore, in addition to the needs assessment, special education regional consultants and state disability consultants were asked to identify needs

in their respective areas and submit proposals for training activities to meet those needs.

It is not possible to meet all of the identified needs with one program or source of funds; therefore, many of the proposed training activities will be supported by other sources of funds.

The activities which will be supported by Program Objective D are in-service training programs for personnel who serve severely handicapped, low incidence student populations such as: autistic-like children, visually impaired, physically handicapped, speech and language problems of the severely physically handicapped and/or trainable mentally retarded students. These low incidence areas have small pupil populations which in some cases are scattered geographically over the state. In addition, the low incidence areas suffer from a lack of appropriately trained personnel.

At the present time there are no teacher licensure standards nor teacher training programs in Minnesota directed specifically to preparing teachers to work with autistic-like children. Personnel working with autistic-like children usually have special education training and licensure, but not specifically related to autism. To assist the teachers and other personnel who are serving autistic-like children in the several programs in Minnesota two, two-day special study institutes will be conducted for 120 administrators, teachers and parents in local school district and agency programs. \$3,000 will be allocated for these institutes.

In order to help meet the need to provide fully qualified and licensed teachers for physically handicapped children, 10 summer traineeships

will be offered to unlicensed teachers of physically handicapped. \$2,500 will be allocated to support training costs for the 10 traineeships.

In the field of speech and language, the speech clinicians who are assigned full time to serve severely physically handicapped and trainable mentally retarded students have expressed a need for inservice training which deals specifically with assessing, programming and evaluating the progress of students: two, one-day special study institutes will be conducted, one for the 20 clinicians who work with severely physically handicapped, multiple handicapped students and one for the 30 clinicians who serve trainable mentally retarded students. \$1,200 will be allocated, \$600 for each institute.

In the field of the visually impaired, there is an opportunity to provide an intensive two-week special study institute for 10 teachers in use of the Optacon in teaching blind persons to read. Ten licensed teachers, at least one from each special education region, will have an opportunity to participate in the two-week institute conducted by Boston College personnel in Minnesota. \$1,600 will be allocated to support some of the training costs for the institute.

HEW priorities addressed by Program Objective D:

All of the proposed training programs address the priority for the severely handicapped.

Results or benefits expected from Program Objective D:

A total of \$8,400 or 13% will be allocated for Program Objective D and it is expected that the following personnel will receive training:

- 120 administrators, teachers and parents in programs for autistic-like students
- 10 teachers of the physically handicapped
- 20 speech clinicians who serve severely physically, multiple handicapped students
- 30 speech clinicians who serve trainable mentally retarded students
- 10 teachers who serve blind students

A total of 190 teachers of the severely handicapped will receive training.

Evaluation

Each special study institute will be evaluated on the basis of a pre-post test questionnaire designed to determine the achievement by participants of institute objectives. The SERC or disability consultant who conducts the institute is responsible for seeing that evaluation instruments are designed, administered, tabulated and that an evaluation summary is written.

Summer traineeships will be evaluated on the basis of a verification form from the college or university attended. The chairperson of the special education department, or some other appropriate program person will be asked to verify whether or not the trainee completed the coursework in a satisfactory manner. College tuition will be paid only if satisfactory verification is established. A follow-up will be conducted to determine how many of the trainees achieved certification as a result of the summer traineeship award.

3. Training Institution Plan

The State has eight training institutions which provide both on and off campus training for regular and special education staff. The needs assessment currently being conducted by SEPDC will identify the formal training needs in terms of licensure. This will enable the training

institutions to identify the types of courses which are needed, the number of personnel needing training, the number of credit hours needed and the geographic distribution of personnel.

These data will be used by the training institutions to plan and deliver the needed training.

The primary emphasis of this training will be in the area of learning disabilities. However, the SEPDC needs assessment will be all areas of special education.

4. SEA Staff Training

The SEA employs nine staff trained in special education. These persons provide training on a regular basis to school districts, parents and advocacy groups and other agencies. Requests for this training have been received on a need basis. The SEA plans to develop a technical assistance team that will respond to LEA need with consistent information as it relates to new information and implementation of Laws and Rules.

G. Acquisition, Review and Dissemination

One of the stated purposes of SEPDC is to provide communication and cooperation among agencies, institutions, organizations and professions, therefore one of the goals of SEPDC for the 1977-78 year is to provide a forum for the discussion, analyze problems, issues and be aware of statewide and national trends in special education.

It is recommended that this be implemented through a leadership conference conducted for the purpose of discussing and disseminating significant information from the member organizations. The content of this leadership

conference would include information from the SEA, higher education, parents, advocacy groups and LEA's.

The SEA also plans to disseminate quality programming practices identified in the TSES review and monitoring system referred to in XV, Monitoring and Compliance Plan. As a result of these reviews, the SEA will identify the components of district plans which warrant dissemination. Descriptors identifying that program will be disseminated to all other districts, parent groups and training institutions. These agencies will then have resources upon which to draw. Based on the districts identified through the TSES review, districts needing to upgrade certain components of their programs can be referred to those districts demonstrating compliance.

H. SEA Plan for Technical Assistance to LEA

As a part of the RRC effort during 1976-77, the SEA developed a variety of public information materials for use by LEA's and parent and advocacy groups. These materials include:

Administrator's Handbook	Parent Slide Tape
Administrator's Slide Tape	Parent Booklet
Teacher Booklet	Parent Manual
Principal Training Manual	Poster
Preschool Directory	Child Find Manual

Inservice training sessions are being planned in most districts using these materials which will be widely distributed around the State in July and August.

A second major effort of SEA assistance is the state inservice project which will result in 1.5 million dollars for inservice projects. This effort has already been addressed.

The primary method of providing assistance will be the result of implementing

the TSES review and monitoring system referred to in XV, Monitoring and Compliance Plan. Based on this review, the SEA will be able to identify specific need areas and will be able to recommend training efforts to assist in resolving the needs.

I. Evaluating the Effectiveness of the Comprehensive Personnel Plan

As specified throughout this section, the SEPDC Council and the Statutory Advisory Council are the units which will provide the data needed to evaluate the impact of the personnel development program. Included in the application for the State inservice program is a specific requirement for evaluation. These data will be compiled throughout the State into a statewide evaluation effort.

The SEPDC Council will conduct an evaluation during spring of 1978 to determine the impact for the program and to plan the effort for 1978-79. This will include the need for additional staff by geographic region, formal training needs for current staff to complete licensure requirements and the inservice training needs of teachers, administrators, paraprofessionals and other ancillary staff.

J. Monitoring Activities

The SEA will employ .5 FTE to manage the State inservice projects. This person and the Statutory Advisory Council will monitor each project to determine if the objectives are being attained. Site visits will be made to gain samples of the projects' effectiveness.

The SEPDC Council and the State Special Education Advisory Council will receive reports on a quarterly basis relating to the level of objective attainment for the remaining programs.

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN (613 (a) (4) (A))

State Department of Special Education Section requirements specify that any local educational agency which has programs for students who are handicapped which is funded partially or fully by Federal funds must submit an involvement form completed by the private non-public schools within the district. This involvement form requires that the private non-public school either does not desire to participate, was involved in planning the project, participated in drafting the project and/or wants to participate in the project. (Appendix D)

M.S. 120.17 Subd 9, states:

After August 15, 1977, no resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a non-public school defined in...

Implicit in the law is that all rules and laws for handicapped students will be followed.

In addition the State Department Special Education Section has distributed guidelines to local education agencies. These guidelines specify when and how services and programs may be delivered to handicapped students attending non-public schools. The guidelines are found in Appendix D.

Separate program applications forms, budget forms and a separate legislative appropriation will assure that the State Department of Education appropriately monitors services to students in private schools.

XII. PLACEMENT IN PRIVATE SCHOOLS (613 (a) (4) (B))

The State of Minnesota has provisions for the placement of handicapped students in private schools.

Minnesota Statute M.S. 120.17 Subd 2, states:

special instruction or training and services for handicapped children may be provided by one or more of the following methods....

f. Instruction and services in a state residential school or a school department of a state institution approved by the commissioner, or any other method approved by him.

g. Instruction and services in other states.

h. Contract with public, private or voluntary agencies.

The same subdivision further states:

The primary responsibility for the education of a handicapped child shall remain with the district of the child's residence regardless of which method of providing special instruction or training and services is used.

This means that all provisions of Minnesota Statutes and rules for handicapped apply to these students. This includes individualized educational program, local education agency assuming the cost, and programs and services meeting State standards.

Subdivision 5 of M.S. 120.17 states:

Nothing in this chapter shall be construed as preventing parents of a handicapped educable child from sending such child to a school of their choice, if they so elect, subject to admission standards and policies to be adopted pursuant to the provisions of Laws of Minnesota.

State Department of Education rules require that the parents pay the cost of this type educational program.

State law and rules also provides for due process procedures to be followed in case there is a disagreement between the parents and the local education agency on who has the responsibility to pay for the program in a

private school. Minnesota Statute M.S. 120.17 Subd 3b establishes and defines the due process procedures. Minnesota State Board of Education rules, EDU 127, 128, 129 further define and clarify these due process procedures.

Minnesota Statute M.S. 120.17 Subd 3a (e) states that:

The rights of the child are protected when the parents or guardians are not known or not available, or the child is the ward of the state.

State Department of Education rule EDU 127 A 2 states that:

Every effort shall be made by the providing school district to assure that no person's rights are denied for lack of a parent or surrogate parent or duly appointed guardian.

All private schools have received a copy of State law and rule which pertain to students who are handicapped.

The State Commissioner of Education has a Statewide Advisory Committee for nonpublic schools which reports to the State Board of Education.

For students placed in private schools for handicapped, the school district of the parent's residence is responsible for monitoring that student's educational program.

XIII. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILD (613 (a) (5))

Section 613 (a) (5) of the Act states that the State Plan must "set forth policies and procedures which assures that the State shall seek to recover any funds made available under (Part B) for services to any child who is determined to be erroneously classified as eligible to be counted (under the Act)".

The SEA requires LEA's to submit an annual application of program and budget. The application is reviewed by the SEA and should there be violations from standards the SEA has the authority under M.S. 124.15 to recover funds. The SEA, for the 1977-1978 school year has required the LEA's to describe their Total Special Education System (TSES). The Individual Education Plan is one component of the child study subsystem in the TSES. The SEA will review the LEA's procedures for selecting students for special education services as documented by the IEP form. If the review surfaces that decisions are made unilaterally and made without the benefit of team decision making, involving the parents, the SEA will automatically conduct an on site review. This includes children misclassified during the child count. If the LEA chooses not to comply with the standards as set by the rule the SEA has the authority under M.S. 124.15 to withhold and request return of state aids and federal funds. (Appendix A) Any violations of this nature will be duly reported to the Bureau for the Handicapped.

Further description of the monitoring system is found in Section XV.

.XIV. HEARING ON LEA APPLICATION (613 (a) (8))

Section 613 (a) (8) states that the Annual Program Plan must "provide procedures to assure that final action with respect to any application submitted by a local education agency or an intermediate educational unit shall not be taken without first affording the local education agency or intermediate education unit involved reasonable notice and opportunity for a hearing".

The SEA will request that the Special Education Regional Consultant and/or Consultants from the SEA will contact the LEA or IEU if a violation is suspected and provide opportunity for the LEA officials to clarify their position. If the LEA or IEU officials can justify or clarify the issue so it is not in violation the matter will be closed. However, if after this review a violation still exists the SEA will afford the LEA or IEU reasonable notice and provide them with the opportunity for a hearing with the Assistant Commissioner of Education, Division of Special and Compensatory Education.

As part of that document, districts will be required to state the criteria for entry into, and exit from, each level of service for each area of disability. Further, the document must contain a system for evaluating the effect of service/education on each child. That evaluation must be more explicit than the measurement of yearly goal attainment specified in each student's IEP. In order to determine the effectiveness of program on each handicapped child, districts will be notified that the data gathered from the evaluation/measurement system must be summarized and filed in the district for each student no less than yearly. When the In-Depth Review Team conducts a site visit (see Monitoring Plan) a major component that will be assessed will be the application of program effectiveness to the decision to enter a child into a new level of service or exit him/her from all services. A district will be required to demonstrate that individual service decisions are data based and are congruent with the criteria stated in the TSES document.

If a district makes a service decision without applying appropriate data or if a child is placed in a service level in violation of the stated criteria, the district will be required to justify such decisions in writing and submit a copy to the child's parent(s).

D. IEP Evaluation

The services/education any handicapped child receives must be specified in an IEP, as required by Law and Rule. Procedures describing the implementation of the IEP and a copy of the form must be included in the TSES document described above.

When a TSES is submitted to the Department of Education, it will be reviewed by a staff member assigned to The Program Component Review Team

(see the Monitoring Plan). A component of that evaluation will be the rating of the clarity of IEP procedures and the related form on a 10-point scale. Districts that fall more than 1 SD below the mean clarity rating will be notified that they must rewrite that portion of their narrative, or redesign their system and resubmit the change before the document can be approved. A second component of evaluation of IEP's will be provided by the activities of the In-Depth Review Team (see Monitoring Plan). Whenever a disability subsystem is reviewed on site, the quality of the IEP's will be noted by the reviewing consultant. His/her subjective evaluation and recommendations for improvement will be discussed at the review conference and in the follow-up report. A copy of the report will be attached to the district TSES and sent to the regional SERC. If a number of districts are advised to revise their IEP forms or systems, the SERC will arrange an inservice meeting. If few districts are so advised, the SERC will arrange technical assistance on an individual basis.

E. Waiver of Priorities

No district may request waiver of the obligation to meet the first priorities of P.L. 94-142. However, if those priorities have been met, the district may submit a waiver to allow them to expend funds on the second priority. The content of such a waiver must therefore document the meeting of all priority one components. If a partial waiver is submitted, it must document the meeting of specific priority components. When either a full or partial waiver is submitted it must contain the following information:

1. Identification of the component(s) being met.
2. Descriptions of the alternative programs and services that are available to the handicapped children of concern.

3. Enrollment figures for students in each service or program option.
4. Documentation of public service activities through the use of newspaper clippings, agreements with radio stations, etc.
5. General descriptions of the accomplishments of each service or program option to date.
6. Statements of assurance that all of the reporting is accurate and authentic.

No district may assume that the request to initiate second priority activities has been approved until such notice is received by mail.

The program and service option information will be cross checked with claims for state aids. Any district that has reported the availability of a program but has not reported staff or child count for that program will be scheduled for an on site audit of the waiver conditions. In addition, no less than 12 districts will be randomly selected for waiver audit during each school year.

F. Data Flow

In order to provide districts with data that will allow them to contrast their program development with others, to develop an awareness of how the State at large is meeting Federal priorities, to become aware of population shifts and to know that the State and Federal officers are meeting accountability requirements, they will receive a yearly report containing:

1. Each district's student population.
2. Each district's handicapped population expressed in whole numbers and percentages.

3. Each district's enrollment by disability and level of placement.

4. A list of the districts audited during that academic year.

In addition, budget information will be available to districts on request.

XV. ANNUAL EVALUATION (613 (a) (11)) MONITORING AND COMPLIANCE

A. Purpose

The master monitoring plan is designed to assure review of documents, on site evaluation of programs and the collection of data that can be used in monitoring decisions. In so far as possible, the Federal monitoring system will interface with the State system and will utilize the same staff, forms and data base. When unique functions are required for compliance with P.L. 94-142, they will be conducted by staff assigned to Federal affairs and operating under the supervision of the Federal officer.

It is the intent of the monitoring plan to assure that:

Both served and unserved handicapped children are identified.

Procedural safeguards are implemented in all districts.

IEP's are revised no less than annually.

Formal reevaluation is conducted at least every 3 years.

Program effectiveness will be evaluated by districts no less than annually.

Priorities of P.L. 94-142 are being met.

LRE's are available to all handicapped children.

Progress is being made in meeting facility, personnel and service needs.

Placement is not producing a harming effect on any given child.

Private school children who are handicapped receive equal and appropriate services.

Children placed in private schools by public school officials have the same rights as those in public schools.

Due process hearings and reviews are conducted within the 45 day limit.

Personnel development is comprehensive and continual.

B. Procedures

Total review of all districts' programs, services and the attendant procedures is not feasible on a yearly basis. Accordingly, the monitoring plan will utilize a three part model. The first part provides for document review of one component of services, e.g. The Child Study System in all school districts. The second part provides in-depth monitoring of a sample of districts and for monitoring randomly selected disability components in the sample. The third part addresses to a data collection system that generates actuarial information and provides a base for monitoring activities.

The first area of activity will be conducted by a standing Program Component Review Committee. The component to be reviewed in 1977-78 is the Child Study Subsystem (CSS). The Committee will be divided into two teams: (1) the document review team and (2) the technical assistance team. A description of each team's composition, responsibilities and activities follows.

The document review team will read the CSS portion of the Total Special Education System (TSES) plan that must be submitted by all districts or cooperatives in the State of Minnesota by September, 1977. Each procedure cited in the document will be rated on a 1-10 point scale. The characteristics to be rated will be clarity and compliance. The data that are required will vary by district and will relate to processes/procedures reported in the TSES. The data will be processed for computer analysis and maintained in computerized storage. A distribution of mean ratings will be established. Those districts with mean ratings below 1 SD will be identified for visits by the technical assistance team (see below).

The document review team will be responsible for written response to every district. That response will include a copy of the rating scale, a subjective statement regarding the areas of concern in their CSS narrative and notification of a technical assistance visit. Such visits will be arranged by the local Special Education Regional Consultant (SERC), and when feasible, will include more than one district so assistance can be provided through a workshop or inservice model.

The technical assistance team will provide professional help in developing child study systems that meet State standards. As noted above, they will conduct site visits through a workshop or inservice activities or, when requested, will consult to individual districts solely. The need for site visits will be established through the data analysis results or, to allow a proactive option, when a district requests that CSS assistance be made available to them.

This monitoring activity will assure that items 1 through 5 listed under "Purposes" are met.

The second area of activity will be conducted by an in-depth review committee. The program components to be reviewed will include two randomly selected disability areas. Those two areas will be evaluated vertically, that is, through the entire management, child study and instruction and services system which is reported in the Total Special Education Services (TSES) plan in a given number of randomly selected districts and a given number of districts whose compliance is questionable.

The committee will have rotating membership. All disability consultants will function as team members when their areas of specialization are

This monitoring activity will assure that items 6-9 listed under "Purposes" are met.

The third area of activity will be conducted by a standing Data Committee. The committee will provide liaison between Federal, State and local educational agencies in establishing the informational needs of the field and regulatory bodies. As required by Department of Education policy, the committee will determine the data to be collected and their specific use. The committee will design forms, collect data, design their computerized management and assure dissemination to appropriate agencies/persons.

The data collection committee will include a disability consultant, a budget officer, a SERC and, if possible, one representative from the legislature, one representative from a regular education program and one representative from a special education program. Those representatives will change yearly.

The primary charge of the Data Committee will be to collect data that address to the items 10-13 listed under "Purposes". Their second charge will be to design a data system that provides a cross check with the activities of the first two teams. The third charge will be to establish program norms across the state and to specify the deviances that suggest that a program is out of compliance. When a program appears to be varying too far from the norm, the State and/or Federal officer(s) will be notified and those person(s) will initiate appropriate action directly, through a designee, or through a team.

The last item under "Purposes" will be monitored independent of the above

committees. Licensure (certification) Section of the Department of Education will submit yearly reports of the licensure of special education staff in each district. Districts employing staff that do not meet licensure standards will be required to file variance petitions that specify timelines for bringing each such staff member into compliance. Districts will not receive State or Federal monies for those staff that fail to maintain their professional development commitment. This variance procedure is operational and is maintained by State consultants and clerical staff.

Personnel development will also be monitored through direct contact with directors of special education. At a yearly meeting, sponsored by the Special Education Section, directors will be required to specify their plans for inservice training of staff. At the same time, they will be required to submit reports of the training conducted during the previous year. The consistency between intended development and implementation will be determined on a regional basis by SERC's. When it is determined that an untenable gap exists, the SERC and/or State/Federal staff will arrange to meet with representatives of the district(s) of concern and provide technical assistance and the financial support information that will allow the staff development goal(s) to be met.

C. Annual Evaluation of IEP's

In order to secure state monies to pay for services to handicapped children, each district must submit solely, or in cooperation with other districts, a document identified as a Total Special Education System. The TSES describes the procedures, criteria and evaluation systems attached to the identification, assessment and provision of special services/education.

P.L. 94-142 PROJECT APPLICATION REVIEW PROCEDURE

DISCRETIONARY GRANTS

1. Received by SEA, logged in by secretary, assigned to review teams which consist of 1 state, 1 regional and 1 federal consultant.
2. Reviewed by the teams:
 - a. Utilizing a review form which assigns points to specific components, i.e., impact, priorities, objectives, job descriptions, budget, etc.
 - b. Notify project writer that he/she can meet with team to more fully explain the intent of the project and to clarify ambiguous content of application.
3. Summary of team review made to state, federal and regional staff.
4. Reviewed by state, federal and regional staff at regularly scheduled Special Education Section staff meeting or special meeting if necessary to determine recommendations to SEAC.
5. State, federal and regional staff recommendations for approval or disapproval made to SEAC.
6. Reviewed by SEAC:
 - a. From application and recommendation of staff team review.
 - b. Notify project writer that he/she may speak to purpose of project and content of application.

7. SEAC and staff recommendations for approval or disapproval are given to Assistant Commissioner Antell.
8. Review procedure (items #1-7 above) be completed within 45 days or less.

Approved 10/14/77
State Advisory Council

P.L. 94-142 PROJECT APPLICATION REVIEW PROCEDURE

FLOW-THROUGH MONIES

1. Received by SEA, logged in by secretary, assigned project number and assigned to appropriate federal consultant, i.e., Regions 1, 2, 3, 5, 7 and 11W - Levi Young, Regions 4, 6, 8, 9, 10 and 11E - Keith Kupcho.
2. Review conducted by federal consultant and the district is contacted by phone if for example:
 - a) Application is incomplete and there is no explanation.
 - b) Application requires further verbal or written clarification.
 - c) Application includes non-eligible expenditures.
 - d) Application's budget is not accurate.
3. Federal consultant and project applicant determine if project should be returned for changes, etc.
4. When project application is complete, the federal consultant recommends approval to the Assistant Director.
5. If the federal consultant determines that some or all of the project is not appropriate either in description or budget, he may recommend negotiation status to the Assistant Director.
6. The district representative is contacted and a negotiation meeting(s) is held.
7. If negotiations are conducted, and agreement with the LEA is reached the project can then be approved.

8. If negotiations are conducted and there is no agreement by the LEA to make requested changes, the project is recommended for disapproval.
9. The Assistant Director notifies the LEA of the decision and notifies them of their right to appeal to Dr. Antell.

Approved 10/14/77
State Advisory Council

STATE OF MINNESOTA POLICIES AND PROCEDURES
FOR THE P.L. 94-142 PRE-SCHOOL INCENTIVE GRANT

INTRODUCTION

The State of Minnesota has received \$268,000.00 as a result of Public Law 94-142. These monies will be utilized in a way that will expand, improve and initiate programs for pre-school handicapped children. The states effort will be to better assure the equitable distribution of services for pre-school handicapped children. It is the states intent to encourage cooperation within and among the regions in order to provide technical assistance especially to those areas of the state that are in greatest need. As a result, no handicapped child should suffer loss of or diminution of service due to site of residence or economic status.

PROJECT SCOPE AND HOST AGENCY

The State Plan for the utilization of these monies includes the establishment and support of one state and six regional persons. These individuals will share the responsibility of providing assistance to parents and to both local district and state department personnel as it relates to pre-school handicapped children. The State Department of Education, Special Education Section will host the state person while either the Educational Cooperative Service Units (ECSU), local district or joint power units may be considered for hosting the regional persons. Position descriptions, including responsibilities, reportability and qualifications will be drafted by Special Education Section personnel with potential reviewal by appropriate persons from the host region(s). The regional positions shall be designed to interface with existing staff in the pre-school area.

PERSONNEL SELECTION PROCEDURES

The State Department person will be selected by Special Education Section personnel. Regional positions shall be opened in keeping with non-discriminatory practices and procedures. Regional candidates will send their credentials to the host applicant agency and each Regional Advisory Council or ECSU Board if it serves that function should appoint a committee of persons to screen candidates. The screening committee should select candidates and recommend them for interview. Each Advisory Council should appoint an interview committee of persons who will, after the interviews are complete, recommend the candidate to be hired to the Advisory Council. Since more than one region must be represented on the screening and interview committees, it is suggested that participation by representative of the region's school population. The advisory council's may designate that their executive boards jointly receive the interview committees recommendation as opposed to the entire Advisory Council membership. In addition, state Special Education Section

personnel may be made available to assist in the regional interviews. As the candidates names are known, the SERCs shall report them to Ms. D. Jo Gascoigne with a resume of the individuals qualifications. This information will be shared with the State Special Education Advisory Council. Regions may utilize other procedures if they are comparable to state's procedures, and are submitted and determined acceptable by sections administration.

ADVISORY COUNCIL REQUIREMENTS - STATE

Membership of the Advisory Council to this project shall be comprised of a minimum of three State Special Education Advisory Council members, two State Special Education disability area consultants, and one Special Education Regional Consultant. The State Department and/or Regional person(s) shall be available to report to the entire State Special Education Advisory Council upon their request.

ADVISORY COUNCIL REQUIREMENTS - LOCAL

Although the State Special Education Advisory Council will be providing a general direction to the project, it is recommended that a sub-committee from the various regional advisory councils provide needed guidance at the local level. Regional persons activities can be coordinated through the SERC offices in order to assume the appropriate interface with local personnel.

FUNDING RESTRICTIONS

In a June 1, 1977 "Department of Education Statement of Policy Relating to Special Education Aids" the following was stated:

"All new grant awards, effective with the 1977-78 school term, funded by any source of funds other than the regular state foundation aids and local school taxes, will not be eligible to earn special education aids."

Therefore, projects funded by P.L. 94-142 Pre-School Incentive monies will not be eligible to earn state special education aids.

PUBLIC PARTICIPATION AND PROJECT DISSEMINATION

The host applicant agency will be responsible to provide the Special Education Section personnel with evidence that there has been an effort to inform public, non-public and private school personnel and the general public of the project's existence, goals, objectives and an opportunity to participate in planning activities.

LENGTH OF FUNDING

Personnel will be funded for one year periods. However, there will be the potential for annual renewal should funds be made available and state priorities justify continuation of the project.

STATE OF MINNESOTA POLICIES AND PROCEDURES
FOR THE P.L. 94-142 STATE DISCRETIONARY MONIES

INTRODUCTION

The State of Minnesota has received \$735,000.00 as a result of Public Law 94-142. At the states discretion, these monies may be awarded to school districts in a way that will improve the statewide impact of program development for children and youth who are handicapped and better assure the equitable distribution of services. It is the states intent to encourage cooperation among small districts and, further, to provide support to less prosperous areas. As a result, no handicapped child should suffer loss of or diminution of service due to site of residence or economic status.

HOW 94-142 DISCRETIONARY FUNDS CAN BE USED

State discretionary funds must be used to insure the state meets the first priority of serving out-of-school, school age handicapped children and youth. In addition to being out-of-school, school age students must also be handicapped as required by Public Law 94-142.

Programs to be considered for funding under the first priority:

1. Projects designed to identify, assess and offer a free appropriate education, including special education and related services to handicapped students of school age who have withdrawn from or for some reason are out of school.
2. Projects designed to identify, assess and implement a program for four (4) year old handicapped child.
3. Projects designed to develop a system to identify, refer, monitor (follow-along), plan for, but not program for with P.L. 94-142 monies, handicapped children who are ages zero through three. It is permissible in Minnesota to program for this age level with local and state monies.

Each of the above three (3) projects must include the components of a public information system for the purposes of informing all resident parents and their handicapped children of their right to a free appropriate education. This includes activities such as training census enumerators, establishing an information hot line, implementing methods which develop administration, teacher and parent awareness and screening procedures. For further description of child identification refer to the Administrative Handbook.

HOST AGENCY

The Regional Educational Cooperative Service Unit (ECSU), local district or joint powers unit may be considered for hosting these projects.

ADVISORY COUNCIL REQUIREMENTS

Each project submitted for state discretionary funds must make provisions for a Project Advisory Council (PAC). The Council's size need not be large. It could be a sub-committee of the Regional Director's Council, the Regional Advisory Council or members from both. Special Education Regional Consultants (SERCs), and State Disability Consultants will be available to provide technical assistance to the Projects Advisory Councils.

Responsibilities of the Council members will include: full knowledge of the project's goals and objectives; reporting of project information to other groups to which Council members belong; monitoring of the project's timelines, goals and objectives; providing advice and recommendations about the project to those responsible for implementation.

FUNDING RESTRICTIONS

In a June 1, 1977 "Department of Education Statement of Policy Relating to Special Education Aids" the following was stated:

"All new grant awards, effective with the 1977-78 school term, funded by any source of funds other than the regular state foundation aids and local school taxes, will not be eligible to earn special education aids."

Therefore, projects funded by P.L. 94-142 discretionary funds will not be eligible to earn state special education aids.

In addition, federal restrictions dictate that programs or projects funded by E.H.A., Title I, Handicapped (P.L. 89-313), E.S.E.A., Title I, Neglected/Delinquent (P.L. 89-750) and E.H.A., Title VI-C - Deaf/Blind will not be eligible for funding by P.L. 94-142 state discretionary funds.

APPLICATION PROCEDURES

PROJECT APPLICATION FORMS

During the month of June, 1977 all districts were provided with the application forms for P.L. 94-142 flow-through funds.

The applicant agency applying for state discretionary funds and pre-school incentive funds must complete pages 1, 2, 3, 13, 14, 15, & 16 of the federal/state application form F65-119.

PROJECT NARRATIVE

A narrative description of the project must be submitted with the application form F65-119. The narrative must provide the project objectives, activities, and evaluation procedures.

In addition, the narrative must contain information describing the following:

- A Project Abstract - one page limit
- A Project Scope and Purpose
- How the Project Meets Priority One Requirements
- Need for Program
- Project Objectives, Activities and Evaluation
- Job Descriptions for Project Staff
- Project Advisory Council Specifics - members, etc.

All project proposals should be sent to the Assistant Director of Special Education Federal Programs in the Special Education Section of the State Department of Education, Ms. D. Jo Gascoigne. The proposals will be reviewed by the section staff and forwarded to the State Special Education Advisory Council to be recommended for approval or disapproval. The Council will determine the initial approval or disapproval status of each proposal and the ultimate award of funding. To be approved, a proposal must meet state standards and address to the assurances specified in the basic application form. There must be some evidence that public and non-public school boards, administration, and general public in the applying unit have been informed of the project proposal and have had the opportunity to participate in planning activities. Due to the fact that these monies are designed to make programs equitable across the State these monies will primarily be distributed to programs that will have statewide, regional, ECSU or cooperative impact. Consideration may be given to a single LEA application in unique cases. Further, the division of monies may also be dependent upon number of handicapped, yet unserved in an educational unit.

Projects will be funded for a period of one year. However, there is the potential for annual renewal. Such renewal will be largely dependent on the quality of the evaluation component.