



## **Total Special Education System (TSES)**

This document serves as the Total Special Education System Plan for New Heights School in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, and Code of Federal Regulations, title 34, part 300. This document is a companion to the Application for Special Education Funds – Statement of Assurances (ED-01350-29).

Lisa Kraft, New Heights School Special Education Director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration.

Lisa Kraft may be reached at:

Phone: 320-583-9909

Email: [lisa.edukraft@gmail.com](mailto:lisa.edukraft@gmail.com)

### **I. Child Study Procedures**

The District's identification system is developed according to the requirement of nondiscrimination as New Heights School does not discriminate in education on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.

#### **A. Identification**

New Heights School serves children ages 5 to 21 in a K-12 program. There are two separate Child Study/Child Find meetings held bi-monthly. One meeting is focused on the identification of elementary age students in grades K through 5. The other meeting is focused on secondary students in grades 6 through 12. These meeting dates are set at the beginning of the school year. If concerns are identified for a student, the staff discusses research-based interventions to target the student's needs. Interventions will take place over the next six weeks and the response to the intervention will be evaluated and monitored by staff. If adequate progress is not met, the team will discuss proceeding to a special education evaluation with the parents.

The team shall determine that a child from the age of three years through the age of six years is eligible for special education when:

- A. The child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in subitem (1) and the criteria in subitem (2). The New Heights School District has elected the option of implementing these criteria for developmental delay.

## (1) The child:

- (a) Has a diagnosed physical or mental condition or disorder that has a high probability or resulting in developmental delay; or
- (b) Has a delay in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development, that is verified by an evaluation using one or more technically adequate, norm-referenced instruments. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area.

## (2) The child's need for special education is supported by:

- (a) At least one documented, systematic observation in the child's routine setting by an appropriate professional or, if observation in the daily routine setting is not possible, the alternative setting must be justified;
- (b) A developmental history; and
- (c) At least one other evaluation procedure in each area of identified delay that is conducted on a different day than the medical or norm-referenced evaluation; which may include criterion-referenced instruments, language samples, or curriculum-based measures.

New Heights School's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. New Heights School implements criteria based on the discrepancy model as outlined by the State of Minnesota guidelines.

## **B. Evaluation**

The team conducts an evaluation for special education purposes within a reasonable time not to exceed 30 school days from the date the district receives parental permission to conduct the evaluation or the expiration of the 14-calendar day parental response time in cases other than initial evaluation, unless a conciliation conference or hearing is requested.

New Heights School conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation consists of procedures to determine whether a child is a pupil with a disability that adversely affects the child's educational performance as defined in Minnesota Statutes, section 125A.02, who by reason thereof needs special education and related services, and to determine the educational needs of the pupil. The district proposing to conduct an initial evaluation to determine if the child qualifies as a pupil with a disability obtains informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation is not construed as consent for placement for receipt of special education and related services. The District will not override the written refusal of a parent to consent to an initial evaluation or re-evaluation.

## ***Evaluation Procedures***

Evaluations and reevaluations are conducted according to the following procedures:

- A. New Heights School shall provide notice to the parents of the pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, New Heights School:
  - (1) Uses a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and profess in the general curriculum, or for preschool pupils, to participate in appropriate activities;
  - (2) Does not use any single procedure as the sole criterion for determining whether a child is a pupil with a disability or determining an appropriate education program for the pupil; and
  - (3) Uses technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- C. New Heights School ensures that:
  - (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
  - (2) Materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
  - (3) Any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
  - (4) The child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
  - (5) Evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
  - (6) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;

- (7) Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- (8) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and
- (9) In evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.

- D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section 125A.02, shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.
- E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under parts 3525.1325 to 3525.1351.

***Additional requirements for evaluations and reevaluations***

- A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part 3525.3100, the IEP team and other qualified professionals, as appropriate, shall:
  - (1) Review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
  - (2) On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section 125A.02, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.
- B. The district administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).
- C. The district obtains informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain

such consent and the pupil's parent has failed to respond.

- D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.
  - E. A district evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.
- X\_ The district does not intend to use restrictive procedures.

### ***Procedures for determining eligibility and placement***

- A. In interpreting the evaluation data for the purpose of determining if a child is a pupil with a disability under parts 3525.1325 to 3525.1351 and the educational needs of the child, the school district:
  - (1) Draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
  - (2) Ensures that the information obtained from all of the sources is documented and carefully considered.
- B. If a determination is made that a child is a pupil with a disability who needs special education and related services, an IEP is developed for the pupil according to Minnesota Rule 3525.2810.

### ***Evaluation report***

An evaluation report is completed and delivered to the pupil's parents within the specified evaluation timeline. At a minimum, the evaluation report includes:

- A. A summary of all evaluation results;
- B. Documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability;
- C. The pupil's present levels of performance and educational needs that derive from the disability;
- D. Whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services; and
- E. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

### **C. Plan for Receiving Referrals**

New Heights School's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is to inform the principal or the child's teacher of the request. Within ten days the district will respond to the request for evaluation.

## **II. Method of Providing the Special Education Services for the Identified Pupils**

New Heights School provides a full range of educational service alternatives. All students with disabilities are provided special instruction and services which are appropriate to their needs. The following is representative of New Heights School's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.

Appropriate program alternatives to meet the special education needs, goals, and objectives of a pupil are determined on an individual basis. Choice of specific program alternatives are based on the pupil's current levels of performance, pupil special education needs, goals, and objectives, and must be written in the IEP. Program alternatives are comprised of the type of services provided, the setting in which services occur, and the amount of time and frequency in which special education services occur. A pupil may receive special education services in more than one alternative based on the IEP.

Methods of providing the special education services for the identified pupils:

- (1) One-on-one or small group academic, social and behavior support services in a pull-out setting
- (2) Small group academic support services via a co-teaching model in the general education setting
- (3) Paraprofessional support in the general education setting
- (4) Indirect monitoring and collaboration between the general and special education teachers

A. Sites available at which services may occur:

All special education services will be provided at one location with the exception of homebound services if a student's needs warrant.

- (1) New Heights School

B. Available instruction and related services:

- (1) Direct Specialized Instruction
- (2) Consultation
- (3) Speech and Language Pathologist

- (4) Social Work
- (5) Physical and Occupational Therapy
- (6) Developmental Adaptive Physical Education
- (7) Health Services
- (8) Audiology

### **III. Administration and Management Plan**

New Heights School utilizes the following administration and management plan to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

- A. The following table illustrates the organization of administration and management to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

<b>Name/Title</b>	<b>Contact Information</b>	<b>Role/Responsibilities</b>
Thomas Kearney Principal	651-439-1962 <a href="mailto:tkearney@newheightsschool.org">tkearney@newheightsschool.org</a> 614 West Mulberry St, Stillwater, MN 55082	Duties include supervision of early intervention and behavioral support; school-home support liaison; participation in child find process and pre-referral intervention process.
Lisa Kraft Director of Special Education	320-583-9909 lisa.edukraft@gmail.com	Duties include supervision of special education staff, program development, program evaluation, fiscal/budget administration of special needs programming and oversight of due process and compliance requirements.

- B. Due Process Assurances available to parents: New Heights School has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. A description of these processes are as follows:
- (1) Prior written notice to a) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and b) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference or another alternative dispute resolution procedure.
  - (2) New Heights School will not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.
  - (3) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless medical, dental, mental and other health services are necessary, in the professional's judgment, that the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
  - (4) Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or other alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes are provided at no cost to the parent.
  - (5) Conciliation Conference: a parent has the opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives prior written notice. New Heights School holds a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. All discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the District's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.
  - (6) In addition to offering at least one conciliation conference, New Heights School informs parents of other dispute resolution processes, including at least mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or



civil action under special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.

- (7) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in New Heights School's Procedural Safeguard Notice, attached as Appendix A.

#### **IV. Interagency Agreements the District has Entered**

New Heights School has not entered into any interagency agreements or joint powers board agreements for eligible children.

#### **V. Special Education Advisory Council**

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, New Heights School has a special education advisory council.

- A. New Heights School's Special Education Advisory Council is individually established.
- B. New Heights School's Special Education Advisory Council consists of a group of parents, the special education director, and special education teachers.
- C. At least half of New Heights School's parent advisory councils' members are parents of students with a disability.
- [X] The district does not have a nonpublic school located in its boundaries.
- [ ] The district has a nonpublic school located in its boundaries and the parent advisory council includes at least one member who is a parent of a nonpublic school student with a disability, or an employee of a nonpublic school if no parent of a nonpublic school student with a disability is available to serve.
- D. New Heights School's Special Education Advisory Council will meet in April of each school year.
- E. The operational procedures of New Heights School's Special Education Advisory Council are attached as Appendix B.

#### **VI. Assurances**

Code of Federal Regulations, section 300.201: Consistency with State policies. New Heights School, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under sections 300.101 through 300.163, and sections 300.165 through 300.174. (Authority: 20 U.S.C. § 1413(a)(1)). Yes: Assurance given.

## Appendix A

### New Heights School Notice of Procedural Safeguards

Click on this link: [Notice of Procedural Safeguards](#)

## Appendix B

### New Heights School Special Education Advisory Council (SEAC) Operational Procedures

#### **Name and Mission**

The Special Education Advisory Council of New Heights School, also known as the New Heights School SEAC has as its mission:

To provide input into the decision-making process of the special education department, provide a communication link with the community at large, advocate for high-quality educational programs for all learners, and assure the implementation of New Heights mission to all students attending New Heights School.

#### **Authority and Purpose**

Minnesota Statute 125A.24 provides the authority under which the New Heights School SEAC operates. According to the statute, the purpose of the council is to increase the involvement of parents of children with disabilities in policy and decision-making.

The purpose of the New Heights School SEAC is to:

- Increase the involvement of parents of children with disabilities in policy and decision making;
- Advise the Special Education Department, Administration and School Board on policy and decisions affecting and/or related to special education;
- Recommend priorities to be addressed by the Special Education Department, Administration and School Board in their annual and strategic plan.

#### **Advisory Capacity**

The SEAC shall consult with the Director of Special Education and/or the Special Education Department regarding current issues, program development, parental concerns, parental involvement, and departmental priorities to ascertain best practices and identify best in class special education programming. The SEAC shall advise the Administration and the School Board of findings relative to current issues, program development, parental concerns, parental involvement, and departmental priorities relative to best practices and identification of best in class special education programming. All SEAC recommendations must be made through the consensus of designated members. An annual report of council activities and recommendations shall be presented to the Administration and the School Board each spring.

**Membership**

According to Minnesota Statute 125A.24, at least half of the SEAC members shall be a parent/guardian of a child with special needs. A member of the special education department will attend each meeting. Additional school staff may be invited by the SEAC to attend a specific meeting regarding an agenda item. All faculty and staff are welcome at any and all meetings. Individuals who are not SEAC members are welcome to attend meetings and may address an issue on the agenda only after being recognized by the chair.

**Meetings**

The New Heights SEAC meets once a school year in April.