

Special Education Guide

MINNESOTA STANDARDS FAMILY GUIDE

Understanding Special Education
Navigating the Special Education Process
Individualized Education Programs
Legal Rights & Safeguards
Resources & Advice



Introduction

This guide gives parents & guardians a starting point in learning how special education works. We'll cover the basics, including legal rights, important timelines, & how you can support your child.



SECTION 1

Understanding Special Education

SPECIAL EDUCATION GIVES YOUR CHILD ACCESS TO RESOURCES & SUPPORT THAT HELP THEM SUCCEED

Special education is a collection of services provided to qualifying students with disabilities. The purpose of these services is to ensure all students have equal access to education. Special education follows laws that exist to protect student's rights.

SPECIAL EDUCATION LETS KIDS THRIVE

Special education does not mean there is something wrong with your child. It means that the way school was designed does not meet your child's unique needs. Special education fills the gap between what the school already does & what your child needs. As their parent, you have the power to play a part in making sure that is done successfully, giving your child the same educational access & opportunities as all children.

STEPS IN THE SPECIAL EDUCATION PROCESS

1. **Identifying Concerns** – Teachers, parents, or caregivers notice a child struggling academically, socially, or behaviorally
2. **Referral** – A parent/guardian or school staff requests a special education evaluation
3. **Parental Consent & Evaluation** – The school gets parental consent & conducts the evaluation
4. **Evaluation Results** – The school shares evaluation results
5. **Eligibility Determination** – A meeting is held to discuss the results & decide if the student is eligible for special education services
6. **IEP Creation** – A meeting is held to develop the Individualized Education Program (IEP)
7. **Progress Monitoring** – Regular progress notes are collected throughout the school year to capture areas of growth & areas of concern, which are then shared with parent/guardians
8. **Review** – At least once a year, the IEP team looks at the IEP to make sure it still makes sense. At least once every 3 years, the IEP team must re-evaluate the student to figure out if they still need special education services
9. **Exit, Graduation, or Transition Planning** – IEPs must have a plan to transition out of special education programming

INDIVIDUALIZED PLANS FOR EACH UNIQUE STUDENT

INDIVIDUALIZED EDUCATION PROGRAMS [IEPs]

An Individualized Education Program (IEP) is a plan for students with disabilities who get special education services. The IEP is a contract that says what a student's needs are & how the school is going to meet them. The school must follow through on the commitments they make in an IEP. School staff work with parents – & the student depending on their age – to write the IEP.

504 PLANS

A 504 Plan ensures that students with identified disabilities get what they need. Unlike an IEP, a 504 Plan does not involve specialized instruction but focuses on giving equal access through accommodations. School staff work with parents – & sometimes the student – to write the 504 plan.



LEGAL RIGHTS

LAWS PROTECTING STUDENTS WITH DISABILITIES

- Americans with Disabilities Act (ADA) - prevents schools from discriminating against students with disabilities
- Individuals with Disabilities Education Act (IDEA)
 - requires schools to meet the unique needs of students with disabilities at no cost to the family
- Section 504 (Rehabilitation Act) - requires schools to remove barriers for students with disabilities to learn
- Procedural Safeguards - Under IDEA, these protect students with disabilities & their families. They include these rules:
 - Schools must get written consent from parents before making major decisions or giving special education services
 - Parents can get copies of their child's records, which must otherwise be kept private at all times
 - Any documents or forms must be available in parents' home language

STEPS TO SEEK MEDIATION

1. Review the IEP
2. Write a letter to the school
3. Meet with your school to try to resolve the issue
4. Write a letter to the school district
5. If you do not reach a resolution, you may pursue a state or federal agency.

SECTION 2

Navigating the Special Education Process

THERE ARE CLEAR STEPS, TIMELINES, & RIGHTS THAT PROTECT YOU THROUGHOUT THIS PROCESS. AT EACH STEP, MAKE SURE YOU HAVE EVERYTHING IN WRITING.

To be eligible for special education services under IDEA, a student must have a disability that affects how they are doing in school. There are laws that describe how a student qualifies for services by meeting criteria for a certain educational disability label.

If you give permission, the school can test your child for free to see if they qualify for a label. This is different from a medical diagnosis from a doctor. Your child may need to get a separate diagnosis from a doctor for services outside of school.

The educational disability labels include:

- Autism (ASD)
- Blind or visually impaired
- Deafness or hearing impairment
- Developmental cognitive disabilities or delays (DCD)
- Emotional or behavioral disorders (EBD)
- Multiple impairments
- Other health impairment (like ADHD)
- Physical impairment
- Specific learning disability (like dyslexia)
- Speech or language impairment
- Traumatic brain injury

THE SPECIAL EDUCATION PROCESS

Parents & school staff work together to decide what a student's needs are & the best way to meet them. The steps are the same for each student, & there are rules about how long each step can take.

STEP ONE

Identifying Concerns

Schools have practices to find students needing extra help. They try different interventions. If a student does not improve, they may be referred for a full evaluation for special education services.

If parents see issues with their child's learning, they can make a referral. Parents should consider referring their child for a special education evaluation if:

- Your child has a diagnosed disability from a doctor.
- You are worried about your child's progress physically, emotionally, socially, or mentally.
- You are worried about your child's hearing, speech, or vision.
- Your child is struggling with their academics or not learning.
- You are worried about your child's behavior.

If you are unsure if you should refer your child for special education services, talk to your teacher or school.

HAVE A YOUNG CHILD?

Students can qualify for special education services as soon as they are born. Caregivers can self-refer if they think their child might qualify, & early childhood evaluations & services are free for all families. For more information, check out Help Me Grow at helpmegrowmn.org.



STEP TWO

Referral

A referral can be made by a teacher, parent, or other school staff when they think a student may have a disability. Parents can make a referral by talking to a teacher, special education coordinator, or principal. A request should be written in paper or email & include the child's name, concerns, & any other important information.

A school has the right to deny an evaluation request if they believe there is no sign of a disability. In this case, a school must provide a prior written notice (PWN) within 14 days of the request. The PWN must explain why it denied the request.

For an example of a referral letter, visit understood.org/en/articles/download-sample-letters-for-requesting-evaluations-and-reports

STEP THREE

Parental Consent & Evaluation Planning

After a referral is made, the school has 15 school days to get written parent consent for the evaluation. Schools can have a meeting with parents to plan for the evaluation. Parents must receive a Prior Written Notice (PWN) explaining the evaluation plan.

STEP FOUR

Evaluation Results

After getting a signed PWN, the school has 30 days to share evaluation results. This gives parents a chance to raise any questions or concerns about the evaluation. Parents should check that all of their concerns are in this report. The plan & services can only include findings from this report, so if anything is missing or wrong, this is the time to fix it.

STEP FIVE

Eligibility Decision

After getting a signed PWN, the school has 45 days to hold an Eligibility Meeting to discuss the results & decide if the student qualifies for special education.

If eligible, an Individualized Education Program (IEP) is created. Learn more about IEPs in Section 3.

If the child is not eligible for special education, the school will discuss other ways to support the child. This might include a 504 Plan, which can help the child succeed in the regular classroom. Parents have the right to appeal the decision if they disagree.

STEP SIX

IEP Creation

After the eligibility decision, the school has 30 days to hold an IEP meeting. This meeting includes parents, teachers, & specialists to create a plan for the student's needs.

During the first IEP meeting, the team reviews the evaluation results. They create an IEP that includes the child's current performance, yearly goals, & the services the child will receive.

After the IEP meeting, parents will receive a Prior Written Notice (PWN), a signature page, & a copy of the IEP. Parents must respond on the signature page within 14 days. The options are:

1. Agree with the proposal & give permission to proceed
2. Disagree with the entire proposal & do not give permission to proceed
3. Agree with part of the proposal & object to others

For updated IEPs (not your child's first IEP), schools do not need your permission to move forward – they only need you not to object. If you do not respond within 14 days of an adjusted IEP, it will go into effect. Silence means approval, so speak up within 14 days if you disagree.

If parents disagree with any part of the IEP, the school must offer a Conciliation Conference to resolve disagreements.

STEP SEVEN

Review

The IEP team reviews the IEP at least once a year. Every three years, the student is re-evaluated. Students do not need to meet eligibility criteria during a reevaluation, they just need to show that they still need services.

STEP EIGHT

Exit, Graduation, or Transition Planning

Exiting Special Education: Students may stop receiving special education services when they have met their IEP goals or no longer need support. This involves a reevaluation & a meeting with parents, where they must agree that their child no longer needs special education services.

GRADUATION

All students who graduate high school in Minnesota earn the same diploma. The diploma will not show that your student has a disability. The IEP team determines whether a student will graduate by:

1. Meeting the State & district's requirements for graduation.
2. Meeting the unique requirements in the student's IEP.

Students with disabilities can stay in school until the end of the school year when they turn 21 if they need more time to meet their IEP goals.

TRANSITION

Starting at age 16, the IEP must help students plan for life after high school. A transition IEP focuses on improving a student's skills to prepare them for life after high school. Vocational Rehabilitation (VR) counselors are available at every high school in Minnesota to help with this. When students turn 18, they legally become adults & can make decisions about their IEP unless a guardian has been appointed.

SECTION 3

Individualized Education Programs [IEPs]

THE IEP IS YOUR CHILD'S ROADMAP TO SUCCESS. SCHOOLS MUST PROVIDE YOUR CHILD WITH THE EDUCATION THEY ARE ENTITLED TO, & YOU CAN SHAPE WHAT THAT LOOKS LIKE.

WHAT IS AN IEP?

An Individualized Education Program (IEP) is a plan for students with disabilities who have been evaluated & are eligible for special education services. It ensures students with disabilities receive the education that fits their needs. The IEP is written every year by a team that includes the school, parents, & the student depending on age. The purpose of the IEP is to protect your child's access to education.



CORE PARTS OF AN IEP

	WHAT IT IS	LOOK FOR
Present Levels (PLAAFP)	Describes the student's current skills, needs, & how their disability affects their learning.	Make sure the PLAAFP correctly shows the student's skills & challenges in academic, social, behavioral, physical, functional, sensory, & communication areas.
Goals & Objectives	Academic, social, communication, & daily living goals.	Make sure goals are specific, measurable, achievable, relevant, & time-bound. Make sure the goal centers your child's current & future needs
Services & Supports	Details on what services, technology, & transportation the student needs. This could include services like Speech or Occupational Therapy.	Check that all services & supports are in the IEP & are enough to support the student's access to education & school activities, & for the student to make progress on their IEP goals.
Accommodations & Modifications	Adjustments made to help the student succeed in school.	Make sure accommodations are specific, appropriate, & supportive of the student's learning needs. Make sure you understand how tests will be given & how results will be used to monitor progress.
Transition Planning (Starting in Grade 9)	Plans for life after high school.	Make sure your child is on track to graduate & that transition goals & services prepare the student for life.
Behavior Intervention Plan (BIP)	Strategies to support positive behavior & handle any challenges.	Make sure you know why the BIP is needed & that the BIP addresses specific behaviors; outlines clear strategies; & involves school staff, parents, & relevant specialists.
Placement	Explains how much the student will participate in general education & why.	Make sure your child is in general education as much as possible. Any separation should be clearly explained. You can ask for a list of things the school has already tried to make general education work.
Transportation	Schools can provide additional support or alternative transportation methods.	Make sure this information is included in your child's evaluation report & IEP present levels, & that the IEP team discusses your child's needs & addresses them in the IEP.

OTHER COMPONENTS OF AN IEP

EXTENDED SCHOOL YEAR (ESY) SERVICES

Extended School Year (ESY) services are free special education services given during school breaks, like summer vacation or spring break, for students who might fall behind during long breaks. The student's IEP team decides if the student qualifies for & needs ESY services.

MENTAL HEALTH SERVICES

Schools can help students with mental health needs via counseling or other services. These services may be part of a student's IEP.

EDUCATIONAL SETTINGS

Special education services are provided in various "settings", making sure students receive the right support while still being included with their peers as much as possible. This approach is known as the Least Restrictive Environment (LRE).

When making decisions about LRE, the student's entire school day should be examined. The LRE decision must be made annually by the IEP team at the IEP meeting.

KEY POINTS ABOUT LRE

- The law requires there to be a spectrum of settings so that each student can attend school in the best place for them, based on their needs. Decisions about LRE should take into account both academic & non-academic needs
- The school environment must be tailored to each student's unique needs.
 - Placement decisions should not be based on the type or severity of the disability, the availability of services, or space in the school.
 - The regular classroom should always be tried first. More restrictive options should only be discussed if the IEP team tries different services & supports in general education & the student still isn't getting what they need to make progress.
- Students should have the chance to interact with non-disabled peers as much as possible. The IEP team should explore using aids & services before they decide on a more restrictive setting.

FUNCTIONAL BEHAVIOR ASSESSMENT (FBA) & BEHAVIOR INTERVENTION PLAN (BIP)

An Functional Behavior Assessment (FBA) is a test that tries to figure out what is causing challenging behavior for a student. It is done by observing the student's behavior patterns. Often, students have challenging behavior if their needs aren't being met. In that case, you can advocate for changes to the IEP to better meet your child's needs.

Once the FBA is complete & the report is reviewed, the Behavior Intervention Plan (BIP) is created. The plan includes things to try to solve the issue & goals to track progress. The IEP team can review & adjust the plan if needed.

A student might have a BIP even if they do not have an IEP. For example, a student with a 504 plan may have a BIP if they have behavior issues that interfere with learning or daily function. For students with disabilities who have an IEP, a BIP is often included if their behavior affects their learning or the learning of others. The IEP team will add the BIP to make the student gets support to behave appropriately.

If the BIP isn't helping, you can:

- Ask for a meeting. Share what you think would work better. The team can change strategies & support if needed.
- Request an IEE: If you don't agree with the FBA results, you can ask for an Independent Educational Evaluation (IEE) paid for by the school.
- Seek Extra Help: Look into other resources like counseling, therapy, or community programs that can help your child.
- Dispute resolution: Check out Section 4 for more info.

TESTING ACCOMMODATIONS

Testing accommodations make sure students with disabilities can take tests fairly. For the majority of tests, students with an IEP or 504 Plan can get accommodations. **Here are a few examples:**

- Alternative Formats: Test materials in different formats such as large print, Braille, or electronic formats to accommodate visual impairments or other needs.
- Assistive Technology: Use of devices or software, such as screen readers or speech-to-text tools.
- Separate Testing Rooms: Quiet or distraction-free environments to minimize sensory distractions or anxiety triggers
- Scribe or Reader: Assistance from someone to write answers or read aloud test questions
- Rest Breaks: Scheduled breaks during testing

504 PLANS

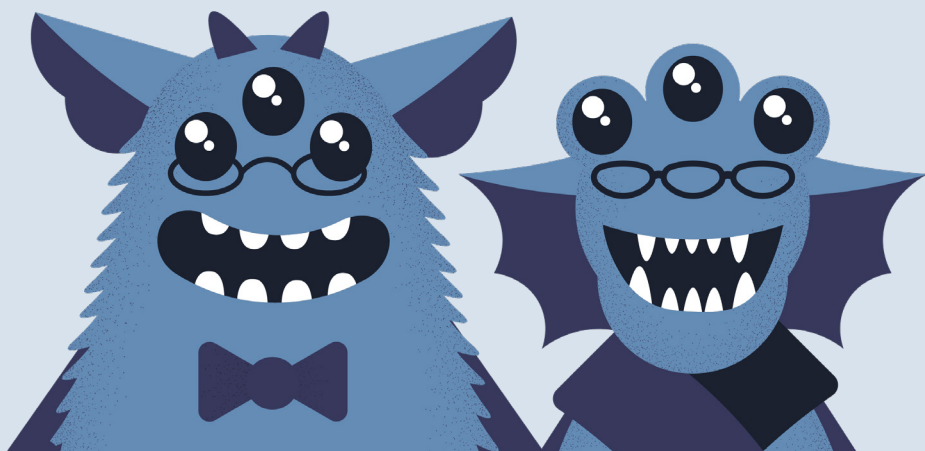
A 504 Plan ensures that students get what they need to access a general education classroom & participate in activities. An IEP can contain a 504 plan, but a 504 plan alone does not mean a student qualifies for special education services. They instead focus on accommodations. A 504 plan is written by a team of school staff & usually includes the parents, as well as the child depending on age. A 504 plan can include things like:

- Extra time on tests
- Testing in a separate room
- Shortened or modified homework
- Audiobooks or other forms of assistive technology
- Other accommodations that support the learners disability & needs

TIMELINE & PROCESS FOR SECTION 504 PLANS

Unlike IEPs, which have legal timelines, Section 504 is more flexible. These steps should happen in a reasonable timeframe:

1. Referral or Request for Evaluation: Anyone can refer a student if they think the student needs accommodations due to a disability.
2. Evaluation: The school evaluates the student to determine if they have a disability that limits activities like learning.
3. Eligibility Determination: If eligible, a 504 plan is created listing specific accommodations.
4. Implementation & Monitoring: The school puts the plan into action & regularly checks on the student.
5. Parental Notification & Participation: Parents have the right to receive notice, participate in meetings, & appeal decisions related to the 504 Plan.
6. Review & Updates: The plan is reviewed annually



SECTION 4

Legal Rights & Safeguards

YOU HAVE MULTIPLE OPTIONS TO RESOLVE DISAGREEMENTS, FROM SIMPLE CONVERSATIONS TO LOOPING IN STATE & FEDERAL AGENCIES.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

All students with disabilities have the right to free appropriate public education. They get special help & services at no cost to parents, & these services must be made to fit each student's needs.

PROCEDURAL SAFEGUARDS

These measures are in place to protect students' rights. Parents must get a clear explanation of the Procedural Safeguards at least once per school year.

KEY PROCEDURAL SAFEGUARDS

- **Informed Consent:** Schools must get written consent from parents before giving evaluations or special education service for the first time.
- **Access to Educational Records:** Parents have the right to review & get copies of their child's records.
- **Independent Educational Evaluation (IEE):** Parents can ask for an IEE at the school's expense if they don't agree with the school's evaluation.
- **Confidentiality:** Educational information must be kept private at all times.
- **Prior Written Notice (PWN):** A PWN is a document that schools must give to parents before making changes to a student's IEP. It explains what actions the school plans to take or not take & why, summarizes meetings, & lists the information used to make decisions. The PWN must be understandable.
 - Schools need a PWN before initial evaluations or for making the first IEPs. For other actions, parents have 14 calendar days to object before the school proceeds. If parents say "no", the school must offer a conciliation meeting.
 - Remember: "If it's not in writing, it never happened." Always follow up conversations about your child's services with written communication, & after every written request you make, you should receive a PWN from the school saying yes or no to your request with their reasoning. If they don't send a PWN, request one & keep it for your records.

DISPUTE RESOLUTION

Important decisions are made together by parents, a team of school staff, & sometimes the student. If there are disagreements, the Minnesota Department of Education (MDE) has a process to help.

CONCILIATION CONFERENCE

A conciliation conference is a meeting between parents & school staff to solve IEP disputes. Conciliation conferences have specific timelines. The goals are finding a solution on the IEP while maintaining a collaborative relationship. You should ask for a conciliation conference if you disagree with the planned IEP or a decision communicated through a PWN.

TO ASK FOR A CONCILIATION CONFERENCE:

Write a letter or an email to your child's special education case manager or the school district's special education director. In this letter:

- Be specific about what you disagree with & why.
 - Clearly say that you are asking for a conciliation conference.
 - Include your name, contact info (like phone number or email), & the best times to reach you.
 - The school must offer a conciliation conference within 10 days of getting your request.
- Within five school days after the conference, the school district must give you a summary of the meeting & any planned changes.
- These documents can be used as evidence in a due process hearing.
- Important Points
 - Statements made during the conciliation conference are confidential & cannot be used in a due process hearing.
 - For initial evaluations, placements, or special education services, the school must obtain your written consent before proceeding.
 - The conference cannot be used to delay or deny your right to a due process hearing.
 - If you don't participate in the conciliation conference, the school district will inform you about how to ask for a due process hearing & other procedural safeguards.

OTHER DISPUTE RESOLUTION OPTIONS

FACILITATED TEAM MEETINGS

- What It Is: A neutral helper works with the IEP team to create or change the IEP & solve any disagreements.
- When to Use: Early in the IEP process when conflict arises.
- Outcome: An IEP that the whole team agrees on.
- How to Request: Fill out the request form online: education.mn.gov/MDE/dse/sped/conf/team/

MEDIATION

- What It Is: A voluntary process where a neutral helper fixes disputes between parents & the school.
- When to Use: If facilitated team meetings don't find a solution or if relationships are strained.
- Participants: Parents, an advocate, the student (if appropriate), educators, & a district representative.
- Duration: Scheduled within three weeks of request, lasting four hours virtually or six hours in person.
- Outcome: If successful, mediation will result in a legally binding agreement.
- How to Request: Fill out the request form online: education.mn.gov/MDE/dse/sped/conf/med/



COMPLAINTS TO MINNESOTA DEPARTMENT OF EDUCATION (MDE)

- What It Is: Parents can file a complaint with the state agency if they believe the school is not following special education laws.
- When to Use: If previous attempts at resolution have failed, or if there is a violation of special education laws.
- Writing the Complaint: Complaints must be in writing & a copy must be sent to the school district involved. You can use the form here: education.mn.gov/MDE/dse/sped/conf/Comp/
- Review: MDE will decide whether to look into or dismiss the complaint.
- Investigation Process: An investigator will contact the person who filed the complaint, contact the school district, review documentation, & make a decision.
- Decision Timeline: The investigator has 60 days to make a decision, which may be extended if needed.
- Outcomes:
 - Violation Found: MDE will issue a Corrective Action Plan & make sure the school corrects the problem.
 - No Violation Found: The complaint is closed. Parents can appeal to the Minnesota Court of Appeals within 60 days.

DUE PROCESS HEARING

- What It Is: A formal hearing where a neutral officer finds solutions
- Who Can Request: Parents or school districts
- Process:
 1. File a written complaint using this form: education.mn.gov/MDE/dse/sped/conf/Comp/
 2. Attend a resolution meeting
 3. Present evidence at the hearing
 4. Get a binding decision
- When to Use: If complaints do not resolve the issue or for serious disputes involving the identification, evaluation, placement, & services given to a student
- Appeals: The decision can be appealed to state or federal court
- Stay Put Provision: Under the “stay put” provision, if a due process hearing is requested, the child remains in their current educational placement while the dispute is resolved, unless both parties agree otherwise

MINNESOTA HUMAN RIGHTS ACT (MHRA)

The MHRA ensures that all students have equal access to educational opportunities. If you think your child has been discriminated against:

1. Write Down the Issue:
 - Keep a record of incidents, including dates, times, what happened, & any communication with the school about the issue.
2. Contact the School:
 - Speak with your child's teacher, principal, or special education coordinators. It's important to communicate clearly & give specific examples.
3. File a Complaint:

If the issue is not resolved by the school, you may file complaints to:

 - **The school district's Section 504 Coordinator** – Each school district has a person assigned to work with these complaints
 - **Minnesota Department of Human Rights (MDHR)**
 - You have one year from the date of the incident to file a report. You can fill out the form here: mn.gov/mdhr/intake/consultationinquiryform
 - **The U.S. Department of Education, Office for Civil Rights (OCR)** – You have 180 days from the date the discrimination occurred to file a complaint. Find out more information here: ed.gov/about/offices/list/ocr/complaintintro.html
4. Seek Legal Advice:
 - If necessary, seek advice from an attorney who works in education or disability law. They can give guidance on your rights & options.

BULLYING & HARASSMENT

If a student is being bullied, parents should report it to the school right away. Schools must take action to stop the bullying & protect the student. Schools must make sure that bullying does not keep students from their right to an education. If the school does not fix the issue, parents can file a complaint with the school district or seek help from community organizations.

PROTECTIONS & LAWS REGARDING DISCIPLINE FOR STUDENTS WITH DISABILITIES

Your child is protected by laws to set standards for how schools can discipline them.

- Schools are not allowed to hit or spank students. They also cannot use prone restraints or physical holds that could make it hard for a student to breathe. However, reasonable force can be used to restrain a student when necessary to prevent harm.
- Schools can only use seclusion & physical restraint when completely needed to protect the student or others from harm. Seclusion is not allowed for children from birth through 3rd grade. Schools cannot use seclusion as an emergency procedure.
- Schools must document each use of these procedures & review them regularly.
- Before major disciplinary actions, schools must use a process called Manifestation Determination to decide if a student's behavior is tied to their disability. This makes sure that students are not treated unfairly for behaviors related to their disability.

IF YOU THINK YOUR CHILD HAS BEEN UNFAIRLY DISCIPLINED:

1. Write Down the Incident: Including dates, times, & any communication with the school.
2. Contact the School: Discuss with your child's teacher, principal, or special education coordinator.
3. File a Complaint: If the issue is not resolved, you can file a complaint with the school district or with the Minnesota Department of Education (MDE) at 651-582-8689 or mde.dispute-resolution@state.mn.us.
4. Seek Legal Advice: If needed, ask an attorney who specializes in education or disability law. See Section 5 for additional resources.

FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA)

FERPA protects the privacy of student records.

Key Rights Under FERPA include:

1. Access to Records:
 - Parents & students aged 18+ have the right to see education records from the school.
2. Request to Amend Records:
 - Parents or students age 18+ can write a letter asking the school to correct records. The school will make the final decision. If they say no to the change, they must explain why and give parents or students a chance to argue their case in a formal hearing.
3. Control Over Disclosure:
 - Schools must have written permission from the parent or student age 18+ to share any information from a student's education record. However, schools do not need consent if they are sharing records with any of the following:
 - School officials with a legitimate educational interest
 - A school your child is transferring to
 - Appropriate officials in health and safety emergencies
 - Juvenile justice system authorities
4. Directory Information:
 - Schools may share "directory" information such as a student's name, address, phone number, & dates of attendance without consent. Schools must inform parents & eligible students about this & give them a reasonable amount of time to agree with sharing.

Learn more about FERPA at understood.org/en/articles/ferpa-protecting-your-childs-records

SPECIAL EDUCATION FUNDING

Special education services are provided to eligible students at no cost to families. Schools are responsible for covering these costs.

Schools may seek reimbursement from insurance companies or Medicaid for health-related services included in a student's IEP, such as therapies or assistive technology. However, parents are not required to use their private insurance if it would cost them, & schools must obtain written consent before accessing any private insurance or sharing information with Medicaid.

All special education services outlined in your child's IEP are free to you, regardless of how the school district finances them.

CONSIDERATIONS FOR DIVERSE FAMILIES

English Language Learners (ELLs) with Disabilities: ELL students with disabilities should get special education services & English language support. Schools must give tests that take into account the student's culture & language to make sure they don't get the wrong diagnosis. The IEP should include goals for language & disability support. Schools must offer interpreters & translated documents for parents if needed.

Rights for Twice Exceptional (2e) Students: Twice exceptional students are both gifted & have learning disabilities or other special needs. Schools must make an IEP that makes sure students have opportunities for their special talents & help for their disabilities.

Military Children with Disabilities: The Exceptional Family Member Program (EFMP) provides support to military families. Minnesota allows military children with disabilities to sign up for related services before they move. This avoids gaps in service.

Migrant Farm Workers' Children with Disabilities: Children of migrant farm workers with disabilities face unique challenges. Programs like the Migrant Education Program (MEP) can help. Visit them at education.mn.gov/MDE/dse/ESEA/mig or call 651-582-8579.

Students with Disabilities Experiencing Homelessness: Students experiencing unstable housing can stay in their school & receive transportation even if they move around. They do not need typical documents like proof of residency. They must get the same educational services as other students. It is schools' responsibility to find & evaluate all children with disabilities, including those who have unstable housing.

Surrogate Parents: If a student becomes a ward of the state, the state takes care of them. These students have the right to special education if they have disabilities. A surrogate parent might be chosen to help with their school needs & protect their rights. The state tries to keep the student in their current school to make things stable.

SECTION 5

Resources & Advice

YOU'RE NOT ALONE - ASK QUESTIONS & USE THESE TRUSTED RESOURCES FOR SUPPORT.

TIPS FOR PARENTS OF STUDENTS WITH DISABILITIES

1. Keep a record of your child's evaluations, IEPs, report cards, medical records, & communication with the school.
2. Stay in touch with your child's teachers to watch progress & fix any concerns right away. Make sure that any time they reach out, you understand what they are saying.
3. Join parent support groups & attend workshops to connect with other parents & learn more about standing up for your child.
4. Ask questions. You can ask for things to be said differently if you don't understand.
5. Speak up for your child's needs & ensure they receive the services they are entitled to. Make sure that your child's culture & language is respected in all parts of their education.
6. Work with the school to make a plan for your child as they move from elementary school to middle school to high school & if they change schools.



QUESTIONS FOR EACH STEP OF THE PROCESS

Remember that it's best to ask questions & get your answers in writing!

IDENTIFYING CONCERNS

- What exact concerns do you have about my child's learning or behavior?
- What has been done so far to solve these concerns?
- How do these concerns affect how my child does in school?
- What can I do at home to support my child?

REFERRAL

- Why do you think my child needs to be tested for special education services?
- How can I support my child during this process?
- What rights do I have as a parent during the referral process?

EVALUATION & ELIGIBILITY

- What areas will be tested during the evaluation?
- How will the results be shared with me?
- If I disagree with the evaluation results, what are my options?

IEP DEVELOPMENT

- What exact goals will be set for my child?
- What services & supports will my child receive?
- How will you keep track of progress & share it with me?
- What accommodations or modifications will be made in the classroom?
- How can I support my child's learning at home?
- What is the plan for transitioning my child to the next grade or school level?
- Who can I contact if I have concerns or questions about my child's IEP?

IEP REVIEW

- How has my child made progress toward their IEP goals?
- Are there any areas where my child needs more support?
- Do any of the goals need to be changed, updated, or added?
- How can I be more involved in helping with my child's progress?
- Are there any new accommodations or modifications that should be added?
- How will the team address any areas where my child is not making progress?
- When is the next review meeting scheduled?

EXIT

- What standards must my child meet to stop getting special education services?
- How will my child's progress be tracked once they no longer have an IEP?

GRADUATION

- Is my child on track to earn all the necessary credits for graduation?
- What extra help or changes does my child need to earn credits or pass tests?
- What assistive technologies can help my child learn?

TRANSITION

- Which skills should my child focus on to be ready for life after high school?
- What resources can help with my child's transition to adulthood?
- Who should I talk with if I have questions or concerns after my child leaves special education services?

SPECIAL EDUCATION ADVISORY COUNCIL (SEAC)

The Special Education Advisory Council (SEAC) is a group that gives advice to school districts about special education. Each school district has an SEAC. Members include parents, educators, & community representatives. Parents are encouraged to participate. SEAC tells the school district how to use resources to help special education services.

FINDING THE RIGHT SCHOOL

It is essential to identify the best fit for your child's unique needs. There may not be a perfect school, but there is a place where your child can thrive. Your child has the right to get special education services regardless of what school they attend. For more information on how to pick a school, check out the How to Pick a School Guide. You can also check out tools like [MinneapolisSchoolFinder.org](https://www.minneapolischoolfinder.org), which provides information on all schools in Minneapolis.

Here are some questions you can ask when exploring your options:

- What programming is there to address my child's needs?
- How much of the school day should be spent in a general education classroom?
- Who are the teachers & staff that will be working with my student?
- How will the school help my child prepare for life after high school?
- What makes this school different from others?

ADDITIONAL RESOURCES

ARC Minnesota: Advocacy for persons with developmental disabilities.

- Website: arcminnesota.org
- Phone: 952-920-0855 / 1-833-450-1494

CADREworks: Provides support during dispute resolution:

- Website: cadreworks.org/for-families
- Videos: youtube.com/@cadreworks

Help Me Grow: State initiative that has information & resources from birth to kindergarten

- Website: helpmegrowmn.org
- Phone: 1-866-693-4769
- Email: helpmegrow@state.mn.us

Minnesota Association for Children's Mental Health:

Support for children's mental health.

- Website: macmh.org
- Phone: 651-644-7333 / 1-800-528-4511

Minnesota Disability Law Center:

Legal assistance for disability-related issues.

- Website: mylegalaid.org/disability-law-center
- Phone: 612-334-5970 / 1-800-292-4150

PACER Center: Parent resource center that offers support, information, & training on special education advocacy

- Website: pacer.org
- Phone: 952-838-9000 / 1-800-53-PACER

SMRLS' Education Law Advocacy Project:

Legal services for low-income families.

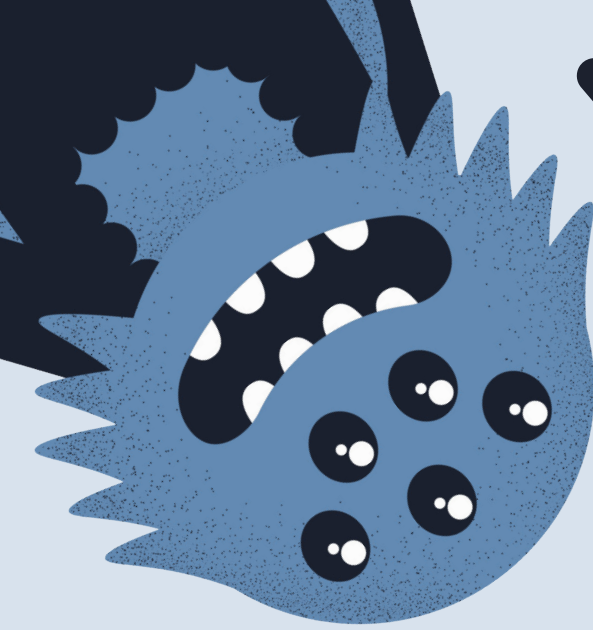
- Website: smrls.org
- Phone: 1-877-696-6529

St. Thomas Legal Clinic: Legal services for low-income families.

- Website: stthomas.edu/interprofessional-center/legal-clinics
- Phone: 651-962-4960

Understood: Provides free resources & support.

- Website: understood.org



*understand
terms*



Glossary of Terms

Accommodation: Changes to how a student learns the material. For example, giving more time for a student to take a test.

Americans with Disabilities Act (ADA): A law that protects the rights of people with disabilities.

Annual Goals: Learning targets set each year in a student's IEP to help them make progress in school.

Assistive Technology (AT): Tools or devices that help a student with disabilities learn & communicate, like speech-to-text software, hearing aids, or sensory fidgets.

Behavior Intervention Plan (BIP): A plan designed to improve a student's behavior in school. It includes strategies & supports to address behavior challenges, teach positive behaviors, & help the student succeed. A BIP can be part of an Individualized Education Program (IEP) but can also exist on its own or as part of a 504 plan.

Consent: Permission given by parents for the school to evaluate or provide special services to their child.

Corrective Action Plan: Following a formal complaint investigation, if MDE (Minnesota Department of Education) finds a violation they create a corrective action plan that lists the steps the school must take to solve the problems & make sure they follow the rules in the future.

Due Process: Due process means that everyone gets treated fairly & follows the same rules. If there is a problem or disagreement, there is a fair way to solve it & make sure everyone's rights are respected.

Due Process Hearing: A formal meeting to resolve disagreements between parents & the school about a child's special education or 504 plan.

Eligibility Meeting: A required meeting held after a student's special education evaluation is completed. The purpose is to discuss the results of the evaluation. The meeting involves parents, teachers, & other school staff. The team reviews the evaluation to decide if the student is eligible for special education services.

English Language Learner (ELL): A student who is learning English in addition to their native language.

Evaluation: Tests & observations to determine if a student has a disability & what their educational needs are.

Evaluation Planning Meeting: A commonly held, though not required, meeting to discuss & plan for a student's special education evaluation. It includes parents, teachers, & other school staff. The team talks about the concerns that led to the evaluation, what specific tests will be done, & who will be involved.

Exceptional Family Member Program (EFMP): A mandatory program that works with military & civilian agencies to provide comprehensive & coordinated community support, housing, educational, medical, & personnel services to families with special needs.



Extended School Year (ESY) Services: Special education services provided during the summer or other times outside the regular school day to prevent significant loss of skills. This is part of an IEP.

Family Educational Rights to Privacy Act (FERPA): A federal law that protects the privacy of student education records.

Free Appropriate Public Education (FAPE): The right of students with disabilities to receive education & services at no cost to the family, available in both IEPs & 504 plans.

Functional Behavioral Assessment (FBA): An evaluation process to understand the purpose or function of a student's behavior & to solve it.

Inclusion: Making sure all students, including those with disabilities, are part of regular classroom & school activities.

Independent Educational Evaluation (IEE): A test by a professional who does not work for the school district, requested by parents if they disagree with the school's evaluation.

Individualized Education Program (IEP): A written plan that describes the special education services & supports a student with disabilities will receive. It includes goals, services, modifications, & accommodations.

Individuals with Disabilities Education Act (IDEA): A law that makes sure students with disabilities get the help they need at school. This includes special education & other services to support their learning.

Least Restrictive Environment (LRE): The setting that allows students with disabilities to learn with their non-disabled peers as much as possible.

Manifestation Determination: A meeting to decide if a student's misbehavior is caused by their disability. This must happen before the school can give a big consequence, like a suspension of more than 10 days. If the behavior is because of the disability, the school must help the student with better support & not just consequence. The meeting includes parents, special education teachers, administration, & other staff such as social workers or counselors.

McKinney-Vento Homeless Assistance Act: A law that helps students who don't have a stable home. It makes sure they can go to school & get the support they need, like transportation & school supplies, even if they live in shelters, motels, or with other families.

Minnesota Department of Education (MDE): The state office that helps schools in Minnesota. They make rules & provide resources to ensure all students get a good education. They also help teachers & schools with programs & funding. They handle disagreements between parents & schools about IEPs & special education decisions.

Minnesota Human Rights Act (MHRA): Prohibits discrimination on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.

Migrant Education Program (MEP): A program that helps children of migrant farm workers with disabilities get the education & support they need. The program offers tutoring, extra classes, & other resources.

Modifications: Changes to what a student is expected to learn. For example, making a test simpler.

Occupational Therapist or Therapy (OT): Therapy that helps individuals make or regain skills needed for daily living & working.

Office for Civil Rights (OCR): A federal office that enforces civil rights laws in education.

Physical Therapy or Physical Therapist (PT): Therapy that helps improve movement & handle pain.

Present Levels of Academic Achievement & Functional Performance (PLAAFP): A part of the IEP that describes a student's current abilities & how their disability affects their learning.

Procedural Safeguards: Rules that protect the rights of students with disabilities & their parents. These rules make sure parents are involved in their child's education & know their rights. They include the right to participate in meetings, see school records, & disagree with decisions made about their child's education. Find the full list of safeguards here: education.mn.gov/MDE/dse/sped/proc/

Related Services: Extra services a student with disabilities may need to benefit from their education, these include speech therapy, occupational therapy, counseling, or transportation.

Section 504 Plan: A plan that gives accommodations to students with disabilities to ensure their academic success & access to the learning environment. It is different from an IEP because it usually does not include specialized instruction.

Specific Learning Disability (SLD): A disorder in one or more of the basic psychological processes involved in understanding or using language.

Transition Services: Services that help students with disabilities move from school to life after school, like college or work. This is included in IEPs & may also be part of a 504 plan for older students.

Twice Exceptional (2e): Term used for students who are both gifted & have learning disabilities or other special needs. This means they are gifted in one or more areas, like math or art, but also face challenges in other areas, like reading or paying attention. These students need special teaching strategies that can help them use their strengths while also supporting their difficulties.

Vocational Rehabilitation (VR): A program that helps people with disabilities explore, prepare for, find, & keep jobs.



NOTES



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Check out more resources online at gradeguides.greatmnschools.org