

## ***District 4183 Lionsgate Academy***

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

This document serves as the Total Special Education System Plan for *Lionsgate Academy* 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, sections 1400 et seq., 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).

Ryan Rehnstrand, *Lionsgate Academy's* special education director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration. Ryan may be reached at 612-351-4456.

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

The district's identification system is developed according to the requirement of nondiscrimination as *Lionsgate Academy* 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 (Child Find)**

*Lionsgate Academy* has developed systems designed to identify pupils with disabilities, who are of school age and are attending *Lionsgate Academy*.

*Lionsgate Academy's* plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. *Lionsgate Academy* implements its interventions consistent with that plan. *Lionsgate Academy* currently uses the severe discrepancy model as criteria to determine if a student has a severe learning disability.

#### **B. Evaluation**

*Lionsgate Academy* conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation shall consist 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 shall obtain an informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation shall not be 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.

Evaluations and reevaluations shall be conducted according to the following procedures:

- A. *Lionsgate Academy* 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, *Lionsgate Academy* shall:

- (1) use 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) 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) use technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

A. *Lionsgate Academy* ensures that:

- (1) tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not to 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 pupils 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 assess 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.

- B. 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.

- C. 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.
- 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 shall administer 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. Each district shall obtain 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 shall evaluate a pupil in accordance with this part before determining that the pupil is no longer a pupil with a disability.

When restrictive procedures are used twice in 30 days or when a pattern emerges and restrictive procedures are not included in a child's individualized education program or behavior intervention plan, the district must hold a meeting of the individualized education program team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. At the meeting, the team must review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

Procedures for determining eligibility and placement.

- A. In interpreting 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 shall:
  - (1) draw 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) ensure 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 must be developed for the pupil according to part 3525.2810.

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

- 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.
- A. *Lionsgate Academy's* plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as *Appendix A*.

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

*Lionsgate Academy* provides a full range of educational service alternatives. All students with disabilities are provided the special instruction and services which are appropriate to their needs. The following is representative of *Lionsgate Academy'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 or IFSP.

- A. Method of providing the special education services for the identified pupils:

Examples: one on one services, small group, direct, in-direct, co-teaching, etc.

- (1) Pull out in a special education setting- 1:1 with student and licensed service provider
- (2) Pull out in a special education setting- small group with 2-5 students and licensed service provide
- (3) Push-in in a special education or general education setting- service provider goes into the classroom to work with the student on individualized goals to generalize skills
- (4) Indirect services- service provider consults with other professionals that work with the student (ex: gen ed teachers, case manager, educational assistants) to generalize skills to other staff and performs observations ensure maintenance of skills
- (5) Co-teaching- Special education service provider co-teaches with a general education teacher in the general education setting
- (6) Community based instruction- service provider works with students in the authentic environment such as grocery store or movie theater
- (7) Job Coach- specially trained educational assistants provide onsite direction and support to students as directed by the special education provider.

B. Alternative sites available at which services may occur:

- a. Services may be provided at home or in a hospital if a student's IEP team determines that homebound services are necessary based on health or other needs.

C. Available instruction and related services:

**Related Services:**

- (1) Speech & Language services
- (2) Occupational Therapy services
- (3) Developmentally Adaptive Physical Education
- (4) Social Competency services (social skills training)
- (5) Social Communication
- (6) Emotion Regulation services (counseling/social work)
- (7) School Psychology services
- (8) Nursing services (licensed school nurse)
- (9) Autism Specialist services

**Specially Designed Instruction:**

- (1) 18-21 Transition services (designed to address 18-21 year old student's needs in the areas of post secondary education, employment, and independent living)
- (2) Transitions services (designed to address 7<sup>th</sup>-12<sup>th</sup> grade student's needs in the areas of post secondary education, employment, and independent living)

- (3) Deaf/Hard of Hearing services: Independent Contractor
- (4) Orientation and Mobility services: Independent Contractor
- (5) Audiology services: Independent Contractor
- (6) Physical Therapy services: Independent Contractor
- (7) Vision services: Independent Contractor
- (8) Case Management services
- (9) Emotional & Behavioral Support: resource room supported by licensed special education staff for students with needs in these areas
- (10) Foundations Math: Specially designed instruction and functional curriculum for students who are more than two grade levels below their same age non disabled peers taught by a special education teacher.
- (11) Foundations Language Arts: Specially designed instruction and functional curriculum for students who are more than two grade levels below their same age non disabled peers taught by a special education teacher.
- (12) Foundations Science: Specially designed instruction and functional curriculum for students who are more than two grade levels below their same age non disabled peers taught by a special education teacher.
- (13) Foundations Social Studies: Specially designed instruction and functional curriculum for students who are more than two grade levels below their same age non disabled peers taught by a special education teacher.
- (14) Success Math: Specially designed instruction for students who are one or two grade levels below their same age non disabled peers taught by a special education teacher.
- (15) Success Language Arts: Specially designed instruction for students who are one or two grade levels below their same age non disabled peers taught by a special education teacher.
- (16) Language Arts Skills: Specially designed instruction for students who are one or two grade levels below their same age non disabled peers taught by a special education teacher and focused specifically on writing. Students receiving this service and enrolled in this class usually also take a general education language arts class simultaneously.
- (17) Life Skills Math:
- (18) Inclusion services: services and support provided by a special education teacher in the general education class (Social Studies, Science, Math, Language Arts)
- (19) Organization services
- (20) Self Advocacy services
- (21) Study Skills services
- (22) Executive Function services

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

*Lionsgate Academy 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 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:

*Ryan Rehnstrand - Director of Student Services*

*rrehnstrand@lgamn.org*

*612-351-4456*

*Ryan supervises all case managers, support services, 1:1 educational assistants, and resource room educational assistants. She provides training to all licensed special education staff on due process requirements and compliance writing. Ryan collaborates with support service staff, general education teachers, and case managers to problem solve strategies and solutions for students who are struggling in a variety of areas during the school day (academically, socially, emotionally, behaviourally, etc). Ryan collaborates with other staff to design and implement processes and procedures for ensuring implementation of all components of IEP's. Ryan communicates weekly to special education staff any updates from MDE, best practice strategies for working with students with disabilities, and assists in reviewing all due process documents for compliance before finalizing.*

*Theresa O'Donnell/Julie Flexhaug/[todonnell@lgamn.org](mailto:todonnell@lgamn.org) [flejul@lgamn.org](mailto:flejul@lgamn.org)*

*Theresa supervises special education inclusion and transition teachers, She provides training to all licensed special education staff on due process requirements and compliance writing. Theresa collaborates with support service staff, general education teachers, and case managers to problem solve strategies and solutions for students who are struggling in a variety of areas during the school day (academically, socially, emotionally, behaviorally, etc). Theresa collaborates with other staff to design and implement processes and procedures for ensuring implementation of all components of IEP's. Theresa communicates weekly to special education staff any updates from MDE, best practice strategies for working with students with disabilities, and assists in reviewing all due process documents for compliance before finalizing.*

*Sarah Schaefer, Dani Pannick & Jeffrey Osterhout - School Psychologists*

*[schsar@lgamn.org](mailto:schsar@lgamn.org), & [josterhout@lgamn.org](mailto:josterhout@lgamn.org)*

*612-351-4567*

*Amanda & Jeffrey assist in early identification of students' learning and adjustment problems, conduct assessments appropriate to the focus of concern and according to prevailing professional standards, conduct assessments with consideration of the characteristics of the student or group of students (including ethnic, cultural, socio-economic, and other consideration(s)). They assist in identifying factors in the learning environment that may affect the student and assess their degree of impact, integrate data from assessment procedures and develop hypotheses relative to (1) instructional and educational programming and (2) program eligibility and placement. They also assist in planning and developing interventions and programs.*

*Julie Berris – EA Supervisor MTKA*

*jberris@lgamn.org*

*612-351-4572*

*Ryan Meissner – EA Supervisor SHV*

*rmeissner@lgamn.org*

*612-351-4572*

Jessica Bjorkman – North Saint Paul Site Director  
jbjorkman@lgamn.org  
651-348-6574

*Additional Information:*

- B. Due Process assurances available to parents: *Lionsgate Academy* 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) *Lionsgate Academy* 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. *Lionsgate Academy* 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, *Lionsgate Academy* informs parents of other dispute resolution processes, including at least medication 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 *Lionsgate Academy* Procedure Safeguard Notice, attached as *Appendix B*.

#### **IV. Operating Procedures of Interagency Committees**

##### **A. Community Transition Interagency Committee:**

#### **IV. Operating Procedures of Interagency Committees**

**Lionsgate Academy does not have a membership with an interagency agreements or joint powers board agreements, however, we are fortunate to work with Washburn that need additional services**

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

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

- A. *Lionsgate Academy's* Special Education Advisory Council/Parent Advisory Council is individually established.
- B. *Lionsgate Academy's* Special Education Advisory Council consists of the following individuals:
- (1) School District Employee: Ryan Rehnstrand
  - (2) School District Employee: Diane Halpin
  - (3) Parent of Student with Disability: Heather Adams
  - (4) Parent of Student with Disability: Wendy Rehnstrand
  - (5) Parent of Student with Disability: Lisa Moss
  - (6) Parent of Student with Disability: Andy Saunders
- C. *Lionsgate Academy's* Special Education Advisory Council meets during fall and winter school dances 6:30pm at: *Lionsgate Academy*, 5605 Green Circle Drive, Minnetonka, MN 55343.
- D. The operational procedures of *Lionsgate Academy's* Special Education Advisory Council are attached as *Appendix D*.

#### **VII. Assurances**

Code of Federal Regulations, section 300.201: Consistency with State policies. *Lionsgate Academy*, 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.**

**No: Assurance cannot be given.**