



## Total Special Education System (TSES) Manual Updated October 2023

This document serves as the Total Special Education System Plan for North Lakes 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, 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).

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### I. Child Study Procedures

The District's identification system is developed according to the requirement of nondiscrimination as North Lakes 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:

North Lakes Academy's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. North Lakes Academy implements its interventions consistent with that plan.

North Lakes Academy does not use the R.T.I. process to identify students with a disability. North Lakes Academy's plan for identifying a child with a specific learning disability is attached as Appendix A.

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, sections 1400 et seq., 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). North Lakes Academy 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.

## **B. Evaluation:**

### ***Evaluation Procedures***

*North Lakes Academy* conducts full and individual initial evaluation for its enrolled students, grade Kindergarten through grade twelve, 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 are conducted according to the following procedures:

- A. *North Lakes 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, *North Lakes Academy*:
  - (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 progress 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. *North Lakes Academy* ensures that:

- (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not discriminate 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 the 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.

The district **is prepared** 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**

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

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

*North Lakes 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 *North Lakes 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:
  - (1) one on one services
  - (2) small group
  - (3) direct services
  - (4) indirect services
  - (5) co-teaching

A. Sites available at which services may occur:

- (1) Upper School, serving grades 9-12, 308 15th Street Southwest, Forest Lake, MN 55025
- (2) Middle School, serving grades 6-8, 4576 232nd Street North, Forest Lake, Minnesota 55025
- (3) Elementary School, serving grades K-5, 4576 232nd Street North, Forest Lake, Minnesota 55025

B. Available instruction and related services:

- (1) School Psychology
- (2) Occupational Therapy
- (3) Deaf/Hard of Hearing
- (4) Audiology
- (5) Speech/Language
- (6) Nursing
- (7) Consultant for the Physically Impaired
- (8) Physical Therapy
- (9) Early Childhood Special Education
- (10) Developmental Adaptive Physical Education
- (11) School Social Worker
- (12) Other services required by the I.E.P.

Should a child demonstrate a need beyond what the school programs for, the district takes full responsibility to work collaboratively with the resident district to identify appropriate placement options for the student. This could include access to programs specializing in Cognitive Disabilities, Autism Spectrum Disorders, Emotional Behavioral Challenges for those students who struggle in our small and highly structured environment.

**III. Administration and Management Plan**

North Lakes 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 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:

<p><b>Staff Name and Title</b></p>	<p><b>Contact Information (phone/email/ mailing address/office location)</b></p>	<p><b>Brief Description of Staff Responsibilities Relating to Child Study Procedures and Method of Providing Special Education Services</b></p>
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<p>Cecelia Dodge Executive Director</p>	<p>(651) 982-2773 ext. 102 cdodge@northlakesacademy.org Office located at: North Lakes Academy K8 School 4576 232nd Street North Forest Lake, MN 55025</p>	<p>Reviews existing intervention data to determine if scientifically-based interventions are being effective, or if other interventions should be attempted, or if a special education evaluation is recommended. Provides evaluation of K-8 special education staff.</p>
<p>Christopher Stewart Upper School Building Lead</p>	<p>651-797-6289 cstewart@northlakesacademy.org Office located at: North Lakes Academy Upper School 308 15th Street Southwest Forest Lake, MN 55025</p>	<p>Reviews existing intervention data to determine if scientifically-based interventions are being effective, or if other interventions should be attempted, or if a special education evaluation is recommended. Provides evaluation of upper school special education staff.</p>
<p>Cory Lushanko K-8 Dean of Students</p>	<p>(651) 982-2773 ext. 104 clushanko@northlakesacademy.org Office located at: North Lakes Academy K-8 Building 4576 232nd Street North Forest Lake, Minnesota 55025</p>	<p>Coordinates, schedules and facilitates child study team meeting process. Provides evaluation of elementary school special education staff.</p>
<p>Todd Nesvold K-8 Building Lead/Special Education Coordinator</p>	<p>(651) 982-2773 ext.105 tnesvold@northlakesacademy.org Office located at: North Lakes Academy K-8 Building 4576 232nd Street North Forest Lake, MN 55025</p>	<p>Reviews existing intervention data to determine if scientifically-based interventions are being effective, or if other interventions should be attempted, or if a special education evaluation is recommended.</p>
<p>Kori Ryan Special Education Director</p>	<p>(612) 225-5394 <a href="mailto:kryan@indigoed.org">kryan@indigoed.org</a> Office located at: INDIGO Education 451 Lexington Parkway North, Suite 1700 St. Paul, MN 55104</p>	<p>Oversees and supports full district special education programs and processes</p>

B. Due Process assurances available to parents: North Lakes 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) North Lakes 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. North Lakes 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, North Lakes Academy 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 North Lakes Academy's Procedural Safeguard Notice, attached as Appendix C.

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

North Lakes Academy has not entered into any interagency agreements or joint powers board agreements.

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

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

- A. North Lakes Academy Special Education Advisory Council is individually established.
- B. North Lakes Academy Special Education Advisory Council is not a subgroup of an existing board/council/committee.
- C. At least half of North Lakes Academy parent advisory councils' members are parents of students with a disability.

The district does not have a nonpublic school located in its boundaries, and therefore does not need 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.

Each local council meets no less than once each year.

- D. North Lakes Academy Special Education Advisory Council meets in the spring of each year, on a date determined by considering the availability of its members.
- E. The operational procedures of North Lakes Academy Special Education Advisory Council's are attached as Appendix D.

## **VI. Assurances**

Code of Federal Regulations, section 300.201: Consistency with State policies. North Lakes 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)).

## Appendix A: Identifying a Child with a Specific Learning Disability

North Lakes Academy uses the state's discrepancy model to identify students with a specific learning disability. The team shall determine that a pupil has a specific learning disability and is in need of special education and related services when the pupil meets the criteria described in items A through C. Information about each item must be sought from the parent and included as part of the assessment data. The assessment data must confirm that the disabling effects of the pupil's disability occur in a variety of settings.

A. The pupil must demonstrate severe underachievement in response to usual classroom instruction. The performance measures used to verify this finding must be both representative of the pupil's curriculum and useful for developing instructional goals and objectives. The following assessment procedures are required at a minimum to verify this finding:

(1) Evidence of low achievement from sources such as cumulative record reviews, classwork samples, anecdotal teacher records, formal and informal tests, curriculum based assessment results, and results from Federal and Minnesota Rules for SLD 1-3 Minnesota Rule SLD Companion Manual instructional support programs such as Chapter I and Assurance of Mastery; and

(2) at least one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child served through an Early Childhood Special Education program or who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.

B. The pupil must demonstrate a severe discrepancy between general intellectual ability and achievement in one or more of the following areas:

oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, or mathematical reasoning.

The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The team shall consider these standardized test results as only one component of the eligibility criteria.

(1) The instruments used to assess the pupil's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures.

(2) For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the pupil's chronological age level.

C. The team must agree that it has sufficient assessment data that verify the following conclusions:

(1) The pupil has an information processing condition that is manifested by such behaviors as: inadequate or lack of organizational skills (such as in following directions, written and oral; spatial arrangements; correct use of developmental order in relating events; transfer of information onto paper), memory (visual and auditory), expression (verbal and nonverbal), and motor control for written tasks such as pencil and paper assignments, drawing, and copying;

(2) the disabling effects of the pupil's information processing condition occur in a variety of settings; and

(3) the pupil's underachievement is not primarily the result of: vision, hearing, or motor impairment; mental impairment; emotional or behavioral disorders; or environmental, cultural, economic influences; or a history of an inconsistent education program.

A. The team shall prepare a written report of the results of the evaluation.

B. The report must include a statement of— (1) whether the child has a specific learning disability; (2) the basis for making the determination; (3) the relevant behavior noted during the observation of the child; (4) the relationship of that behavior to the child's academic functioning; (5) the educationally relevant medical findings, if any; (6) whether there is a severe discrepancy that is not correctable without special education and related services; and (7) the determination of the team concerning the effects of environmental, cultural, or economic disadvantages.

C. Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her own conclusions.

### Over-Ride Procedures

In rare cases, the team may depart from the recommended standardized instruments or procedures in determining that a severe discrepancy exists and override procedures must be followed. The following must be documented (M.R. 3525.1354, Subp. 1).

1. An explanation in the ASR of why the standards and procedures that are used with the majority of students resulted in invalid findings for the student.
2. An indication of the objective data used to conclude that the student has a disability and is in need of specialized instruction, which may include the following: test scores, work products, self-reports, teacher comments, previous assessments, observational data, ecological assessments, other developmental data.
3. An indication of which data has the greatest relative importance for the eligibility decision based on a synthesis of multiple data sources assuming that not all data sources provide equally valid information.

4. The team members must sign the ASR agreeing to the override decision. For those team members who disagree, a statement of why they disagree with their signature must be included. There must be documentation of all three SLD eligibility components in the ASR.

## Appendix B: Plan for Receiving Referrals

1. North Lakes Academy has established a STAR child-find system of referral and identification for special education evaluation.
  - i. The Upper School STAR process is facilitated by the building administrator, Jaime Goulet, and meets the third Tuesday of each month or more frequently as warranted. The team consists of all Upper School staff with knowledge of the student.
  - ii. The Middle School STAR process is facilitated by the building administrator, Matt Anderson, and meets twice monthly. The Middle School team consists of a Grade 5/6 team and Grade 7/8 team. Specialist and a special education representatives participate on each team.
  - iii. The Elementary STAR process is facilitated by building administrator, Matt Anderson, and meets twice monthly. The Elementary team consists of a Grade K/1/2 team and Grade 3/4/5 team. Specialists and a special education representatives participate on each team.
  - iv. A staff member, member of the school, or parent, brings a concern forward. Referrals may come from outside agencies, physicians, social workers, child care providers, and other individuals having knowledge of the student
  - v. A record of all students referred and the follow up to that referral will be maintained.
  - vi. The following steps take place:
    1. Student concern is voiced.
    2. Parent is contacted.
    3. Interventions are identified, implemented, and documented.
    4. Intervention data is reviewed and a determination to continue interventions or refer for special education evaluation is made.

**Appendix C: North Lakes Academy Procedural Safeguards Notice**



**PART B NOTICE OF PROCEDURAL SAFEGUARDS  
PARENTAL RIGHTS FOR PUBLIC SCHOOL  
SPECIAL EDUCATION STUDENTS**

Please click on link below to access:

[Part B Notice of Procedural Safeguards, parental rights for public school special education students.](#)

## **Appendix D: North Lakes Academy Special Education Advisory Council's Operational Procedures**

The North Lakes Academy Special Education Advisory Committee (SEAC) will meet at least annually, generally coinciding with spring conferences, with the majority of its members consisting of parents who have students with disabilities that are currently attending North Lakes Academy. Members will be recruited using the weekly newsletter.

Meetings will be co-facilitated by a special education designee and a nominated parent representative. Meetings will have written agendas and meeting minutes. SEAC advice will be communicated to the school board through an administrative representative.