



## **Southside Family Charter School Total Special Education System (TSES)**

*Updated November, 2025*

This document serves as the Total Special Education System Plan for **Southside Family Charter School (SFCS)** 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 **SFCS** 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**

**Southside Family Charter School (SFCS)**, a charter school serving students in grades k through 5, has developed systems designed to identify pupils with disabilities who attend this school. **SFCS** plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341 and continues to utilize the discrepancy model (Appendix A).

#### **B. Evaluation**

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

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

## ***Evaluation Procedures***

Evaluations and reevaluations are conducted according to the following procedures:

- A. **SFCS** 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, **SFCS**;
  - (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. **SFCS** ensures that:
  - (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
  - (2) Materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
  - (3) Any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
  - (4) The child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
  - (5) Evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
  - (6) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;
  - (7) Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
  - (8) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and

- (9) In evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.
- D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section 125A.02, shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.
- E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under parts 3525.1325 to 3525.1351.

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

- A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part 3525.3100, the IEP team and other qualified professionals, as appropriate, shall:
  - (1) Review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
  - (2) On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section 125A.02, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.
- B. The district administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).
- C. The district obtains informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain such consent and the pupil's parent has failed to respond.
- D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.
- E. A district evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.

### ***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**

**SFCS** 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**

**SFCS** 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 **SFCS** 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) Direct
- (2) Indirect
- (3) Small Group
- (4) One-on-one services
- (5) Co-teaching
- (6) Pullo-out/self-contained
- (7) Homebound

B. Sites available at which services may occur:

- (1) All services are provided at the district's location

C. Available instruction and related services:

- (1) Speech and Language
- (2) Occupational Therapy
- (3) Psychological services
- (4) Developmental Adaptive Physical Intervention
- (5) Vision Impairment services
- (6) Deaf/Hard of Hearing services
- (7) Social/Behavioral Skills

### III. Administration and Management Plan

**SFCS** 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:

Executive Director	Jamesha Hodge, <a href="mailto:jamesha@southsidefamilyschool.org">jamesha@southsidefamilyschool.org</a>	Provides oversight of all school processes.
Director of Special Education	Nandi Rieck, <a href="mailto:nrieck@designlearn.net">nrieck@designlearn.net</a>	Provides oversight of all aspects of the special education program.
Special Education Teacher(s)		Provides direct instruction to students; completes evaluations, IEP's and progress reporting.
General Education Teacher(s)		Provides direct instruction and intervention; Ensures child find.

B. Due Process assurances available to parents: **SFCS** 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) **SFCS** 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. **SFCS** 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, **SFCS** 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 **SFCS** Procedure Safeguard Notice, attached as Appendix C.

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

**SFCS** has not entered into any interagency agreements or joint powers board agreements for eligible children, ages 3 to 21, to establish agency responsibility that assures that interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources.

## V. Special Education Advisory Council

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

- A. **SFCS** Special Education Advisory Council is individually established.
- B. **SFCS** Special Education Advisory Council is not a subgroup of an existing committee.
- C. At least half of **SFCS** parent advisory councils' members are parents of students with a disability and/or students.
- D. **SFCS** Special Education Advisory Council meets annually.
- E. The operational procedures of **SFCS** Special Education Advisory Council are attached as Appendix D.

## VI. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. **SFCS**, 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 annually.

## Appendix A: Specific Learning Disability (SFCS uses A, B & C)

"Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The disorder is:

- manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the individual does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment.
- demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorder; or environmental, cultural, economic influences, limited English proficiency or lack of appropriate instruction in reading or math.

A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, and C or in items A, B, and D below. Information about each item must be sought from the parent and must be included as part of the evaluation data. The evaluation data must confirm that the effects of the child's disability occur in a variety of settings. The child must receive two interventions, as defined in Minnesota Statutes, section 125A.56, prior to evaluation, unless the parent requests an evaluation or the IEP team waives this requirement because it determines the child's need for an evaluation is urgent.

- A. The child does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation or mathematical problem solving, in response to appropriate classroom instruction and either:
- 1) the child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based interventions (SRBI) or:
  - 2) the child exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age, state-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability. The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives. Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; class work samples; anecdotal teacher records; statewide and district-wide assessments; formal, diagnostic, and informal tests; curriculum-based evaluation results; and results from targeted support programs in general education.
- B. The child has a disorder in one or more of the basic psychological processes which includes an

information processing condition that is manifested in a variety of settings by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.

- C. The child demonstrates 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, reading fluency, mathematics calculation or mathematical problem solving. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider these standardized test results as only one component of the eligibility criteria. The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures. 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 child's chronological age level.
- D. The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI, which may be used prior to a referral or as part of an evaluation for special education. A minimum of 12 data points are required from a consistent intervention implementation over at least seven school weeks in order to establish the rate of progress. The rate of progress is adequate when the child's:
- 1) rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
  - 2) progress will likely not be maintained when instructional supports are removed;
  - 3) level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.

## **Appendix B: Plan for Receiving Referrals**

### **How do I refer my child?**

Parents, teachers, physicians or any concerned person can refer a student for potential special education services.

Referrals for students in Grades 9-12 may be made by contacting Kari Mackey at [kmackey@mnSFCS.org](mailto:kmackey@mnSFCS.org).

Once a referral is received, a team of professionals will meet to review the concerns and determine how to proceed. Options available to the team in attempting to resolve the reported academic or behavior problem include:

- developing and implementing interventions within the general education setting that are designed to target the identified problem;
- making a referral to the [Section 504](#) team to determine if the student is eligible for and needs an Accommodation Plan.
- conducting a comprehensive evaluation to determine if the child is eligible for and needs special education instruction. If an evaluation is warranted, parents will be asked for their written permission to assess their child before any testing occurs.

### **What must occur prior to a special education evaluation for K-12 Students?**

To assure that students are given ample opportunity to succeed within the general education program, [Minnesota Statute 125A.56](#) requires that schools implement and document at least two “instructional strategies, alternatives or interventions” within the general education classroom prior to referring a child for special education evaluation. This stage is called the ‘pre-referral process.’ In many instances, the child’s needs can be met by changing instructional strategies or through other interventions within the general classroom.

The duration of the pre-referral interventions are based on the individual child’s needs. The interventions must be of sufficient duration to allow the child to succeed from the new instructional strategies and/or interventions. However, the pre-referral process must not be used to unduly delay a special education evaluation if it becomes apparent the interventions are not successful.

## **Appendix C: Procedure Safeguard Notice**

The most current version of the *Procedural Safeguards Parental Rights For Public School Special Education Students* can be located by clicking on the following link:

<https://education.mn.gov/MDE/fam/sped/rights/>

The safeguards are available in multiple languages at the above site.

You may request that a hard copy be mailed to you by contacting Shana Galloway at [shana@southsidefamilyschool.org](mailto:shana@southsidefamilyschool.org).

## **Appendix D: Special Education Advisory Council**

Minnesota Statute 125A.24 requires school district to have a special education advisory council. The guiding principles of the SFCS Special Education Advisory Council are to:

- Increase the involvement of parents of children with disabilities in program and district decision making.
- Serve as an information source for parents, students, staff, administration, community members and the SFCS Board of Directors regarding special education programs and policies of SFCS.
- Support the needs of students with disabilities.

1. All parents of students identified with a disability are invited to participate in the SFCS Special Education Parent Advisory Council.
2. Meetings are held at least one time per year.
3. Meetings will be announced through written invitation/notification at least one month in advance of the meeting.
4. 50% of the SFCS Special Education Parent Advisory Council members will identify themselves as parents of students identified with a disability and/or students identified with a disability.
5. The mission of SFCS Special Education Parent Advisory Council is to provide a forum for parents, students and staff to share ideas, identify concerns, and advise the district, in order to improve services for children with disabilities.