



## North Dakota Department of Public Instruction Special Education Responsibilities of Marmot School

Nov. 2013

### Marmot School at the North Dakota Youth Correctional Center

The following are special education responsibilities of the Marmot School at the Youth Correctional Center (YCC) when students with an Individual Education Plan (IEP) are placed at the facility. The school will need to provide evidence of meeting each of these responsibilities when monitoring is conducted by the Special Education Unit of DPI. A monitoring activity that looks at adherence to these responsibilities will occur every 5 years to ensure compliance, and more often when complaints received by the Special Education Unit warrant such monitoring efforts.

Responsibility	Evidence of Compliance	Discussion
1. Annually gain approval as an “approved” school from State Superintendent’s office.  -NDCC Section 15.1-06-06.1	Compliance is met if the school is on the state approved list of North Dakota schools.	All schools in North Dakota must seek annual approval from the state Superintendent’s office. That application must be made by October of each year.
2. When a student with an IEP is initially placed at YCC, the school will notify the resident district of the placement, and that comparable special education and related services will begin. It should also initiate the discussion to set up the required IEP meeting.  -CFR 300.2 -CFR 300.323 -NDCC 15.1-32-04 -Interagency Agreement	Compliance is met if the school can show that they have made such notification to the resident district or its special education unit director.	Under the federal regulations, ND Century Code, and the Interagency Agreement, the Marmot School, in cooperation with the resident district, is responsible for making sure that comparable special education and related services are implemented as soon as is reasonable, given the correctional nature of the setting. The notice from the facility should also inform the resident district of possible meeting times to discuss necessary changes to the special education program because of the change in placement. This notice is provided by the DJS case manager/educational custodian and is made to the resident district, rather than the special education unit.
3. Participation in each meeting to establish or review the special ed. program.  -CFR 300.2 -CFR 300.321 -NDCC 15.1-32-04 -Interagency Agreement	Compliance is met if one or more representatives of the school are listed as participating on the cover page of the IEP.	The participation of a school district representative who can commit district public resources is required in federal regulations. The participation of a facility representative who can commit the public resources of the Youth Correctional Center is required by NDCC. Participation by educational staff of Marmot School could fulfill this requirement and would also fulfill requirements for IEP or Evaluation team membership (gen. ed. tchr., special ed. tchr., etc.).

Responsibility	Evidence of Compliance	Discussion
<p>4. In cooperation with the resident district, provide special ed. and related services listed on IEP.</p> <p>-CFR 300.2 -NDCC 15.1-32-04 -Interagency Agreement</p>	<p>Compliance is met if the school can demonstrate that it implemented the special education and related services in the manner that was discussed at the IEP meeting; and, that if there was a problem, an IEP meeting was held to consider it.</p>	<p>The IEP outlines what was discussed and agreed to at the IEP team meeting. The resident district and Marmot School need to make sure that the IEP is implemented as written. They are required to reconvene the IEP team if a problem arises that may be cause for the IEP to not be implemented as discussed and written. Issues specific to the correctional setting (participation in statewide testing, services during lockdown, etc.) should be included in the discussion and can be written into the IEP so that frequent IEP meetings would not be necessary.</p>
<p>5. Initiate, complete and document IDEA procedures, including TieNet entries.</p> <p>-CFR 300.2 -NDCC 15.1-32-04 -Interagency Agreement</p>	<p>Compliance is met with required documentation entered into the TieNet system.</p>	<p>The Interagency Agreement explains the cooperation with the resident district in making sure that paperwork and procedural compliance issues of federal regulations and state code are met. Marmot School special education staff has assumed case management responsibilities and will initiate and complete IDEA procedures and document them in the TieNet system. It is suggested that the staff use the DPI Special Education Unit's <b>Self Assessment Tool Kit</b> to clarify these procedural issues whenever there is a question.</p>
<p>6. Provide resident district/special ed. unit &amp; parents with progress reports.</p> <p>-CFR 300.2 -CFR 300.320 -NDCC 15.1-32-04</p>	<p>Compliance is met if the school has progress reports entered in TieNet.</p>	<p>Federal regulations require communications regarding special education progress as often as is provided to students without disabilities in the school, or as listed in the student's IEP. Communications to parents from the facility must all go through the DJS case manager/educational custodian.</p>