

# MINNETONKA PUBLIC SCHOOLS

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## **POLICY #608: Instructional Services – Special Education**

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### **I. PURPOSE**

The District believes that all children deserve the opportunity to pursue their individual potential and are committed to providing services and educational opportunities to meet the diverse needs of students. The purpose of this policy is to ensure that the School District carries out these expectations of the School Board and complies with the requirements of law as mandated to assure that students who are in need of special education services are appropriately identified and afforded a free and appropriate public education.

### **II. GENERAL STATEMENT OF POLICY**

The School District values each individual and believes that all students deserve the opportunity to pursue their highest levels of academic and personal achievement. The District also recognizes that some students need special education services to enable them to achieve according to their individual potential. The District is committed to complying with the requirements of law as it provides for educational opportunities and recognizes the importance of providing a free and appropriate public education and delivery system for students in need of special education.

### **III. DEFINITIONS**

For the purpose of the policy, the following terms have the meaning given them in this section:

- A. “Special Education” means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.
- B. “Child with a Disability” means a child having mental retardation, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, a significant developmental delay, or multiple disabilities and the severity of the impairment or delay meets federal or state criteria and the child by reason thereof, needs special education and related services. Children may be between the ages of birth through twenty-one years old. Children under the age of three may be considered a “Child with a Disability” if they have a medical condition known to hinder development.
- C. “Free and Appropriate Public Education”, or FAPE, means special education and related services that are provided at public expense, under public

supervision and direction, and without charge to the parent. Services must be provided that are reasonably calculated to provide educational benefit.

- D. “Individual Education Plan”, or IEP, means a written document for a child with a disability that identifies the specific special education services, quantity and location of services and the learning goals. Parents or guardian and the school staff meet annually to develop the IEP.
- E. “Related Services” means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education instruction. These services may include speech-language and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling, including rehabilitation counseling, orientation and mobility services, and medical services (except that such medical services will be for diagnostic and evaluation purposes only). Related services also include school health services, school social work services, and parent counseling and training.

#### **IV. RESPONSIBILITIES**

- A. The School Board accepts its responsibility to identify, evaluate, and provide special education and related services for disabled children who are the responsibility of the Minnetonka School District and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.
  - 1. Identification: The School District is legally responsible for identifying all children within District boundaries who may have a disability as defined in this policy (Section III.B). The District will ensure that both public and non-public school children within the District are identified.
  - 2. Evaluation: If a child is suspected of being a “Child with a Disability” the District is responsible for developing and completing an evaluation to determine if the child has a disability as defined in this policy. The District will ensure that public and non-public school children are evaluated in accordance with applicable federal and state law.
  - 3. Provision of special education and related services: The District shall ensure that all Minnetonka School District students who are identified as a “Child with a Disability,” as delineated in state and federal law, are afforded special education and related services that are free and appropriate to their educational needs.

The provision of special education and related services for a “Child with a Disability” residing within the Minnetonka School District’s attendance area but not attending the public school will be provided as set forth in Minnesota and federal law.

The District will provide services at the student's neighborhood school or another designated school within the District to the maximum extent as appropriate. However, when a student's needs cannot be provided for within the District's programs, those services may be provided in cooperation with other districts and agencies.

- B. The District shall ensure that parents and guardians of children who have disabilities are informed of their special education rights, also referred to as "procedural safeguards". The District will provide the Procedural Safeguards Notice to parents and guardians on an annual basis.
- C. The District will follow the procedures for providing special education services as detailed in the Total Special Education System Manual. The manual is available from the District's Executive Director of Student Support Services and the Minnesota Department of Education.
- D. When such services require or result from interagency cooperation, the District shall participate in such interagency activities in compliance with applicable federal and state law.

***Legal References:*** Minnesota Statute § 124D.03 (Enrollment Options Program)  
Minnesota Statute § 125A.02 (Definition of Child with a Disability)  
Minnesota Statutes §125A.027, 125A.03, 125A.08, 125A.15 and 125A.29 (District Obligations)  
20 U.S.C. §1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
Minnesota Statute § 3525.1100 (Total Special Education System)

*Approved: January 4, 2007*