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Rescinds: IHBHA

Burnsville-Eagan-Savage School District Policy 608

608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION

I. PURPOSE

The purpose of this policy is to set forth the position of the Independent School District 191 School Board on the need to provide special education and related services to some students in the District.

II. GENERAL STATEMENT OF POLICY

Consistent with federal and Minnesota law, special education instruction and related services will be provided to all children with disabilities ages birth through 21 or graduation, who need and meet the eligibility criteria for special education instruction and related services. Special education instruction and related services included on a child's Individual Education Program (IEP) plan, Individual Interagency Intervention Plan (IIIP) or Individual Family Service Plan (IFSP) will be provided at no cost to the parent or guardian of the child.

III. CHILDREN BIRTH THROUGH AGE SIX EXPERIENCING DEVELOPMENTAL DELAYS

- A. "Child with a disability" means a child identified under federal and state special education law as deaf or hard-of-hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children. A licensed physician, an advanced practice registered nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability.
- B. In addition to Paragraph A, every child under age three and, at local district discretion, every child from age three through age six, who needs special instruction and services, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children under age three and by the rules of the Commissioner of the Minnesota Department of Education for children ages three through six, because the child has a substantial

delay or has a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay is a child with a disability.

- C. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner of the Minnesota Department of Children, Youth, and Families for children from birth through age two and by the rules of the Commissioner of the Minnesota Department of Education for all other children, is not a child with a disability.

VI. RESPONSIBILITIES

- A. The school board accepts its responsibility to identify, evaluate, and provide special education instruction and related services to children with disabilities who are the responsibility of the District and who meet the eligibility criteria to qualify for special education and related services as set forth in Minnesota and federal law.
- B. The District shall ensure that all qualified children with disabilities are provided the special education and related services that are appropriate to their educational needs.
- C. 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.
- D. The school district may conduct an assessment for developmental adapted physical education, as defined in Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a comprehensive evaluation of the student in accordance with prior written notice provisions in Minnesota Statutes, section 125A.091, subdivision 3a. A parent or guardian may request that the school district conduct a comprehensive evaluation of the parent's or guardian's student.

Legal References: Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 125A.02 (Definition of Child with a Disability)
Minn. Rules Ch.3525 (Department of Education: Child with a Disability)
Minn. Stat. §§ 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)

Cross References: Burnsville-Eagan-Savage School District Policy 402 (Disability Nondiscrimination Policy)
Burnsville-Eagan-Savage School District Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)
Burnsville-Eagan-Savage School District Policy 509 (Enrollment of Nonresident Students)

Burnsville-Eagan-Savage School District Policy 521 (Student Disability
Nondiscrimination)