

## **~~5155—SPECIAL EDUCATION SERVICES FOR STUDENTS WITH DISABILITIES~~**

~~The School Board affirms the right of every disabled student to a free and appropriate education at public expense. Special education services shall focus on developing in each student skills and abilities that will assist him/her to perform to the extent possible as an independent adult.~~

### ~~1. Student with Disabilities—School Ages~~

~~School Age means the ages from three (3) to twenty one (21) years for persons who are handicapped as defined in Minnesota Statutes 1984 120.03 and shall not extend beyond secondary school or its equivalent. Students with disabilities are eligible for special education services provided they are three (3) years of age on or before September 1 of the current academic year. The School District may provide services for 0-2 year old severely to profoundly hearing impaired children if services from other community agencies are not available. Children with handicaps, ages 0-2, shall be identified, located, and evaluated by school district personnel. The School District may provide special instruction and services for children with disabilities who have not attained school age. A birth certificate or other satisfactory proof of age shall be required to substantiate age eligibility.~~

### ~~2. Rights of Students with Disabilities~~

- ~~a. Parent/guardian or student (when appropriate) shall receive notification of all due process procedures.~~
- ~~b. Parent/guardian or student (when appropriate) involvement in the determination of Special Services (Individual Educational Plan within the least restrictive environment).~~
- ~~c. Physical accessibility to programs which meet each student's educational needs.~~

### ~~3. Formal Educational Assessment of Students with Disabilities~~

~~A formal educational assessment shall be conducted prior to the initiation of, or change, in Special Education services or programs, and at least once every two (2) years when a student is continued in a primary placement Special Services program for two (2) years or more, or at other times upon parental request. An educational assessment must be conducted when a person's performance in the present educational placement reflects a possible handicapping condition and/or the possible need of Special Services. The formal educational assessment procedures shall:~~

- ~~a. Include written consent for assessment by parent/guardian.~~
- ~~b. Be completed within a reasonable time (30 calendar days).~~
- ~~c. Be appropriate to the presented need and represent the person's current level of performance.~~
- ~~d. Be conducted at the student's home school, if possible.~~
- ~~e. Be performed by a team of appropriate professionals, utilizing assessment instruments in a~~
- ~~non-discriminatory manner and administered in the primary language of the student.~~
- ~~f. Be reviewed by an appropriate team of professionals who may have the responsibility of implementing the educational program.~~
- ~~g. Include informing parent/guardian before and after the assessment of all due process safeguards.~~

### ~~4. Conciliation Conference~~

~~If disagreement should occur between the parent/guardian and school personnel, the parent/guardian shall request, in writing, a conciliation conference which shall be held within ten (10) calendar days after receipt of the written request. The parent or guardian shall~~

receive a statement of assurance that the child's educational program will not be changed as long as there is parent objection to the proposed plan; that they have the right to be represented by counsel or a person of their choice at the conference; but that if they refuse to attend the conference, the School District may proceed with the proposed action. There may be more than one such conference. Within seven (7) school days of the final conciliation conference, school personnel shall provide a written statement to the parent or guardian informing them of the School District's proposed action and the procedure for further conciliation or an informal due process hearing.

5. Informal Due Process Hearing

An informal due process hearing shall be held at the request of the parent/guardian if agreement is not reached through the conciliation process. The hearing shall take place before an impartial hearing officer mutually agreed to by the School Board and the parent/guardian. If the School Board and the parent/guardian are unable to agree on a hearing officer, the School Board shall request the State Commissioner to appoint a hearing officer. The hearing officer shall not be a School Board member or employee of the School District or any person involved in the education or care of the child.

The hearing shall be held if the parent/guardian continues to object to the proposed:

- a. Formal assessment
- b. Initial program placement
- c. Transfer to another program (not a locational consideration)
- d. Denial of placement in a program
- e. Denial of transfer to another Special Education program (not a locational consideration)
- f. Provision or denial of additional Special Education services

References: ~~MSA 120.03~~  
~~MSA 129.17~~  
~~EDU 120~~  
~~EDU 124-127~~  
~~EDU 129~~

Adopted: ~~11-13-1979 ISD 709~~  
Revised: ~~01-13-1987~~  
~~06-20-1995 ISD 709~~

**Deletion: Second Reading 12/20/2016**  
**Replaced by MSBA Policy 608**