



5700

## Special Education

**Policy 5700**

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Effective Date: 08/10/2011

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### **I. PURPOSE**

The purpose of this policy is to set forth the position of the Board of Directors on the need for special education and related services on the part of some students with disabilities in the school 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 aged birth through 21, inclusive, 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), 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. RESPONSIBILITY**

- A. The District accepts its responsibility to identify, evaluate and provide special education instruction and related services to students with disabilities who are the responsibility of the school 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 students with disabilities are provided the special education and related services that are appropriate to their educational needs. When the provision of such services requires or results from interagency cooperation, the District shall participate in such interagency activities in compliance with federal and state law.
- C. The District will follow due process procedures that guarantee the rights of all children with disabilities as well as parental or guardian rights of participation in due process decision-making procedures. These procedures include identification, evaluation, program planning and determination of an appropriate level of service.
- D. If parents or guardians object to the District's proposed action regarding identification, evaluation, placement or programming for their child with a disability, they will have the opportunity to meet with appropriate District staff in at least one conciliation conference.



- E. If conflicts regarding the child's identification, evaluation, placement or programming cannot be resolved in a conciliation conference or other alternative dispute resolution process, the parent, guardian or the District will have the right to an impartial due process hearing. Procedures for dispute resolution set out in Minnesota and federal law will be followed.

***Legal References:***

20 USC 1400, *et seq.* (Individual with Disabilities Education Improvement Act of 2004)  
CFR, Title 34, Sub.B, Ch. III, Part 300 *et seq.* (Code of Federal Regulations, Office of Special Education and Rehabilitative Services, Department of Education)

Minn. Stat. Ch. 125A (Special Education and Special Programs)

Minn. Rules Ch. 3525 (Department of Education: Children with a Disability)

***Cross References:***

MPS Policy 5000 (Equal Educational Opportunity)

MPS Policy 5741 (Special Education Placement)

MPS Policy 6110 (Goals of the Educational Program)