



## **Policy #35. Special Education Laws**

**Adopted by the St. Cloud Math & Science Academy Board of Directors: June 1, 2014**

The following is a selection from *Fundamentals of School Board Membership—A Guide for Newly-Elected Charter School Board Members*, pp. 26-27.

“Minnesota’s charter school legislation requires federal and state educational mandates for a free and appropriate education for children and youth with disabilities to be followed. Here are some of the main statutes relating to education for students with disabilities: someone on your staff should knowledgeable about special education laws and able to manage the school’s special services so as to comply with the laws. For further detail, see the *Minnesota Charter Schools Special Education Handbook*, the Special Education Director at **Innovative Special Education Services of MN (ISES of MN)**

The American with Disabilities Act (ADA): The purpose of ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. This law defines disability as persons that have a physical or mental impairment that substantially limits a major life activity, or are regarded as disabled by others. It addressed reasonable accommodations and legal employment practices. It requires that public and private programs be accessible to individuals with disabilities. Education is addressed in terms of accessibility requirements (e.g. students being able to access the building, its restrooms and school sponsored activities; parents with disabilities being able to access any programs, materials, or information provided to others). The non-discriminatory hiring and employment practices for employees and individuals seeking employment apply to any charter school with 15 or more employees. Undue hardship is addressed in this law. The size of the school and its budget, the type of operation, nature and cost of the accommodation is considered requiring that an accommodation be made.

Section 504 of the Rehabilitation Act of 1973 (504): This broad civil rights law protects the rights of individuals with disabilities in programs and activities Federal financial assistance (e.g. Title I funds) from the U.S. Department of Education. It requires the provision of a free and appropriate public education to eligible learners. An appropriate education means an education comparable to the education provided to non-disabled learners. It requires the provision of educational accommodations for the purpose of “leveling the playing field”. A learner is eligible if he/she meets the definition of disability: currently has or has had a physical or mental impairment that substantially limits a major life activity, or is regarded as disabled by others. The regulations of this law require reasonable accommodations be made regarding building and program accessibility. Consideration is given for the size of the program, extent of accommodation and relative cost.

Procedural safeguards are required, e.g. prior notice must be made to parents with respect to identification, evaluation and placement of the learner.

This law requires that any district with 15 or more employees designate an employee to be responsible for assuring district compliance with 504 and to provide a grievance procedure for parents, learners and employees. Due process includes providing an impartial hearing for parents or guardians who disagree with the identification, records or placement of learners eligible for protection under this law.

**The Individuals with Disabilities Education Act (IDEA):** The Individuals with Disabilities Education Act is a federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to children and youth with disabilities. This law entitles the qualified learner to a free and appropriate education as prescribed by an individualized education program (IEP) team; the determination of an appropriate placement in the least restrictive environment; and affords parents and their children their due process protections in relation to identification, assessment, the IEP process, placement, and services including the right to a due process hearing. Eligibility criteria are provided in thirteen categorical disability areas. This complex and substantial set of legal requirements to learners qualifying as eligible requires thoughtful consideration beginning with the proposal statement of the charter school.