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**Education Law
Advocacy Project**



Children's Education Rights

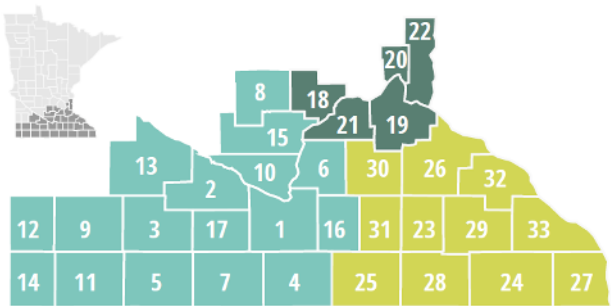
A Handbook for Professionals
Working with Minnesota Students

Know Your Students' Rights

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Our service area includes the following counties:

- | Southwest | Southwest | Southeast |
|--------------|---------------|-------------|
| 1 Blue Earth | 13 Redwood | 23 Dodge |
| 2 Brown | 14 Rock | 24 Fillmore |
| 3 Cottonwood | 15 Sibley | 25 Freeborn |
| 4 Faribault | 16 Waseca | 26 Goodhue |
| 5 Jackson | 17 Watonwan | 27 Houston |
| 6 LeSueur | | 28 Mower |
| 7 Martin | Metro | 29 Olmsted |
| 8 McLeod | 18 Carver | 30 Rice |
| 9 Murray | 19 Dakota | 31 Steele |
| 10 Nicollet | 20 Ramsey | 32 Wabasha |
| 11 Nobles | 21 Scott | 33 Winona |
| 12 Pipestone | 22 Washington | |

SMRLS' Service Area

Who We Are

Southern Minnesota Regional Legal Services (SMRLS) provides free, high-quality legal help to low-income people living in southern Minnesota in critical civil matters. For 115 years, SMRLS has helped individuals and families secure and protect their basic needs. The firm is well recognized for its innovative practice, strong partnerships, and high standard of work.

SMRLS started the Education Law Advocacy Project (ELAP) in 1995 to help families enforce the educational rights of students through a collaborative approach. Since then, ELAP has represented thousands of students and their families in obtaining educational services, empowering families in navigating the school system, and in some cases, improving educational policies at the school district level.

SMRLS Mission Statement:

SMRLS mission is: To provide a full range of high quality legal services to low-income persons and eligible client groups in civil matters, in a respectful manner which enables clients to (1) enforce their legal rights; (2) obtain effective access to the courts, administrative agencies and forums which constitute our system of justice; (3) maintain freedom from hunger, homelessness, sickness and abuse; (4) empower persons and assure equal opportunity, thus, helping people to help themselves and become economically self-reliant, to the extent their individual abilities and circumstances permit.

SMRLS, through a diverse, respectful and fair working environment, and legal assistance and community education activities, promotes and respects the dignity of low-income persons and seeks new and effective solutions to the critical and common legal problems of low-income persons which arise in a broad community context.

Introduction

This publication was developed for those who are passionate about students. Our hope is that this serves as a guide to the issues students face, and a resource for knowing what rights students have and where they can go for additional support and information. Many of these issues and laws addressing them are interconnected. Thus, appropriate interventions depend on the unique circumstances of each student.

Every child has a right to receive a quality education to prepare them for their future. Early intervention & ongoing support, including parental support, is key.

Awareness of students' struggles, knowledge of their rights, and how to find support can make the difference in their lives. ELAP continues to empower the families we serve by collaborating with them and the schools to help their children succeed in school.

Please Note: In this publication, we use the term “parent” to refer to anyone who is responsible for the care of a child.

New Edition Note: This new edition contains updated information on a variety of matters. The main topics have been updated to reflect the 2024 legislative changes, including, English Learners, personal learning plans, freedom of speech for students, and school resource officers.

ELAP's publications provide a general statement of the law. This is not legal advice as each situation is different.

“Education is the civil rights issue of our generation – the only sure path out of poverty and the only way to achieve a more equal and just society.”

Arne Duncan, Former United States Secretary of Education

Table of Contents

Who We Are.....	2
Introduction	3
Table of Contents	4
Education: A Right and Obligation	8
Public School Admission.....	8
Admission for Students Experiencing Homelessness:.....	8
School Choice	9
Open Enrollment.....	9
Charter Schools	9
Digital Instruction and Online Learning.....	9
Digital Instruction	9
Supplemental Online Courses.....	10
Alternative Learning	11
Private Schools and Homeschooling.....	11
Compulsory Attendance	11
Habitual Truancy	11
Influencing Factors & Interventions	12
Undiagnosed Learning Difficulties	12
Mental Health.....	13
Chemical Use.....	13
School Transportation	14
School Meals	15
National School Meals Programs	15
Minnesota School Meal Programs and Policies.....	15
Public School Fees.....	16
Catch Them Early	17
Infant and Toddler Intervention	17
Early Childhood Disability.....	17
Early Learning Programs	18
Early Childhood Family Education (ECFE)	18
Early Learning Scholarships	18
Head Start.....	19
School Readiness.....	19
Early Childhood Screening	19
Voluntary Pre-Kindergarten	20
Kindergarten Readiness	20
Reading to Ensure Academic Development Act (Read Act).....	20
Identifying Students for Reading Intervention.....	21
Reading Interventions	21
Personal Learning Plans for Reading.....	21
Gifted and Talented Identification.....	22
Equal Educational Opportunities	23

Know Your Students' Rights

Immigrant and Migrant Students	23
English Learners (EL)	24
Identifying English Learners.....	25
English Learners: Parent Rights.....	25
Requirements of English Learner Programs	25
American Indian Education	26
American Indian Education Programs	27
Cultural Practices and Regalia in Schools	27
Parent Advisory Committees	27
American Indian Education Aid	28
Tribal Consultation under ESSA.....	28
State-Level Strategic Planning	28
Students in Foster Care	28
Educational Stability	29
School Enrollment.....	29
Transportation	29
Students Experiencing Homelessness	30
School Enrollment.....	30
Transportation	30
Needed School Services	30
Who to Contact	30
Students with a Disability: Special Ed.	31
Six Core Principles of IDEA	31
1. Free Appropriate Public Education (FAPE).....	31
2. Appropriate Evaluation	31
3. Individualized Education Plan (IEP)	32
4. Least Restrictive Environment	33
5. Parent Participation & Decision-making.....	34
6. Procedural Safeguards.....	34
The IEP Process.....	35
Transportation.....	35
Transition Services	36
How do Transition services start?	36
What is written in the IEP?.....	37
What Types of Transition Services Are There?	37
When Do Transition Services End?	38
Summary of Progress (SOP).....	38
Managing Student Behavior.....	38
FBA and BIP	39
Physical Holds and Seclusions.....	39
Student Discipline	41
Manifestation Determination	41
Conflicts in Special Education	43
Alternative Dispute Resolution Options	43
Conciliation Conference.....	43

Know Your Students' Rights

Facilitated Team Meeting.....	43
Mediation	44
Special Education Complaint.....	44
Due Process Hearing	44
Students with Disabilities: Section 504	45
Eligibility	45
Evaluations.....	46
How to ask for Section 504 Evaluation.....	46
504 Plan vs. IEP.....	47
Dispute Resolution	47
Student Discipline	48
In-School Discipline	49
Removal From Class	49
Recess Detention	49
Due Process Rights.....	50
School Dismissal.....	50
Grounds for Dismissal.....	51
Suspension	51
Definition.....	51
Consecutive Suspensions	51
Restrictions on Dismissing Early Learners	52
Suspension Procedures	52
Readmission Plan (Suspension)	53
Alternative Education Services	53
Returning to School	54
Exclusion & Expulsion.....	54
Withdrawal Notice	54
Children Not Yet Eligible for Special Education	55
Right to a Hearing.....	55
Exclusion and Expulsion Procedures.....	55
Readmission Plan (Exclusion and Expulsion).....	57
Mental Health Screening.....	57
Incidents on School Buses.....	58
Incidents Outside of School, Including Cyberbullying	58
Cell Phone Use in Schools	58
Physical Discipline	58
Restraining a Student	58
Searches in Schools.....	59
Locker Searches	59
Drug Testing	60
Police in Schools.....	60
SROs and School Discipline.....	61
Searches by Law Enforcement	61
Police and Students with Disabilities	61

Know Your Students' Rights

Record Sharing.....	61
Maltreatment by a School Employee	62
Maltreatment Reporting.....	62
Student Data & Privacy	62
School Records.....	63
Family Educational Rights and Privacy Act (FERPA)	63
Transferring Records	64
Right to be Free from Discrimination	64
Prohibited Discriminatory Practices.....	64
Bullying.....	65
Definition	61
Bullying Reports & Complaints.....	65
Transgender & Gender-Nonconforming Students	66
Bathroom and Locker Room Use	66
Participation in Sports	66
Right to Equal Athletic Opportunities.....	66
Religion in Schools	67
Right to Freedom of Religion	67
Prayer in School	67
Religious Holidays.....	67
Vaccinations.....	67
Student Religious Groups	67
Inclusive Curriculum	68
Access to Library Books Protected	68
Freedom of Speech and Student Journalism.....	68
Student Success: Closing the Gap.....	69
Every Student Succeeds Act (ESSA).....	69
Achievement and Integration for Minnesota	70
Comprehensive Achievement/Civic Readiness	70
Student Success: Preparing for Career & College	70
Academic Standards	71
Statewide Assessments	71
Career and College Readiness	73
References.....	74

Education: A Right and Obligation

The right to an education is a fundamental right in Minnesota.¹ Every child should have equal opportunity for an education.²

Student obligations such as attendance policies, graduation requirements, and behavior expectations can be found in the student handbook or on each school district's website. These obligations may be adjusted by the school based on individual student's rights and circumstances.

Public School Admission

Public school is free for any student who:³

- Lives within the school district,
- Meets the minimum age requirement (for example: 5 years old for kindergarten), *AND*
- Is under 21 years old (or 22 for students with an IEP)

A student in general education who turns 21 can continue to attend free public school for the remainder of that school year but cannot return the next school year.⁴

NOTE: A student in special education who turns 21 can continue to attend free public school for the remainder of that school year and *can* return the next school year. Minn. Stat. § 120A.20, Subd. 1(c)

Admission for Students Experiencing Homelessness:

A school cannot deny enrollment to students experiencing homelessness based on an inability to locate where the student is living.⁵ Additionally, a school cannot deny admission to a student based on their immigration status.⁶

School Choice

Minnesota families have many educational options in addition to their children's assigned school.

Open Enrollment

The open enrollment program allows students to be enrolled in schools outside the district they live in.⁷

With some exceptions, parents must apply by January 15 for enrollment in the desired school for the following fall. If a school receives more applications than it has room for, it may hold a lottery for the available spots.⁸

If an open enrollment application is rejected, the district must notify the parent, in writing, the reason for rejection.

Minn. Stat. § 124D.03

For Deadline Information and Exceptions, Visit MDE:

<https://education.mn.gov/MDE/fam/open/>

Charter Schools

Charter schools offer an enrollment option for students in addition to traditional public schools. These free public schools are open to all students and often offer unique programs.⁹

Digital Instruction and Online Learning

Students may enroll in online learning either full-time or for specific courses through a school district or charter school that offers online learning.¹⁰

Digital Instruction

Digital instruction occurs when a student is taught using technology. It offers students more control over how they learn.¹¹ There are two types of digital instruction for online learning:

Blended instruction: student learns part time in a supervised physical setting and part time through online instruction¹²

Online instruction: student learns primarily through technology away from a supervised physical setting¹³

Any public school may offer blended or online instruction to their enrolled students.¹⁴ If offered, these online programs must be accessible to students with disabilities.¹⁵

Supplemental Online Courses

Supplemental online courses are online learning courses:

- Taken instead of courses provided by a student's school
- Provided by supplemental online course providers¹⁶

Students may take supplemental online courses even if their school does not offer digital instruction. A student can take up to 50% of their course load through supplemental online courses.¹⁷

Public schools may not restrict or prevent a student from applying to take supplemental online courses. Minn. Stat. § 124D.094, subd. 4(a)

If a student takes a supplemental online course, their school must continue to provide programs and services that are available to all other students in the school. These include:

- Access to computers and software in the school
- Support services for English Learners
- IEP case management for students with disabilities
- Meal and nutrition services for eligible students
- Credit for completing coursework and meeting graduation requirements
- Access to extracurricular activities¹⁸

Alternative Learning

Alternative learning programs are available for students struggling in the traditional school environment and at risk of not completing high school. Students who may benefit are those experiencing poor performance, truancy, disruptive behavior, pregnancy, or other factors commonly associated with withdrawal from school.¹⁹

Private Schools and Homeschooling

Students may attend private schools or be homeschooled. Students still have a compulsory attendance requirement, even if being educated outside the public-school system.²⁰

Compulsory Attendance

Every child between 7 and 17 years of age is *required* to receive educational instruction.²¹

Children under age 7, unless enrolled in kindergarten or a higher grade in a public school, are not required to receive instruction.²²

A student may be excused from attending school for legitimate reasons. Examples of legitimate reasons for missing school include:²³

- Illness of the student
- Family emergency
- Death in the family
- Telehealth appointments

Habitual Truancy

What does it mean to be “habitually truant”?

A student is habitually truant when they are absent from school, without an allowed excuse, for a certain period of time.²⁴

Know Your Students' Rights

A student under 17 years old is habitually truant if:

- They are in elementary school and miss 7 or more days of school without an allowed excuse
- They are in middle school or high school and miss 1 or more class periods on 7 or more days, without an allowed excuse

A student who is 17 years old is habitually truant if:

- They miss 1 or more class periods on 7 or more days, without an allowed excuse

A school official may refer a student who is habitually truant to the school attendance review board.²⁵ If the school attendance review board determines available services cannot solve the truancy problem, they may refer the matter to the county attorney for truancy mediation.²⁶ Many county attorney offices have truancy intervention programs to avoid filing truancy or educational neglect charges.

Influencing Factors & Interventions

There are many factors that can lead to truancy such as undiagnosed learning difficulties, mental health, chemical use, and individual student circumstances.

Undiagnosed Learning Difficulties

Students with undiagnosed learning difficulties or other hidden disabilities may struggle in school when their educational needs are not met. This can lead to students falling behind in school, possibly result in truanies.

Schools should work with parents to determine if an evaluation for special education or a 504 Plan could benefit a student.

Mental Health

Mental health issues are common in students, affecting 1 in 5 children.²⁷ Left untreated, mental health issues can affect education outcomes. Access to mental health services is important for young people. While there are many barriers to receiving mental health services, in Minnesota, School-Linked Behavioral Health programs help reduce those barriers. By having mental health professionals in schools, some of the biggest barriers such as cost, transportation, and childcare are alleviated, allowing students to access these resources.²⁸

Access to Space for Telehealth

Starting in October 2024, if a student has a virtual mental health appointment during the school day, the school may be able to provide a private space for the student. Every school should have procedures for how to request telehealth space.

Minn. Stat. § 121A.216

For More Information, Visit MDHS:

<https://mn.gov/dhs/people-we-serve/children-and-families/health-care/mental-health/>

Chemical Use

Alcohol, tobacco, and illicit drug use increases the risk that a student will not complete their education and will drop out.²⁹ Thus, schools are required to intervene when chemical abuse by a student is reported.³⁰

All public schools must have a chemical abuse pre-assessment team that is responsible for addressing reports of chemical abuse and making recommendations for responses.

Within 45 days of receiving a reported case of chemical abuse, the team must either:

- Provide the student and their parents with information about chemical abuse services available at school and in the community, OR

Know Your Students' Rights

- Determine that a referral for services is not warranted at that time.³¹

Note: Records created by the pre-assessment team must be destroyed within 6 months, if a family is not given information about chemical abuse programs; if information is provided, records must be destroyed within 6 months when the student unenrolls.³²

For More Information, Visit MDHS:

<https://mn.gov/dhs/people-we-serve/children-and-families/health-care/alcohol-drugs-addictions/resources/>

School Transportation

School districts must offer transportation to and from school for all students who live more than 2 miles from their school.³³ However, transportation is a privilege, not a right. Students can be denied transportation due to their behavior on the bus.³⁴ The resident district is usually responsible for transportation within its boundary.³⁵

The district is given 100% control over scheduling of routes, bus stop locations, and how students are transported³⁶ School districts must also provide transportation:

- To a student with a disability, if transportation is in the student's Individualized Education Program (IEP)
- To an enrolled student living outside the district, from the district boundary to the school
- To a student within the district attending a charter school, if the charter school does not provide transportation³⁷

Mileage Reimbursement: Low-income families a child at an open enrollment school or a charter school may qualify for some mileage reimbursement.

For More Information, Visit MDE:

<https://education.mn.gov/MDE/dse/schfin/Trans/rep/005677>
<https://education.mn.gov/MDE/dse/schfin/Trans/>

School Meals

National School Meals Programs

Schools may participate in several federal meal programs that help pay for the cost of school meals:

- National School Lunch Program (NSLP)³⁸
- School Breakfast Program (SBP)³⁹
- Community Eligibility Provision (CEP)⁴⁰

Through the NSLP and SBP, low-income students can receive free or reduced-cost meals at school. The federal government sets income guidelines for these programs to determine whether a student qualifies for free or reduced-cost meals.⁴¹

Minnesota School Meal Programs and Policies

In Minnesota, the Free School Meals Program requires *some* schools to provide free breakfast and lunch to all students, regardless of their family's income. Certain schools participating in the federal NSLP and CEP programs must participate in the Free School Meals Program.⁴²

Schools offering free and/or reduced-cost lunch to low-income students through the federal NSLP must have meal policies in place. The policies must ensure that:

- Information about cost and meals offered is posted on school district's website
- Once a meal is served to a student, it cannot be taken back due to inability to pay
- Students receiving free and/or reduced-price lunch always receive a meal regardless of ability to pay⁴³

Note: School districts differ in their policies on whether to serve meals to students who pay full price for meals but have no money in their account.

For More Information, Visit MDE

<https://education.mn.gov/MDE/dse/FNS/SNP/proc/App/>

Public School Fees

Public schools cannot charge fees for things necessary for completing courses offered for credit or required for graduation. However, school boards can accept voluntary contributions and charge fees for activities not required for graduation.

Schools CANNOT charge fees for:

- Admission for school or required activities
- Textbooks, art materials, laboratory supplies, towels
- Supplies necessary for participation in any class
- Required field trips as part of an educational program
- Graduation attire, diplomas, or any required outfits
- Locker rentals
- Transportation for students living over 2 miles from school⁴⁴

Schools CAN charge fees for:

- School uniforms, if required
- Admissions to extracurricular activities
- Athletic equipment and/or apparel
- Items a student keeps such as yearbooks, class rings, and graduation announcements
- Field trips that are not required but are supplemental
- Use of musical instruments⁴⁵

Note: Schools are prohibited from withholding grades or diplomas for nonpayment of student fees. Schools may waive any deposit or fee if the student's parent is unable to pay it.

Minn. Stat. §§ 123B.37, subd. 2; 123B.36, subd.6(b)

Catch Them Early

A child's educational experiences begin long before they enter a classroom. Studies have shown that these early experiences play a key role in brain development, and that early intervention can positively impact the developmental path.⁴⁶

Infant and Toddler Intervention

Giving children the tools they need to be successful starts with recognizing when they need additional resources. Childhood development follows predictable milestones, which can be tracked to determine if a child is developing as expected.

If a child is found to have a developmental delay or disability, free services are available which include speech therapy, occupational or physical therapy, emotional support services, and more.⁴⁷

Some Signs A Child May Need A Referral:

- No words by 16 months
- Not walking by 18 months
- ANY loss of skill at any age
- Poor balance
- Vision or hearing problems

For More Information on Developmental Milestones, Visit:

<https://helpmegrowmn.org/HMG/DevelopMilestone/index.html>

Early Childhood Disability

An Individualized Family Service Plan (IFSP) will be created for infants and toddlers, through age 3, with a disability or developmental delay.⁴⁸ This written document contains information on the services a family will receive for their child, which are usually provided in the child's home.⁴⁹

Know Your Students' Rights

Once a child reaches age 3, they will transition to an Individualized Education Program (IEP).⁵⁰ This written document is designed to enable the child to be involved in and make progress in the general curriculum, as well as monitor the child's progress.⁵¹

For More Information on IFSPs and IEPs, Visit PACER:

<https://www.pacer.org/parent/php/PHP-c59.pdf>

Early Learning Programs

Early Learning programs help prepare children for kindergarten, third grade reading, and lifelong learning.⁵²

Early Childhood Family Education (ECFE)⁵³

ECFE is a parenting education program that provides programming and education services for families with small children. These opportunities may be provided in the home, at school district or community sites, or online.

**For More Information on the ECFE Program and
Contact Information for Local School Districts, Visit:**

<https://education.mn.gov/MDE/fam/elsprog/ECFE/>

Early Learning Scholarships⁵⁴

Scholarships provide support for children to attend high-quality early learning programs and are awarded to 3 and 4-year-olds with the highest needs.

What are the eligibility criteria?

Eligible children are those who come from families with low- income and, before age 3, meet one of the following criteria:

1. Child of a parent under 21 years of age, who is completing high school or an equivalent exam
2. Currently in foster care, or has a parent in foster care
3. In need of child protective services
4. Experienced homelessness in the last 24 months

Know Your Students' Rights

Parents can apply online or contact the Area Administrator.

For More Information, Visit MDE:

<https://education.mn.gov/MDE/fam/elsprog/elschol/index.htm>

Head Start⁵⁵

Head Start (children ages 3-5) and Early Head Start (pregnant women and children through age 3) provide early childhood education, health, nutrition, and parent involvement services to children and families with low-income.

What are the eligibility criteria?

Families are eligible if they meet one of the following:

1. Family income at or below 100% of federal poverty guideline
2. Family is eligible for assistance or TANF child-only payments
3. Family is experiencing homelessness
4. Child is in foster care

Parents can apply by contacting their local Head Start program.

For More Information, Visit: <https://eclkc.ohs.acf.hhs.gov/center-locator>

School Readiness

Early Childhood Screening

Early childhood screening is an important tool in identifying students who may be eligible for additional educational supports.

This screening takes place before the child begins kindergarten, and screening between the ages of 3 and 4 provides the best insight for early intervention.⁵⁶

Screening Includes:

- Vision and hearing
- Height and weight
- Risk factors
- Language and speaking skills
- Parent report of social emotional development

Voluntary Pre-Kindergarten

Voluntary pre-kindergarten (VPK) is a free program that prepares 4-year-olds and their families for success when they enter kindergarten and beyond. Children who meet the age requirement and certain other criteria may qualify for VPK.⁵⁷

For more information, Visit: <https://education.mn.gov/MDE/fam/elsprog/vpk/>

Kindergarten Readiness

Children are eligible to begin kindergarten when they:

- Are at least 5 years old by September 1 of the year they enter kindergarten.⁵⁸
- Have received an Early Childhood Screening through their school district.⁵⁹
- Have received medically acceptable vaccinations.⁶⁰

Reading to Ensure Academic Development Act (Read Act)

Learning to read is an important milestone for children. In Minnesota, the Read Act has the goal to have every child reading at or above grade level, starting in kindergarten.⁶¹ Schools must use scientifically proven techniques to teach reading. These techniques focus on the development of foundational reading skills, oral language, vocabulary, spelling, and reading comprehension skills.⁶²

What Are Foundational Reading Skills?

- Phonological and Phonemic Awareness: hearing and making the individual sounds in spoken words
- Phonics and Decoding: understanding the connection between letters and sounds in reading and spelling
- Reading Fluency: reading text accurately, automatically, and properly. Minn. Stat. § 120B.1118, subd. 5-12

Identifying Students for Reading Intervention

Schools must conduct the following screenings and identify students who are reading below grade level:

- Three times a year, evaluate the reading skills of all students in kindergarten through 3rd grade
- Every year, screen each student in kindergarten through 3rd grade for dyslexia
- Screen students in 4th grade and above for dyslexia, if they have not mastered foundational reading skills⁶³

Parents must be notified of the student's screening results after each screening.⁶⁴

Schools may not hold students back from progressing to the next grade solely because the student does not read at grade level.

Minn. Stat. § 120B.12, subd 3(b)

Reading Interventions

Schools must provide reading intervention for identified students until the student reads at or above grade level. Examples of reading interventions include, but are not limited to:

- Summer school
- Intensified reading instruction outside of the regular classroom for part of the day
- Extended-day programs
- Programs that strengthen student's cultural connection

These interventions must continue past 3rd grade if needed.⁶⁵

Personal Learning Plans for Reading

Schools are strongly encouraged to create a personal learning plan for students who score below grade level in reading assessments. Parents concerned about their child's reading can talk to the teacher about the assessments and work together to come up with a

personal learning plan. The plan should address the gaps in the child's reading skills.⁶⁶

Note: A personal learning plan is **NOT** the same as an IEP. If a parent believes that their student has a disability, then the parent should ask the school for a special education evaluation.

Minn. Stat. § 120B.12, subd.2a

Gifted and Talented Identification

Gifted and talented students are those with outstanding abilities, identified at preschool, elementary, and secondary levels. They include children and youth with demonstrated achievement or potential ability in one or more areas: general intellect, specific academic subjects, creativity, leadership, and the arts.⁶⁷

If a school district offers gifted and talented programs and services, then it must have guidelines and procedures in place for:

- Identifying and assessing students for participation
- Academic acceleration of gifted and talented students
- Early admission to kindergarten or 1st grade

These guidelines and procedures should be aware of underrepresented groups, such as low-income, minority, twice-exceptional, and English learner students.⁶⁸

Twice-Exceptional Children are gifted children who also have special education needs.

Each district decides the specific types of programs and services they offer for gifted and talented students. Programs can include a variety of services including, but not limited to:

- Early Kindergarten Admission
- Differentiated Classroom Instruction

Know Your Students' Rights

- Enrichment Classes
- Course or Subject Acceleration
- Grade Level Acceleration
- Advanced Placement Classes

Information about the types of programs and services offered can be found on the district's website.

How do parents know if their child should get services?

- Be aware of your child's skills, including test scores and other areas showing advanced performance. Each child is different, and giftedness can show in different ways.
- Be aware of your district's process for identifying students and the programs they offer.
- If you believe your child is not challenged enough or may need faster paced learning, communicate your concerns with the classroom teacher and/or school principal.

For More Information, Visit MDE: <https://education.mn.gov/MDE/fam/gifted/>

Equal Educational Opportunities

The Equal Educational Opportunities Act of 1974 and other federal and state laws require public schools to take appropriate action to overcome barriers to students' equal participation.

Immigrant and Migrant Students

Public schools may *not*:

- Deny admission to a student because of their immigration status
- Prevent students from enrolling in or going to school

Know Your Students' Rights

- Classify students based on race, skin color, social position, or nationality
- Place students in different schools or departments based on race, skin color, social position, or nationality
- Deny any school privileges based on race, skin color, social position, or nationality⁶⁹

Can schools ask about immigration status?

No! School, and school staff, CANNOT require a student or their parents to disclose immigration status or social security numbers.⁷⁰

Immigrant and migrant students must have the same access to all public educational programs, including:

- Special education programs
- Gifted and talented programs
- Programs for English Learners
- Title I programs
- Job-training programs
- Programs for homeless students
- School extracurricular activities (Ex. sports, clubs, arts)

For More Information, Visit MDE: <https://education.mn.gov/MDE/dse/ESEA/mig/>

English Learners (EL)

A student is an “English learner” when:

- Their first language is not English, or they usually speak a language other than English,

AND

- They are found to have less English skills than they need to participate fully in classes taught in English⁷¹

Identifying English Learners

Steps for Identifying English Learners

1. All enrolled students complete Home Language Surveys.
2. Using the results of the surveys, students whose primary language is not English must be offered an age-appropriate assessment to determine their proficiency in speaking, reading, writing, and understanding English.
3. The results of this assessment will determine if a student is identified as an EL.
4. All students identified as ELs must be enrolled in a program for English Learners.⁷²

English Learners: Parent Rights

Schools must notify parents that their child is being enrolled in an English Learners (EL) program. The notice must be made within 30 days of the start of the school year, OR during the first two weeks that the child is in the EL program. This notice must be in writing, and in a language the parents understand. Schools must tell parents how to ask for a teacher conference about the EL Program.

Parents have the right to visit the EL program. Parents have the option to remove the student from the EL program either at the time they are notified of the student's enrollment in the program or at the end of any semester. They may also re-enroll their student if they change their mind.⁷³

Requirements of English Learner Programs

An English Learner Program MUST:

- Encourage parent involvement
- Be based on sound educational theory
- Have enough staff and funding to be effective
- Be evaluated to make sure it works, and changed if it isn't⁷⁴

Know Your Students' Rights

Schools must avoid segregating students in English Learner programs from other students. Segregation occurs when schools isolate students in programs for English learners for a large part of the school day. In subjects where language is not used a lot, like art, music, and PE, English learners should be allowed to participate equally with other students.⁷⁵

For More Information, Visit: MDE <https://education.mn.gov/MDE/dse/el/>

Language Access Plans Coming in 2025

Starting in Fall of 2025, school districts must have a Language Access Plan that describes how the district will effectively help students who speak a language other than English.

Minn. Stat. 123B.32

American Indian Education

American Indian students are entitled to additional programs that help improve their achievement and ensure they receive relevant cultural education. They have the same rights to public education as all other students, plus federal and state rights that address their cultural and educational needs.

The Federal Indian Education Act of 1972 established a comprehensive approach to meeting the unique needs of American Indian students. It created the Office of Indian Education and the National Advisory Council to help schools, tribes, and individuals improve outcomes for students. The office also emphasizes teaching native culture, traditions, and language in schools.⁷⁶

Minnesota's American Indian Education Act of 1988⁷⁷ is a similar law. The goal of this law is to implement American Indian education programs specially designed to meet the educational or culturally related academic needs of American Indian students in Minnesota. This law also recognized the lack of American Indian teachers in the

state and details a special teacher licensing process for American Indian Education.

American Indian Education Programs

American Indian Education Programs are supplemental, voluntary programs in public schools tailored to the needs of American Indian students. These programs may look like:

- Cultural enrichment courses
- Post-secondary preparation for students
- Seasonal cultural events
- Language education, and more!

The goal is to provide quality education to American Indian students, support academic achievement of American Indian students, and respectfully teach the rich culture and history of American Indian people.⁷⁸

Cultural Practices and Regalia in Schools

The cultural practice of smudging using tobacco, sage, sweetgrass and cedar may be conducted by American Indian students or staff in public schools if supervised by an appropriate staff member.⁷⁹

At graduation ceremonies, American Indian students are allowed to wear tribal regalia and objects of cultural significance.⁸⁰

Parent Advisory Committees

Minnesota school districts with 10 or more American Indian students must have an advisory committee of American Indian community members to ensure students' needs are addressed. The majority of committee members must be parents of the American Indian students in the education program. Their role is to make recommendations about curriculum and the educational needs of American Indian children enrolled in the school or program.⁸¹

For More Information, Visit MDE: <https://education.mn.gov/MDE/dse/indian/parent/>

American Indian Education Aid

Minnesota public school districts with 20 or more American Indian students may apply to receive funding for cultural education programs and other services. The school must submit a plan for approval, outlining how the money would be spent on activities and programs that benefit their American Indian students.⁸²

For More Information, Visit MDE:

<https://education.mn.gov/MDE/dse/indian/tribnatmn/>

Tribal Consultation under ESSA

Some schools are required to collaborate with Tribes. Consultation shall be done in a manner and time that provides the opportunity for the officials from a tribal organization to meaningfully and substantively contribute. Consultation is meaningful when it occurs at the earliest possible stage, prior to the development of a program, initiative, or policy.⁸³

To See the List of Consulting Schools, Visit MDE:

<https://education.mn.gov/MDE/dse/indian/tribal/>

State-Level Strategic Planning

MDE and the American Indian Affairs council must develop a strategic plan for American Indian Education, that has five goals:

1. Increase American Indian student achievement
2. Increase the number of American Indian teachers in schools
3. Close the achievement gap between American Indian students and their more advantaged peers
4. Increase the statewide graduation rate for American Indian students
5. Increase American Indian student placement in post-secondary programs and the workforce.⁸⁴

Students in Foster Care

Students in foster care experience higher levels of disruption in schooling than their peers because of changes in residences. Federal laws require Child Welfare Agencies (CWA) and school districts to

collaborate in providing educational stability and support to students in foster care.⁸⁵

Educational Stability

The CWA is required to include an Educational Stability Plan in the case plan of a student in foster care.⁸⁶

When caseworkers have access to a child's education records, they can monitor and assist with transitions, and make sure the child is receiving appropriate services and interventions, which also contributes to educational stability.

The relevant provisions for ensuring educational stability can be found in the Every Student Succeeds Act (ESSA); the Fostering Connections Act (FCA), and the Uninterrupted Scholars Act (USA).⁸⁷

School Enrollment

If a student is placed into foster care, they have the right to stay at their current school unless it is not in their best interest. If it is best for the student to change schools, they must be enrolled in the new school within 7 school days of the placement into foster care.⁸⁸

If the student changes schools, the new school must contact the student's prior school for relevant records.⁸⁹

Transportation

Students that reside within their school district attendance area may utilize the district's transportation services. For students that do not live in the school district they attend, the school must work with the CWA to make sure transportation is provided and funded.⁹⁰

For More Information, Visit MDE: <https://education.mn.gov/MDE/dse/ESEA/foster/>

Students Experiencing Homelessness

The McKinney-Vento Act states that students who are experiencing homelessness must be given the same education as students who are not.⁹¹

School Enrollment

Schools must *immediately* enroll a student experiencing homelessness *even if* that student:

- Cannot show proof they live in the school district
- Cannot show proof of vaccinations or other medical records
- Cannot show other documents like a birth certificate
- Cannot meet dress code or uniform rules⁹²

Transportation

Students experiencing homelessness must be given a bus from temporary housing to school and back; the same as students with a permanent home.⁹³

Needed School Services

Students experiencing homelessness must receive:

- Free and/or lower-cost meals in school
- Equal access to a free public education
- Equal access to all educational programs and services

Who to Contact

Liaisons for Minnesota school districts can be found by visiting the individual school district website, or the Minnesota Department of Education, Educating Homeless Children and Youth Coordinator Email: MDE.HomelessEd@state.mn.us Phone: 651-582-8579.

For More Information, Visit National Center for Homeless Education:
<https://nche.ed.gov/>

Students with a Disability: Special Ed.

Students with a disability are protected by the Individuals with Disabilities Education Act (IDEA), which requires that they receive specialized instruction, related services, and supplement aids and supports.⁹⁴ These educational services are available for children from birth to age 22. Students with a disability are also protected from discrimination by Section 504 of the Rehabilitation Act.⁹⁵

School districts must identify, locate, and evaluate all children with disabilities who may need special education services.⁹⁶ A request for an evaluation to determine if a child has a disability can come from the school, a parent, or someone else.⁹⁷ There must be written consent from a parent to start an evaluation.⁹⁸

Six Core Principles of IDEA

IDEA establishes some foundational principles to protect the educational rights of children with a disability.

1. Free Appropriate Public Education (FAPE)

Free Appropriate Public Education means that students with a disability are given a public education, at no cost, that is appropriate for the individual student. It involves special education and related services designed to meet a child's unique needs and prepare the student for future education, employment, and independent living.⁹⁹

2. Appropriate Evaluation

IDEA requires that schools conduct appropriate evaluations of students suspected of having a disability to determine their eligibility for services. Evaluations must be conducted within 60 days of a parent giving permission.¹⁰⁰

Know Your Students' Rights

Students must be evaluated in all areas of suspected disability. Evaluations must use a variety of assessment tools to assess cognitive, behavioral, physical, and developmental factors.¹⁰¹

Parents have a right to request an independent educational evaluation at public expense if they don't agree with the school district's evaluation.¹⁰²

Note: A re-evaluation of the student must be done at least every 3 years, unless both the parents and the school agree that it is not needed. 20 U.S.C. § 1414(a)(2); 34 C.F.R. § 300.303

3. Individualized Education Plan (IEP)

The IEP is a written document created by an IEP team for every student with a disability. It is reviewed and changed by the team at least once a year.¹⁰³

The IEP must be individualized and must be designed for the child to make meaningful progress in general education and functional performance, based on the child's individual circumstances.

IEPs are used for students ages 3 to 22. For more information about services for children under age 3, view the Early Learning section.

The IEP should include:

- The student's current level of academic achievement and functional performance
- Annual goals that can be measured
- How these goals will be measured
- When progress reports will be sent
- Program modifications if necessary
- Related services to be provided
- Date services are to begin

Related Services vs. Supplementary Aids and Services

Related services

- Enables a child to have access to and benefit from special education
- Transportation & any other developmental, corrective, or other supportive services
- Should meet the child's unique needs as part of the IEP's specially designed instruction

Supplementary aids & services

- Enables a child to be educated with nondisabled peers to the maximum extent appropriate
- Aids & other supports (including modifications & accommodations)
- Provided in education settings, including extracurricular/ nonacademic settings

The IEP must specify what, when, how often, and where related services and supplementary aids and services will be provided.

For examples of services visit:

<https://education.mn.gov/MDE/dse/sped/relsvs/>

<https://arcminnesota.org/resource/arc-guide-to-iep-supplemental-aids-and-supports/>

Beginning not later than the age of 16, the IEP must include transition services with measurable goals related to post-secondary plans such as training, education, employment, and independent living skills.¹⁰⁴

4. Least Restrictive Environment (LRE)

Children with disabilities should be educated, to the maximum extent possible, with non-disabled peers.¹⁰⁵ LRE means that any placement outside the general education classroom and environment must be justified based on the individual needs of the child. Schools should consider providing any needed services in the general education classroom. Involvement in music, art, physical education, school trips, clubs, extracurricular and other activities must be accommodated.

5. Parent Participation & Decision-making

Parents are part of the IEP team and have the right to equally participate in making decisions on the special education services for their child. They must actively participate in developing and revising the IEP; and in making educational placement decisions.¹⁰⁶

6. Procedural Safeguards

IDEA contains procedural safeguards to help parents enforce their rights.¹⁰⁷ The safeguards ensure access to information they need to effectively participate in decision making. Parents should read and understand or have explained to them their rights so they can meaningfully participate in all parts of the special education process.

Note: An important procedural safeguard is that parents are entitled to written notice of IEP meetings AND notice of any proposed changes to the IEP or denials of parent's requests.

34 C.F.R. §§ 300.322, 300.503

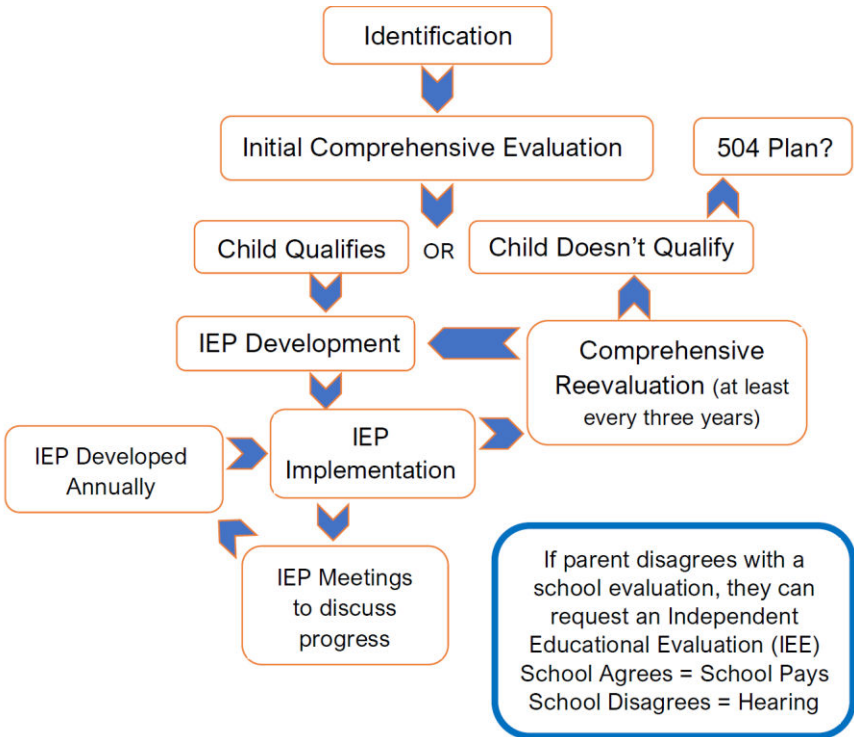
A copy of the procedural safeguards shall be given to the parents of a child with a disability once a year. A copy also shall be given to the parents upon:

- Initial referral or parental request for evaluation;
- The first occurrence of the filing of a complaint; and
- Request by a parent¹⁰⁸

For More Information, Visit:

<https://www.askresource.org/resources/six-principles-of-idea>

The IEP Process



For More Information, Visit MDE: <https://education.mn.gov/MDE/fam/sped/>

Transportation

If a student with an IEP has physical or mental needs that make it unsafe to ride the regular school bus, they are entitled to receive free, specialized transportation. This service should be written in the child's IEP or IFSP. Based on the needs of the child transportation may include:

- Travel to and from school
- Travel in and around school buildings
- Adapted buses, lifts, and ramps
- An aide
- Special safety equipment, seats, wheelchair securement¹⁰⁹

The decision of whether a student needs specialized transportation should be made by the IEP team including the parents. It must be a decision based on the child's specific needs not a one-size-fits-all district policy. However, school districts are only required to provide special education transportation within the district, not to other districts.¹¹⁰

Students with 504 accommodation plans can also receive specialized transportation. These services should be written in the 504 plan.¹¹¹

Transition Services

Schools are required to help students with Individual Education Plans (IEPs) prepare for life after high school once the student reaches 9th grade or turns 16 years old.¹¹² The transition from high school to adult life will be different for every student. Students may need to prepare for college, finding a career, or learning independent living skills.

How do Transition services start?

The IEP team should assess the student and determine what services will help them meet their goals. A transition assessment should look at a student academically (what they are learning) and functionally (what skills they are building). The assessments can be done by a trained professional and can also include feedback from the parents, student, and teachers.¹¹³

Note: The school must tell students and parents about the full range of transition services available. Schools should not limit what types of information a student is given based on their disability or IEP.

What is written in the IEP?

A transition plan is written based upon the transition assessments. The school should provide progress reports, and the transition plan should be updated at least once a year.

The following must be written in the IEP:

1. a description of the student's strengths and interests;
2. measurable goals related to the results of the transition evaluation; and
3. services to help the student achieve those goals.¹¹⁴

What Types of Transition Services Are There?

There is a wide variety of transition services available. Transition services can be provided by the school, another social service agency, a partnering business, or a community organization. Parents can ask that people from these different transition programs be invited to come to the IEP meeting.¹¹⁵

Here are some different types of transition services that could be available:

- Further education – counseling and courses to prepare for college or other adult education
- Employment – job exploration, work-based learning and internships, and workplace readiness training
- Independent living – instruction in self-advocacy, community participation, recreation, leisure and home living.¹¹⁶

The types of transition services available might be different based on where the student lives and on the specific eligibility requirements of the individual programs.¹¹⁷

Note: Every high school is assigned a Vocational Rehabilitation counselor who can help coordinate work activities and job training. You can ask if your child would be qualified for Vocational Rehabilitation services. The counselor can join the IEP meeting and help develop the student's transition plan.

When Do Transition Services End?

A student can receive special education services until they turn 22 years old or decide to leave school.¹¹⁸ It is important to remember that even if the student turns 22 during the school year, they will no longer be eligible once they reach that age.¹¹⁹

Summary of Progress (SOP)

The IEP team must write an SOP for students graduating with a regular diploma or aging out of special education. The purpose of the SOP is to help the student transition beyond high school. The SOP should include the student's strengths, needs, and goals so they can request help in their future school or workplace.

Here are some examples of what an SOP might include:

- Necessary accommodations for work or education
- Assistive technology
- Support services
- General areas of need

For More Information, Visit: MN Dept. of Employment & Economic Development, Vocational Rehabilitation: <https://mn.gov/deed/job-seekers/disabilities/>
Disability Hub MN, Disability Benefits 101: <https://mn.db101.org/>

Managing Student Behavior

If a student has challenging behaviors that disrupt the student's learning or the learning of others, the IEP team may conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) based on information gathered from the FBA.¹²⁰ In some circumstances, an FBA and a BIP are required.¹²¹

FBA and BIP

FBA and BIP. What are they?

FBA is an assessment to help figure out the cause or “function” of a student’s challenging behavior.¹²²

BIP is a written plan (based on information from the FBA) that contains positive behavioral supports for reducing the student’s challenging behaviors. The plan should also teach and reinforce good behavior. The BIP is part of the IEP.¹²³

For More Information, Visit MDE:

https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=041743&RevisionSelectionMethod=latestReleased&Rendition=primary

Physical Holds and Seclusions

The IEP team must address a child’s behavior through the implementation of positive behavior supports to avoid unnecessary physical holding and seclusion of a student.¹²⁴

Physical holding involves keeping a child immobile or limiting movement to protect the child or other person from injury. Physical holding does *not* include:

- Physical contact that helps a child complete a task OR
- Physically escorting a child when the child is not resisting¹²⁵

Seclusion is when a child is confined alone in a room and is prevented from leaving.¹²⁶

Note: Schools are prohibited from using seclusion on children aged birth to 3rd grade. Minn. Stat. § 125A.0942, Subd. 4(11)

What are Restrictive Procedures?

Restrictive procedures include physical holding and seclusion. These procedures must only be used in an emergency to protect others from physical injury.¹²⁷ Restrictive procedures can only be used by certain licensed professionals such as a special education teacher or social worker. ¹²⁸ The school must notify the parent whenever a restrictive procedure is used with a child. ¹²⁹

When must the team meet after restrictive procedures are used?

1. If restrictive procedures are not written in the student's IEP/IFSP
OR
2. If restrictive procedures are written in the student's IEP/IFSP, and either:
 - Restrictive procedures were used with the student on 2 separate days within a 30-day period, or
 - A pattern of use emergesOR
3. At the request of a parent or district¹³⁰

At the meeting, the team will review data, conduct or review an FBA, consider developing or revising positive behavioral interventions, consider ways to reduce the use of restrictive procedures, and revise the IEP, IFSP, or BIP (as appropriate).¹³¹

If the team determines that existing interventions and supports are not working to reduce the use of restrictive procedures *or* restrictive procedures are used on a child on 10 or more school days during the same school year, the team must:

- Consult with other professionals working with the child;

Know Your Students' Rights

- Consult with experts in behavior analysis, mental health, communication, or autism;
- Consult with culturally competent professionals; *OR*
- Review existing evaluations and consider reevaluation¹³²

Restrictive procedures cannot be used to punish or discipline.

Minn. Stat. § 125A.0941(f)

For More Information, Visit MDE:

<https://education.mn.gov/MDE/dse/sped/restr/>

<https://education.mn.gov/MDE/dse/sped/caqa/dis/index.htm>

Student Discipline

Schools are required to provide the necessary supports, services, and interventions in response to disability-based behaviors to avoid school discipline. However, if districts choose to discipline students with disabilities, they must comply with anti-discriminatory federal civil rights laws.¹³³

For More Information, Visit OCR:

<https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>

Manifestation Determination

A manifestation determination is a meeting to determine whether a student's misbehavior was caused by their disability. The outcome of the meeting dictates whether the school can punish the student or not.¹³⁴

During a manifestation determination, the IEP team will meet and review all relevant information and determine if the conduct is directly related to the student's disability or was the result of the IEP not being correctly implemented. If either is true, then the conduct is a manifestation of the student's disability.¹³⁵

When must a school have a Manifestation Determination?

A manifestation determination must happen:

- Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, OR
- Before excluding or expelling a student with a disability

Note: A change in placement occurs if a student with a disability is:

- Suspended for more than 10 days in a row OR
- Suspended for more than 10 total days in the same school year for similar behaviors

Minn. Stat. § 121A.43(d); 34 C.F.R. §§ 300.530(e), 300.536

If the team determines the student's behavior is related to the student's disability, the team must conduct an FBA (unless one was done before); and create a BIP or revise an existing one. The student must be returned to the placement they were removed from unless the parent and the district agree to a change of placement.¹³⁶

If the behavior is a manifestation of the student's disability, the school cannot exclude, expel, or continue to suspend the student for that behavior. Minn. Stat. § 121.43(d); 34 C.F.R. § 300.530(f)

If the conduct was not a manifestation of their disability, the student can then be excluded, expelled, or suspended for more than 10 days. If this happens, the district must continue to provide special education services during the exclusion or expulsion although in a different setting.¹³⁷

Exception:

Regardless of whether the behavior was a manifestation of the student's disability, schools can temporarily change the placement of

a student if the student does any of the following at school, on school premises, or at a school function:

- Brings or possesses a weapon
- Knowingly possesses, uses illegal drugs, or buys or sells drugs
- Inflicts serious bodily injury on another person¹³⁸

Conflicts in Special Education

At times, parents and schools will disagree about whether the school is fulfilling special education requirements. There are some options available to resolve these conflicts.

Alternative Dispute Resolution Options

Conciliation Conference¹³⁹

- The school district must offer parents at least one opportunity to meet with members of the IEP team, or district staff members, for a conciliation conference.
- This conference must be held within 10 calendar days from when it was requested.
- The goal of this IEP meeting is to resolve disagreements between the parents and the school.

Facilitated Team Meeting¹⁴⁰

- The school district must inform parents of the option for a facilitated team meeting.
- The facilitated team meeting is made up of a state-provided facilitator and either the IEP team, ISFP team (for children under 3), or a multiagency team
- The facilitator is there to help with communication and developing an IEP.

Mediation¹⁴¹

- The school district must inform parents about the option of mediation to resolve a conflict.
- In mediation, a third party provided by the state works with the parents and the school to come to an agreement.

Special Education Complaint¹⁴²

- Parents can file a special education complaint with MDE (complaint form available online at MDE website).
- MDE investigates parent complaints to determine whether the school denied their child FAPE.
- The deadline to file a complaint is one year after the violation occurred.

For More Information, Visit MDE:

<https://education.mn.gov/MDE/dse/sped/conf/Comp/index.htm>

Due Process Hearing

Parents, or the school itself, can file a due process complaint when there is a disagreement about the identification, evaluation, placement, or availability of a free appropriate public education. The complaint must be filed within two years of the alleged violation.¹⁴³

After filing the complaint, the parents and the school will have a resolution meeting to try to resolve the issues in the complaint. If the parents and schools are unable to come to an agreement within 30 days, an impartial due process hearing may be held.¹⁴⁴ A due process hearing is a more formal process presided over by an impartial hearing officer.¹⁴⁵ In Minnesota, the hearing is conducted by an administrative law judge.¹⁴⁶

For More Information on Resolution Options, Visit MDE:

<https://education.mn.gov/MDE/fam/sped/conf/>

Students with Disabilities: Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that protects individuals with disabilities from discrimination. The law protects a student with an impairment that substantially limits one or more major life activities, whether the student receives special education services or not. All programs that receive federal funding, including private and charter schools, must comply with this law provide the necessary accommodations to eligible students.¹⁴⁷

Section 504 requires a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. An appropriate education consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.¹⁴⁸

Under Section 504, schools must identify and locate all children with disabilities within the district, notify them and their parents of the district's responsibilities, and provide notice of the procedural safeguards to the students and their parents.¹⁴⁹

Eligibility

To be eligible for a 504 Plan, a student must:

- have a disability that limits major life activities,
- have a record of such a disability, *OR*
- be regarded as having such an impairment by the school or others.

Major life activities include things such as learning, thinking, reading, speaking, walking, breathing, sleeping, caring for themselves, or major bodily functions.¹⁵⁰

Evaluations

School districts must conduct an evaluation in a reasonable amount of time when it is believed a student needs services because of a disability.¹⁵¹ Parental permission is needed for initial evaluations.¹⁵²

Schools must re-evaluate students yearly to make sure the needs of the student are being met.¹⁵³ Schools must also conduct re-evaluations before any significant change in the placement of the student.¹⁵⁴

How to ask for Section 504 Evaluation

Every school district should have a Sec. 504 Coordinator. This information can be found on the school district's website. Parents can contact the coordinator to request an evaluation. It is best to make the request in writing.

For More Information, Visit PACER: <https://www.pacer.org/parent/504/>

What are Section 504 Accommodations?

Accommodations are a way to ensure that students have equal access to education based on the student's individual needs. Accommodations are used to remove barriers and help the student participate and make progress:

- In the general classes.
- Participate and receive education with peers with and without disabilities.
- Participate in extracurricular activities.

Accommodations must give the child meaningful equal opportunities, consider their functional limitations, and offer alternative methods of performance. Examples of possible accommodations include, but are not limited to:¹⁵⁵

- Preferential seating
- Extended time on tests and assignments

Know Your Students' Rights

- Verbal, visual, or technology aids
- Behavior management support
- Occupational or physical therapy
- Transportation

For More Information, Visit:

PACER <https://www.pacer.org/parent/504/>

MDE <https://education.mn.gov/MDE/fam/504/index.htm>

OCR <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

504 Plan vs. IEP

A 504 Plan is not an Individualized Education Program (IEP). A student who does not qualify for an IEP may still qualify for a 504 Plan.

IEP vs. 504 Plan

IEP

- A written plan for a student's special education and related services, to meet a child's unique needs
- Requirements (under IDEA)
 - Have one or more of the disabilities listed in IDEA
 - Disability must affect the child's educational performance and/or ability to learn in a general education classroom
 - The child must need specialized instruction to make progress in school

504 Plan

- A plan for how the school will provide support and remove barriers for students with a disability
- Requirements (under the Rehabilitation Act of 1973)
 - Have any disability
 - Disability must interfere with the child's ability to learn in a general education classroom

Dispute Resolution

The Office of Civil Rights (OCR) takes complaints regarding violations of Section 504. If parents are not able to resolve disagreements with the school, or believe that their child has been discriminated against based on their disability, they can file a complaint with:

Office for Civil Rights,

U.S. Department of Education

John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor

Chicago, IL 60604

Chicago Office

Facsimile: (312) 730-1576

[Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

Note: Complaints must be submitted within 180 days of the discriminatory act.

For more information, Visit OCR:

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Student Discipline

Schools are required to use non-exclusionary disciplinary policies and practices to avoid student dismissal.¹⁵⁶ This means that schools should not leave children out of learning activities based on their behavior. These policies and practices are alternatives to dismissing a student from school.¹⁵⁷

Examples of non-exclusionary disciplinary policies and practices:

- Evidence-based positive behavior interventions & supports
- Social and emotional services
- School-linked mental health services
- Counseling services
- Social work services
- Academic screening for Title 1 services or reading interventions
- Alternative education services¹⁵⁸

Schools are encouraged to move away from punishment to teaching and recognizing positive behavior.¹⁵⁹ Some schools are implementing Positive Behavioral Interventions and Supports (PBIS) to create a more positive school environment and reduction in discipline referrals. Some are also using restorative practices that focus on the

importance of relationships and repairing them when there has been harm.¹⁶⁰

What is PBIS?

It is as an evidence-based framework for preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students. Minn. Stat. § 122A.627

For More Information on PBIS, Visit:

<https://education.mn.gov/MDE/dse/sped/pbis/index.htm>

For More Information on Restorative Practices, Visit MDE:

<https://education.mn.gov/MDE/dse/safe/prac/>

In-School Discipline

Removal From Class

If a student purposefully engages in disruptive, dangerous, or prohibited conduct, a school official may remove a student from class for up to 5 class periods.¹⁶¹

If a student has been removed from class more than 10 times in a school year, the school must meet with the parents to discuss the behavior that is causing the student to be removed.¹⁶²

Note: Schools cannot take away or delay a student's mealtime as a punishment for misbehavior. Minn. Stat. § 121A.611

Recess Detention

Schools cannot give students recess detention, unless:

- The student causes or is likely to cause serious physical harm to others
- The student's parent or guardian gives the school permission
- For a student with an IEP, the team agrees that withholding recess is appropriate

Know Your Students' Rights

If recess detention is imposed, the school must notify the student's parent or guardian within 24 hours of the detention.¹⁶³

Note: Students, parents, and school staff may file a complaint with the school regarding any disciplinary action. Schools must develop policies and procedures for addressing these complaints. Minn. Stat. § 121A.61, subd. 1; 4

Due Process Rights

Students have a right to public education. Thus, schools cannot deny due process or equal protection to any public-school student who is being dismissed from School.¹⁶⁴ Due Process means that the school must follow its rules and procedures.

School Dismissal

Dismissal from school is when a student is denied access to the current educational program through removal from school. Dismissal includes:

- Suspension,
- Exclusion, and
- Expulsion¹⁶⁵

Dismissal does NOT include:

- Removal from class, or
- In-school suspension¹⁶⁶

Pupil Fair Dismissal Act (PFDA)

In Minnesota, the PFDA states the steps that must be taken before a student can be dismissed from a public school.

Minn. Stat. §§ 121A.40-575

Grounds for Dismissal

Violating a reasonable school board regulation:

- Student intentionally breaks a rule
- School rules must be in the student conduct guide and be clear enough that students know what the rules are

Behavior that significantly disrupts the ability of other students to learn, or the ability of school employees to do their jobs:

- Behavior must be done on purpose

Behavior that endangers the student, others, or school property:¹⁶⁷

- Behavior must be done on purpose

Note: Schools are prohibited from dismissing a student because of attendance and truancy issues. Minn. Stat. §§ 121A.61, Sud. 3(u)

Suspension

Definition

A dismissal for no more than 10 days

- If the suspension is for longer than 5 days, the school must provide the superintendent with a reason¹⁶⁸
- Does NOT include dismissal for less than one school day, except as provided in Federal law for a student with a disability¹⁶⁹

Consecutive Suspensions

Multiple suspensions in a row, for the same incident, are not allowed

Exceptions:

- If the student being in school creates an “immediate and substantial danger” OR
- The district is in the process of initiating an expulsion (suspension can then be extended to 15 days total)¹⁷⁰

Restrictions on Dismissing Early Learners

Children enrolled in public preschool, prekindergarten, or kindergarten through 3rd grade, may not be excluded, expelled, or suspended, unless:

- The program has first used all non-exclusionary discipline resources, and
- There is an ongoing serious safety threat to the child or others. Minn. Stat. § 121A.425

Suspension Procedures¹⁷¹

Step 1: Informal Conference with Student

- Must be held before suspension begins, unless student will create a danger to themselves, others, or property
- Purpose is to get the student's side of the story
- A school administrator shall inform the student of the grounds for suspension and of the evidence they have
- Student will be given a chance to present their version of the facts

Step 2: Parent Notification

- Parent shall be notified as soon as possible, by phone

Note: If the student is suspended without a conference due to the possibility of immediate danger, the student and their parent must be given written notice within 48 hours of the suspension.

Step 3: Written Notification

- Must be given to:
 - the student personally, at or before the time the suspension starts
 - the student's parent by mail, within 48 hours
- Must contain:
 - The grounds for suspension
 - Brief statement of the facts
 - Description of testimony from witnesses
 - Copy of the PFDA
 - Re-admission plan (optional)¹⁷²

Note: If the suspension is longer than 5 days, alternative educational services must be started.

Minn. Stat. § 121A.43; Minn. Stat. § 121A.46, subd. 4(a)

Readmission Plan (Suspension)¹⁷³

If the school has a readmission plan for a student's return to school after suspension, the plan:

- Must provide for alternative educational services, if appropriate
- Must NOT be used to extend the current suspension
- Must NOT require the parent to give the child medication as part of their return to school

Alternative Education Services

Alternative education services must be provided by the school district for a student who is dismissed for more than 5 consecutive school days.¹⁷⁴ Examples of alternative education services include:

- Special tutoring
- Modified curriculum

Know Your Students' Rights

- Modified instruction
- Homebound instruction
- Supervised homework
- Enrollment in another district or alternative learning center¹⁷⁵

Schools must give suspended students the opportunity to complete all schoolwork assigned during their suspension.

Minn. Stat. § 121A.46, Subd. 5

Returning to School

Once a dismissal has ended, if the student does not return to school within 10 days, the school will notify the student and parent of the student's right to return.¹⁷⁶

Exclusion & Expulsion

Exclusion and expulsion both involve preventing the student from attending school.¹⁷⁷

Exclusion

- Preventing a student from enrolling or re-enrolling for a period of time
- Maximum period allowed: *remainder of the school year*

Expulsion

- Preventing an enrolled student from further attendance
- Maximum period allowed: *12 months from the date of expulsion*
- If a student brings a firearm to school, they **MUST** be expelled for *at least 1 year*.¹⁷⁸

Pupil Withdrawal Agreement

A parent can agree to withdraw the student from the school to avoid a proposed expulsion. This is a verbal or written agreement between the parent and the school administrator that the student will be

Know Your Students' Rights

withdrawn and enrolled in a different school. The withdrawal agreement cannot be for longer than 12 months.¹⁷⁹

Note: The agreement does **not** have to be in writing, but the student will need to be enrolled in a different school to avoid the expulsion proceedings.

Children Not Yet Eligible for Special Education

If a parent believes that their student's behavior is caused by a disability, but the school failed to do a special education evaluation, then the parent should request one in writing. In some cases, the school may pause the proposed expulsion until the evaluation is complete. It is important that a parent speaks with an advocate as soon as possible.¹⁸⁰

Right to a Hearing

Every exclusion or expulsion *must* include a hearing, unless waived by the student *and* parent.¹⁸¹

Note: Parents are encouraged to consult with an advocate before agreeing to waive their right to a hearing. Also, a student has the right to appeal an unfavorable board decision even if a hearing was waived.¹⁸²

Exclusion and Expulsion Procedures

Step 1: Written Notice

Must be served to the student and parent either personally or by mail, and must include:

- A statement of the facts and witnesses
- The date, time, and place of the hearing
- Copy of the PFDA
- A description of the non-exclusionary disciplinary practices used by the school to avoid expulsion

Know Your Students' Rights

- Information about the student's rights, including the right to:
 - Representation
 - Review the student's records before the hearing
 - Present evidence and confront Witnesses¹⁸³

Note: The district must also inform the student's parent that free or low-cost legal assistance may be available and that these resources are listed on the MDE website.

Step 2: Hearing

Time of Hearing

The hearing must be within 10 days of the written notice being served.¹⁸⁴ An extension, no longer than 5 days, can be granted if the school board, student, or parent requests one and has a valid reason.

The hearing will be closed to the public unless the student or parent requests an open hearing.

Student Rights During Hearing

- Testify or not testify
- Have others testify
- Confront witnesses testifying for the school
- Present evidence

Decision Maker

A hearing officer, school board member, school board committee, or the full school board will be present at the hearing as an impartial hearer.

- Within 2 days of the hearing, the impartial hearer will then make a recommendation to the school board based on the evidence presented at the hearing.
- Within 5 days of receiving the impartial hearer's recommendation, the school board will make its decision.

Step 3: Appeal

Timing of Appeal

- Within 21 days of the school board decision, the student can appeal an unfavorable decision to MDE.¹⁸⁵
- While waiting for the appeal, the original decision of the school board must be implemented.
- A final decision will be made by the Commissioner within 30 days of receiving the hearing record and the appeal documents.
- The decision can be appealed to the court of appeals.¹⁸⁶

Readmission Plan (Exclusion and Expulsion)

Every student who is excluded or expelled from school will have a readmission plan prepared for them and enforced by a school administrator. The plan:

- Must include steps to improve the student's behavior
- Must include reasonable attempts to obtain parent involvement
- May lay out consequences if a student fails to improve their behavior¹⁸⁷

Mental Health Screening

After more than 10 total days of dismissal from school in a school year, the district will request a meeting with the student's parents to discuss the student's needs.¹⁸⁸ The purpose of the meeting is to determine if the student needs assessment for a mental health disorder.

If, at the meeting, it is determined that the student should be assessed for a mental health disorder, the district shall arrange for a mental health screening for the student (the district is not required to pay for this assessment).

Incidents on School Buses

Transportation is a privilege, not a right, and can be revoked for a violation of school bus policies.¹⁸⁹

Bullying on school buses is prohibited under the Safe and Supportive Schools Act, and students are subject to school discipline.¹⁹⁰

Incidents Outside of School, Including Cyberbullying

Students are subject to school discipline for behavior that occurs off school property, including cyberbullying, if it significantly disrupts student learning or the school environment.¹⁹¹

Cell Phone Use in Schools

Improper use of cell phones in school can distract learning. By March 15, 2025, Minnesota school districts must develop rules on student possession and use of cell phones.¹⁹²

Physical Discipline

Teachers, school administrators, and other school district employees may not hit or spank a student or use so much physical force that the student is physically injured or suffers serious emotional harm.¹⁹³

Restraining a Student

If a student needs to be restrained for the safety of themselves or others, force can be used to restrain the student, only with as much force as is reasonably needed to prevent physical harm to the student or others.¹⁹⁴

School district employees are not allowed to use certain physical restraints on students, including restraints that:

- Place a child in a face-down position ("prone restraint")
- Make it difficult for a student to breathe or communicate distress
- Place weight on sensitive areas of a student's body like the head, throat, chest, or stomach
- Result in straddling a student's body

Minn. Stat. § 121A.58, subd. 2a

Searches in Schools

Students are protected against unreasonable searches and seizures by the Fourth Amendment, but this right is reduced in the school environment to keep the school safe for students and staff.

A school official can search a student if there is reasonable suspicion that the student violated school rules. School officials do not need a warrant or "probable cause" to conduct a search, but the search must be reasonable under the circumstances.¹⁹⁵

A search is reasonable when:

- It is justified at the BEGINNING of the search
- It is related to the goals of the search, and
- It is not too intrusive.¹⁹⁶

Locker Searches

School lockers are property of the school district, and school officials may inspect the inside of lockers at any time and for any reason. However, personal possessions in a school locker may only be searched if there is a reasonable suspicion the search will uncover evidence of a violation of law or school rules. School districts must give parents and students a copy of the locker policy.¹⁹⁷

What about personal property searches?

A school employee who looks into, or pokes an item shielded from view, including a backpack, purse, folder, or article of clothing, is conducting a search, and must meet the reasonable suspicion standard.¹⁹⁸

Police must obtain a warrant to search the cell phone of someone under arrest, unless there is an emergency or the person consents.¹⁹⁹ However, courts are undecided if the 4th Amendment requires the same standard for searches of student phones by school staff.²⁰⁰ School districts must develop rules on student possession and use of cell phones by March 2015.²⁰¹

Drug Testing

Schools may drug test students who participate in extracurricular activities to prevent, deter, and detect drug use.²⁰²

Police in Schools

School Resource Officers (SROs) are part of the local police department, and each district decides for themselves whether to contract with them. State law requires that SROs fulfil certain duties:

- Improving school climate through relationship building and open communication
- Protecting students, staff, visitors and property from criminal activity
- Advising on safety drills and protocols
- Educating students and staff on law enforcement topics
- Enforcing criminal laws
- Other responsibilities decided by the school district²⁰³

SROs and School Discipline

SROs are not supposed to be involved in school discipline or use their authority as a police officer to enforce school rules.²⁰⁴ However, SROs can use force if they believe that a student is causing a risk of physical harm to themselves or another person.²⁰⁵

Searches by Law Enforcement

If school staff ask police to search a student, then the reasonableness standard applies.²⁰⁶ However, if police initiate a search on school grounds themselves a “probable cause” standard may apply depending on the specific facts.²⁰⁷

Police and Students with Disabilities

Each school district must develop a policy on the use of police officers to remove students with an IEP from school grounds.²⁰⁸

Definition

Bullying is offensive behavior that is intimidating, threatening, abusive, or harmful and:

- There is a real or perceived imbalance of power and the conduct is repeated or forms a pattern; or
- The behavior interferes with a student's educational opportunities, performance, or ability to participate in school.²⁰⁹

Cyberbullying uses technology or other electronic communication, such as social media posts, internet forums, messages shared by computer, cell phone, or other devices.²¹⁰

Record Sharing

If a student is involved in a drug incident off campus, such as the buying, selling, or possession of drugs or alcohol, the law enforcement agency will notify the school the student attends.²¹¹

Know Your Students' Rights

Schools may share information with law enforcement about drug or alcohol use, threatening behavior, use of weapons, theft, or vandalism.²¹²

Schools must have in place a policy for referral to law enforcement for a student who brings a firearm to school.²¹³

Maltreatment by a School Employee

Maltreatment of a student occurs when a teacher, school administrator, or other school employee neglects, physically or sexually abuses, or corporally punishes a child.²¹⁴

“Corporal Punishment” includes:²¹⁵

- Hitting or spanking
- Unreasonable physical force that causes physical or emotional harm

Maltreatment Reporting

Reports of maltreatment by a school employee should be made directly to the MDE, or a local police department.

How do I contact the MDE to report Maltreatment?

- 24-hour Reporting Hotline: (651) 582-8546
 - Online reporting forms available on MDE website below
- For More Information, Visit MDE:** <https://education.mn.gov/mde/dse/mal/>

Student Data & Privacy

Students have a right to privacy of their education records. Those records must also be transferred with them if they move to another school district.

School Records

Family Educational Rights and Privacy Act (FERPA)

FERPA was created to protect the privacy of a student's educational records. Before a school can share a student's school record containing information that could be used to identify the student, the school must get permission, in writing, from the parent or adult student.²¹⁶

What about emergencies?

If the school thinks that there is a serious threat to the health and safety of a student or others, they can share information from a student's school records with anyone who would need this information to protect the student or others.²¹⁷

A parent of a student has a right to look at and review their student's school records. Once a student is 18 years old, the right transfers to the student.²¹⁸

If the parent, or adult student, believes the records have information that is wrong, or that violates the student's privacy, they may try to change it by first asking the school to correct it. If that is unsuccessful, they can request a hearing.²¹⁹

What about school surveillance videos?

Whether surveillance videos can be shared by schools depends on if the school district classifies the videos as educational data, which would be protected under FERPA. Minnesota has stated that parents should be allowed to view surveillance videos that show their child, even if other children are identifiable in the video.²²⁰

Transferring Records²²¹

If a student changes schools, their previous school must transfer their educational records within 10 business days of receiving a request from the school they are currently enrolling in.

The previous school must also transfer information regarding any suspension, exclusion, or expulsion, and must notify the student and their parents that these records are being transferred.

Right to be Free from Discrimination

Every student in Minnesota has the right to be free from discrimination while receiving an education.²²² Discrimination based on race, color, creed, religion, national origin, sex, marital status, disability, status regarding public assistance, sexual orientation, and age is prohibited in any public or charter school.

Prohibited Discriminatory Practices

Prohibited discrimination includes:

- Denying a student any benefits from a school because they are a member of one of the groups listed above.²²³
- Excluding or expelling a student because they are a member of one of the groups listed above.²²⁴
- Segregating or separating a student in school because they fall into one of the protected groups listed above.²²⁵
- Sexual harassment based on a student's sex.²²⁶
- Failing to ensure physical and program access to students with a disability.²²⁷
- Helping someone else commit discrimination or encouraging someone else to commit discrimination.²²⁸
- Retaliating against, intimidating, or harassing someone who accused you of discrimination.²²⁹

Note: Every school district must have policies for handling reports of discrimination. Reference the Student Handbook of your school for information specific to your district.

Bullying

The Safe and Supportive Schools Act was passed with the goal of strengthening student protections against bullying. The Act applies to bullying that occurs not only at school but also at school events, on school transportation, and cyberbullying.²³⁰

Bullying Reports & Complaints

Every district is required to have an anti-bullying policy, and it must be published in the district's Student Handbook. The policy must have a process for making bullying reports. Schools must investigate a report of bullying within three days of the report.²³¹ The best way to make a report is in writing.

If the school doesn't properly respond to the bullying report, complaints can be made to MDE by calling: 651-582-8364 or sending an email: MDE.SSTAC@state.mn.us.

For More Information, Visit MDE:

<https://education.mn.gov/MDE/dse/safe/bprev/res/>

When does bullying become discrimination?

If a student is bullied because of their disability, race, sex, or other protected status, that is discrimination.

A district has greater responsibility to act when a student is being discriminated against. If a school fails to respond appropriately, parents can make a report to:

- [Minnesota Department of Human Rights](https://mn.gov/mdhr/intake/consultationinquiryform/)

Must be filed within 1 year of the discrimination

<https://mn.gov/mdhr/intake/consultationinquiryform/>

- Office of Civil Rights, Department of Education
Must be filed within 180 days of the discrimination
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Transgender & Gender-Nonconforming Students

Bathroom and Locker Room Use

Under Minnesota law, students are allowed to use bathrooms and locker rooms in line with their gender identity. Making a student use a different bathroom or locker room because of their gender identity is prohibited discrimination.²³²

Participation in Sports

The Minnesota State High School League, which many high schools belong to, states that all students can participate in sports that are in line with their gender identity or expression. Making a transgender or gender nonconforming student play on a team that goes against their gender identity is not allowed.²³³

For More Information, Visit MDHR: <https://mn.gov/mdhr/>

Right to Equal Athletic Opportunities

Schools must provide equal opportunity for students of both sexes to participate in athletic programs, including providing equal resources and budgeting.²³⁴

Exceptions:

- For an athletic team for students 12 and older, participants can be restricted to only one sex, if the athletic opportunities for that sex have been limited in the past. For example, an all-girls football team would be allowed because girls were not previously allowed on football teams.
- For an athletic team for students 11 and younger, there generally cannot be restrictions based on sex. An exception

can be made, and a single sex team created, if athletic opportunities for that sex have been limited in the past.²³⁵

For More Information, Visit: <https://education.mn.gov/MDE/fam/discr/>

Religion in Schools

Right to Freedom of Religion

Students cannot be denied an education because of their religion.²³⁶

Students cannot be discriminated against because of their religion.²³⁷

Prayer in School

No public school is allowed to have official school prayers.²³⁸

A moment of silence is allowed in school.²³⁹

Religious Holidays

School districts must try to accommodate any student who misses school for a religious holiday or an American Indian cultural practice, observance, or ceremony.²⁴⁰

Schools may observe holidays that have both a religious and nonreligious basis. Art, music, literature, and drama programs are allowed to have religious themes and temporary displays of religious symbols associated with religious holidays.²⁴¹

Vaccinations

A parent of a student who chooses not to vaccinate their child due to *consciously held beliefs* may request to be excused from the vaccination requirement.²⁴²

Student Religious Groups

If a school allows student groups to meet on school grounds, the school *must* also allow student religious groups to meet at school.²⁴³

For More Information, Visit U.S. DOE:

<https://www2.ed.gov/policy/gen/guid/religionandschools>

Inclusive Curriculum²⁴⁴

Each school district must have a written plan to make sure the curriculum developed establishes and maintains an inclusive educational program. The plan is kept in the administrative offices of the district and with the commissioner of education.²⁴⁵

The goal is to have staff and students gain an understanding and appreciation of:

- Cultural diversity of the United States, with an emphasis on persons of color
- Historical and contemporary contributions of men and women to society, with an emphasis on the contributions of women
- Historical and contemporary contributions of persons with disabilities

The program must reflect the wide range of contributions by and roles open to Americans of all races and cultures, both men and women, and Americans with disabilities.

Access to Library Books Protected

School libraries are not allowed to ban books or stop students from reading a book because of the viewpoint or message the book conveys. School libraries are allowed to decide which books to purchase based on what is appropriate for the age group and learning objectives of students. School districts have formal procedures in place if community members wish to have a particular book reconsidered.²⁴⁶

Freedom of Speech and Student Journalism

Students have some protections under the First Amendment of the US Constitution for Freedom of Speech.²⁴⁷

Schools who participate in School-Sponsored Media and Student Journalism cannot punish a student or the student media adviser for expressing political views or opinions on topics. ²⁴⁸

Exceptions:

Schools can enforce rules that punish students for saying or writing things that are inappropriate, such as sexually explicit, discriminatory or harassing statements. Schools can also punish students for saying things **outside of school or online** that bully another student. ²⁴⁹

Student Success: Closing the Gap

The “achievement gap” is the difference in academic performance between groups of students. Gaps are most common when looking at differences of race, ethnicity, socio-economic status, gender, and disability. ²⁵⁰ In Minnesota, white students from higher-income families have persistently outperformed students of other races or ethnicities, English learners, and students who are eligible for free or reduced-price lunch. ²⁵¹

Minnesota has some of the widest gaps in the nation when looking at school dropout rates, test scores, college enrollment rates, and other measurements of success in schools. The achievement gap has been the focus of several Federal and state initiatives.

Every Student Succeeds Act (ESSA)

ESSA is a federal law that provides funding for closing achievement gaps. ²⁵² It requires states to measure the performance of students within certain subgroups: ²⁵³

- Students who are poor
- Students from major racial and ethnic groups
- Students with disabilities
- English learners

States are also required to develop a “State Report Card” that provides parents with information including statewide test performance, graduation rates, and student attendance.²⁵⁴

Achievement and Integration for Minnesota

This program was established to pursue racial and economic integration, increase student academic achievement, create equitable educational opportunities, and reduce academic disparities based on students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools.²⁵⁵

Comprehensive Achievement/Civic Readiness

Minnesota's “Comprehensive Achievement and Civic Readiness” program requires school districts to improve student achievement through teaching and learning supports.²⁵⁶

The goals of the program are to:

1. Close the academic achievement gap
2. Have all students meet school readiness goals
3. Have all students attain career and college readiness before graduation
4. Have all students graduate from high school
5. Prepare students to be lifelong learners²⁵⁷

Student Success: Preparing for Career & College

Planning for students' successful transition to post-secondary education and employment is now required for all students. Starting in 9th grade, schools must help students develop personal learning plans. Students should also have opportunities for experiential learning.²⁵⁸

Academic Standards

The academic standards specify the knowledge and skills students should learn in K-12 public education.²⁵⁹ Minnesota Academic Standards ensure all students are being held to the same learning expectations. They help prepare students for success in college, careers, and adult life.

Statewide Assessments

The statewide assessments are based on Minnesota's academic standards, and measure how well students are learning these standards.

What statewide assessments are there?

Minnesota Comprehensive Assessments (MCA)

- Tests for ALL students in reading, math, and science to determine if they are meeting the academic standards

Minnesota Test of Academic Skills (MTAS)

- If students have significant disabilities and cannot take the MCA, they may be able to take the MTAS instead

ACCESS for ELL (ACCESS)

- English Learners may also take the ACCESS which tests English reading, writing, listening, and speaking skills.

Alternate ACCESS for ELL (Alternate ACCESS)

- English Learners with significant disabilities may take the Alternate ACCESS.

Note: If a student has an IEP, the IEP team decides which tests the student will take. Most are encouraged to take the regular tests with accommodations specific to their IEP. Alternative tests may be recommended for students with significant disabilities. English

Know Your Students' Rights

Learners take the ACCESS every year until they exit the English language program.

When do students take these tests?

MCA/MTAS

Tested in Grades

Math

3-8, 11

Reading

3-8, 10

Science

5, 8, once in high school

School districts are required to post the dates for the statewide assessments on their website at the beginning of each school year.

When do parents get the test results?

Individual student test results should be available for parents in a timely manner. Depending on the type of test, results could be ready in as little as 3 days.²⁶⁰ Parents can talk to the schools for more information about accessing test results.

For More Information, Visit MDE:

<https://education.mn.gov/MDE/fam/tests/Assessmentresults/>

Personal Learning Plans

School districts must develop Personal Learning Plans for all students by 9th grade to prepare them for post-secondary education or employment. The plan can include:

- College and career-ready classes and activities
- Student support info. with resources on special opportunities
- Appropriate goals and timelines to be on track for graduation

If the student has an IEP that already contains the required information, a separate Personal Learning Plan is NOT needed.

Minn. Stat. § 120B.125

Career and College Readiness

“Career and college readiness” means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including post-secondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment.

Students who are career and college ready can successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.²⁶¹

In preparation for college, eligible students have opportunities to participate in rigorous classes or programs through their high schools. Programs include Advanced Placement (AP), International Baccalaureate (IB), concurrent enrollment courses, college level exam programs, and world languages.²⁶² Students may earn college credits by successfully passing courses.²⁶³ Exam fees are reduced or waived based on financial need.

Post-Secondary Enrollment Options (PSEO)

Post-secondary enrollment option (PSEO) allows Minnesota high school students to take college courses at the college campus and/or online and get both high school and college credits for successfully completing a course.²⁶⁴ Tuition for PSEO is free for eligible public, private, alternative learning center, charter school or homeschooled student. Low-income students can get transportation reimbursement from their high school to the college campus. Some low-income students and parents can receive reimbursement for transportation to PSEO programs.²⁶⁵

For More Information, Visit MDE: <https://education.mn.gov/MDE/dse/ccs/>

For Information on Career and Technical Education, Visit:

<https://education.mn.gov/MDE/dse/cte/index.htm>

For Resources for Post-secondary Education, Visit:

<https://education.mn.gov/MDE/dse/ccs/pseo/>

References

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- ¹ See Minn. Const. Art. XIII, § 1; *Skeen v. State*, 505 N.W.2d 299, 313 (Minn. 1993).
- ² *Skeen*, 505 N.W. at 313
- ³ Minn. Stat. § 120A.20, subd. 1(a)
- ⁴ Minn. Stat. § 120A.20, subd. 1(c)
- ⁵ Minn. Stat. § 120A.20, subd. 2
- ⁶ *Plyler v. Doe*, 457 U.S. 202 (1982); Minn. Stat. § 123B.30
- ⁷ Minn. Stat. § 124D.03, subd. 1
- ⁸ Minn. Stat. § 124D.03, subd. 3
- ⁹ Minn. Stat. § 124E.03; <https://education.mn.gov/MDE/fam/cs/>
- ¹⁰ Minn. Stat. § 124D.094
- ¹¹ Minn. Stat. § 124D.094, subd. 1(c)
- ¹² Minn. Stat. § 124D.094, subd. 1(b)
- ¹³ Minn. Stat. § 124D.094, subd. 1(f)
- ¹⁴ Minn. Stat. § 124D.094, subd. 2(a)
- ¹⁵ Minn. Stat. § 124D.094, subd. 2(e)
- ¹⁶ Minn. Stat. § 124D.094, subd. 1(j)-(k)
- ¹⁷ Minn. Stat. § 124D.094, subd. 3(b)
- ¹⁸ Minn. Stat. § 124D.094, subd 3(c); subd. 4(f)-(i)
- ¹⁹ Minn. Stat. § 124D.68; <https://education.mn.gov/MDE/fam/al/>
- ²⁰ Minn. Stat. § 120A.22, subd. 4
- ²¹ Minn. Stat. § 120A.22, subd. 5
- ²² Minn. Stat. § 120A.22, subd. 6
- ²³ Minn. Stat. § 120A.22, subd. 12
- ²⁴ Minn. Stat. § 260C.007, subd. 19
- ²⁵ Minn. Stat. § 260A.06, subd. 1
- ²⁶ Minn. Stat. § 260A.07
- ²⁷ https://mn.gov/dhs/assets/School-Linked_Behavioral%20Health%20info%20sheet_tcm1053-333534.pdf
- ²⁸ <https://mn.gov/dhs/people-we-serve/people-with-disabilities/health-care/childrens-mental-health/programs-services/school-linked-behavioral-health-services.jsp>
- ²⁹ <https://www.getsmartaboutdrugs.gov/content/school-failure>
- ³⁰ Minn. Stat. § 121A.26
- ³¹ Minn. Stat. § 121A.26
- ³² Minn. Stat. § 121A.26
- ³³ Minn. Stat. § 123B.88, subd. 1
- ³⁴ Minn. Stat. § 123B.91, subd. 1(5)
- ³⁵ Minn. R. 3520.1500 (2023)
- ³⁶ Minn. Stat. § 123B.88, subd. 1
- ³⁷ Minn. Stat. § 123B.88
- ³⁸ Minn. Stat. § 124D.111
- ³⁹ Minn. Stat. § 124D.1158
- ⁴⁰ <https://education.mn.gov/MDE/dse/FNS/SNP/specpr/Comm/>
- ⁴¹ <https://www.fns.usda.gov/cn/income-eligibility-guidelines> ;
- ⁴² Minn. Stat. § 124D.111, subd. 1c
- ⁴³ Minn. Stat. § 124D.111, subd. 1
- ⁴⁴ Minn. Stat. § 123B.37
- ⁴⁵ Minn. Stat. § 123B.36

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- ⁴⁶ <https://helpmegrowmn.org/HMG/GetHelpChild/WhyRefer/index.html>
- ⁴⁷ <https://helpmegrowmn.org/HMG/HelpfulRes/Articles/WhatInfantToddlerInterv/index.html>
- ⁴⁸ 34 C.F.R. § 303.340
- ⁴⁹ <https://www.pacer.org/ec/early-intervention/understanding-the-system/difference-between-ifsp-iep.asp>
- ⁵⁰ 34 C.F.R. § 300.320
- ⁵¹ <https://www.pacer.org/ec/early-intervention/understanding-the-system/difference-between-ifsp-iep.asp>
- ⁵² <https://education.mn.gov/MDE/dse/early/>
- ⁵³ Minn. Stat. § 124D.13
- ⁵⁴ Minn. Stat. § 124D.165
- ⁵⁵ Minn. Stat. §§ 119A.50-119A.545
- ⁵⁶ <https://education.mn.gov/MDE/fam/elsprog/screen/index.htm>
- ⁵⁷ Minn. Stat. § 124D.151, subd.4-6
- ⁵⁸ Minn. Stat. § 120A.20
- ⁵⁹ Minn. Stat. § 121A.17
- ⁶⁰ Minn. Stat. § 121A.15
- ⁶¹ Minn. Stat. § 120B.12, subd. 1
- ⁶² Minn. Stat. § 120B.12, subd. 1; Minn. Stat. § 120B.1118, Subd. 4
- ⁶³ Minn. Stat. § 120B.12, subd. 2
- ⁶⁴ Minn. Stat. § 120B.12, subd. 2a
- ⁶⁵ Minn. Stat. § 120B.12, subd. 3
- ⁶⁶ Minn. Stat. § 120B.12, subd. 3(b)
- ⁶⁷ <https://education.mn.gov/MDE/fam/gifted>
- ⁶⁸ Minn. Stat. § 120B.15
- ⁶⁹ *Plyler v. Doe*, 457 U.S. 202 (1982); Minn. Stat. § 123B.30
- ⁷⁰ *Plyler v. Doe*, 457 U.S. 202 (1982); Minn. Stat. § 123B.30
- ⁷¹ Minn. Stat. § 124D.59
- ⁷² <https://education.mn.gov/MDE/MDE072228>
- ⁷³ Minn. Stat. 124D.60
- ⁷⁴ *Castaneda v. Pickard*, 648 F.2d 989 (5th Cir. 1981); Minn. Stat. § 124D.61
- ⁷⁵ Minn. Stat. § 124D.61(5)-(6)
- ⁷⁶ <https://www2.ed.gov/print/about/offices/list/oese/oie/history.html>
- ⁷⁷ Minn. Stat. §§ 124D.71-124D.82
- ⁷⁸ Minn. Stat. §§ 124D.71-82
- ⁷⁹ Minn. Stat. § 121A.08
- ⁸⁰ Minn. Stat. § 124D.792
- ⁸¹ Minn. Stat. § 124D.78
- ⁸² Minn. Stat. § 124D.81
- ⁸³ 20 USC § 7918 (Every Student Succeeds Act)
- ⁸⁴ Minn. Stat. § 124D.791, subd. 4(6)
- ⁸⁵ 42 U.S.C. § 621(4)
- ⁸⁶ 42 U.S.C. § 675(1)(G)
- ⁸⁷ 20 U.S.C. § 6311(g)(1)(E) (Every Student Succeeds Act- reauthorized and amended Elementary and Secondary Education Act);
- ⁸⁸ 42 U.S.C. § 675 (Fostering Connections Act- amended Social Security Act); 20 U.S.C. § 1232g (Uninterrupted Scholars Act- amended Family Educational Rights and Privacy Act)
- ⁸⁹ Minn. Stat. § 120A.21
- ⁸⁹ 20 U.S.C. § 6311(g)(1)(E)

- ⁹⁰ 20 U.S.C. § 6312(c)(5)(B)
- ⁹¹ Mc-Kinney-Vento Homeless Education Assistance Improvements Act, 42 U.S.C. § 11431
- ⁹² 42 U.S.C. §§ 11432(g)(1)(H), (g)(3)(C)(i)
- ⁹³ 42 U.S.C. § 11432(g)(1)(J)(iii)
- ⁹⁴ 20 U.S.C. §§ 1400-1482
- ⁹⁵ 29 U.S.C. § 794
- ⁹⁶ 34 C.F.R. § 300.111(a)
- ⁹⁷ 20 U.S.C. § 1414(a)(1)(B); 34 C.F.R. § 300.301(b)
- ⁹⁸ 20 U.S.C. § 1414(a)(1)(D); 34 C.F.R. § 300.300(a)
- ⁹⁹ 20 U.S.C. § 1400(d)
- ¹⁰⁰ 20 U.S.C. § 1414(a)(1)(C)
- ¹⁰¹ 20 U.S.C. § 1414(b)
- ¹⁰² 34 C.F.R. § 300.502(b)
- ¹⁰³ 20 U.S.C. § 1414(d)
- ¹⁰⁴ 20 U.S.C. § 1414(d); 34 C.F.R. § 300.320(b)
- ¹⁰⁵ 34 C.F.R. § 300.114
- ¹⁰⁶ 20 U.S.C. § 1414(e); 34 C.F.R. § 300.322
- ¹⁰⁷ 20 U.S.C. § 1415; 34 C.F.R. §§ 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.530-300.536, 300.610-300.625
- ¹⁰⁸ 20 U.S.C. § 1415(d)(1)(A)
- ¹⁰⁹ 34 C.F.R. §300.34; Minn. R 7470.1600
- ¹¹⁰ *Osseo Area Sch. v. M.N.B.*, 970 F.3d 917 (8th Cir. 2020)
- ¹¹¹ 34 C.F.R. §104.37(a)(2)
- ¹¹² Minn. Stat. §. 125A.08, sub.(b)(1); 34 C.F.R. § 300.320(b).
- ¹¹³ Minn. R. 3525.0210, subps. (23); (48)
- ¹¹⁴ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII)
- ¹¹⁵ Minn. Stat. §§ 125A.023; 125A.22
- ¹¹⁶ Minn. R. 3525.2900
- ¹¹⁷ <https://mn.gov/deed/job-seekers/disabilities/youth/pre-ets/pre-ets-services/>
- ¹¹⁸ Minn. Stat. § 125A.03, sub.(b)
- ¹¹⁹ https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=PROD082393&RevisionSelectionMethod=latestReleased&Rendition=primary#:~:text=Now%2C%20in%20Minnesota%2C%20the%20provision,the%20child%20with%20a%20disability
- ¹²⁰ 20 U.S.C. § 1414(d)(3)(B)
- ¹²¹ 20 U.S.C. § 1415(k)(1)(F); 34 C.F.R. § 300.530(f)
- ¹²² <https://www.pacer.org/parent/php/php-c215a.pdf>
- ¹²³ <https://www.pacer.org/parent/php/PHP-c291a.pdf>
- ¹²⁴ <https://education.mn.gov/MDE/fam/sped/holds/>
- ¹²⁵ Minn. Stat. § 125A.0941(c)
- ¹²⁶ Minn. Stat. § 125A.0941(g)
- ¹²⁷ Minn. Stat. § 125A.0941(b), (f)
- ¹²⁸ Minn. Stat. § 125A.0942, subd. 2(a)
- ¹²⁹ Minn. Stat. § 125A.0942, subd. 2(b)
- ¹³⁰ Minn. Stat. § 125A.0942, subd. 2(c)
- ¹³¹ Minn. Stat. § 125A.0942, subd. 2(c), (e)
- ¹³² Minn. Stat. § 125A.0942, subd. 2(d)
- ¹³³ <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>
- ¹³⁴ 34 C.F.R. § 300.530(e)
- ¹³⁵ 34 C.F.R. § 300.530(e)

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- ¹³⁶ 34 C.F.R. § 300.530(f)
- ¹³⁷ 34 C.F.R. § 300.530(d); Minn. Stat. § 121A.43, sub. (d)
- ¹³⁸ 34 C.F.R. § 300.530(g)
- ¹³⁹ Minn. Stat. § 125A.091, subd. 7
- ¹⁴⁰ Minn. Stat. § 125A.091, subd. 11
- ¹⁴¹ Minn. Stat. § 125A.091, subd. 8-9
- ¹⁴² 34 C.F.R. §§ 300.151-300.153
- ¹⁴³ 34 C.F.R. § 300.507
- ¹⁴⁴ 34 C.F.R. § 300.510
- ¹⁴⁵ 34 C.F.R. § 300.511
- ¹⁴⁶ <https://education.mn.gov/MDE/fam/sped/conf/duel/> ;
<https://education.mn.gov/MDE/fam/sped/conf/duel/004786>
- ¹⁴⁷ 29 U.S.C. § 794; 34 C.F.R. Part 104
- ¹⁴⁸ 34 C.F.R. § 104.33
- ¹⁴⁹ 34 C.F.R. §§ 104.32; 104.36
- ¹⁵⁰ 34 C.F.R. § 104.3(j); <https://education.mn.gov/MDE/fam/504/index.htm>
- ¹⁵¹ 34 C.F.R. § 104.35(b); *Lumberton (MS) Public Schools*, 18 IDELR 33 (OCR 1991)
- ¹⁵² <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
- ¹⁵³ 34 C.F.R. § 104.35(d)
- ¹⁵⁴ 34 C.F.R. 104.35(a)
- ¹⁵⁵ <https://kidshealth.org/en/parents/504-plans.prt-en.html>
- ¹⁵⁶ Minn. Stat. § 121A.45, subd. 1
- ¹⁵⁷ Minn. Stat. § 121A.41, subd. 12
- ¹⁵⁸ Minn. Stat. § 121A.41, subd. 12
- ¹⁵⁹ Minn. Stat. § 121A.61, subd. 5
- ¹⁶⁰ <https://education.mn.gov/MDE/dse/safe/prac/>
- ¹⁶¹ Minn. Stat. § 121A.61, subd. 3
- ¹⁶² Minn. Stat. § 121.61, subd. 2
- ¹⁶³ Minn. Stat. § 121A.611
- ¹⁶⁴ Minn. Stat. § 121A.42
- ¹⁶⁵ Minn. Stat. § 121A.41, subd. 2
- ¹⁶⁶ Minn. Stat. §§ 121A.41; 121A.61
- ¹⁶⁷ Minn. Stat. § 121A.45
- ¹⁶⁸ Minn. Stat. § 121A.41
- ¹⁶⁹ Minn. Stat. § 121A.47; subd. 14(b)
- ¹⁷⁰ Minn. Stat. § 121A.41, subd. 10
- ¹⁷¹ Minn. Stat. § 121A.46
- ¹⁷² Minn. Stat. §§ 121A.41, subd. 10; 121A.47, subd. 14
- ¹⁷³ Minn. Stat. §§ 121A.41, subd. 10; 121A.47, subd. 14
- ¹⁷⁴ Minn. Stat. §§ 121A.43; 121A.46, subd. 4(a)
- ¹⁷⁵ Minn. Stat. § 121A.41, subd. 11
- ¹⁷⁶ Minn. Stat. § 121A.54
- ¹⁷⁷ Minn. Stat. § 121A.41
- ¹⁷⁸ Minn. Stat. § 121A.44
- ¹⁷⁹ Minn. Stat. §§ 121A.41 subd.13; 121A.45, subd.1
- ¹⁸⁰ 34 C.F.R. § 300.534
- ¹⁸¹ Minn. Stat. § 121A.47
- ¹⁸² Minn. Stat. § 121A.49
- ¹⁸³ Minn. Stat. § 121A.47

- ¹⁸⁴ Minn. Stat. § 121A.47
¹⁸⁵ Minn. Stat. § 121A.49
¹⁸⁶ Minn. Stat. § 121A.50
¹⁸⁷ Minn. Stat. § 121A.47, subd. 14
¹⁸⁸ Minn. Stat. § 121A.45, subd. 3
¹⁸⁹ Minn. Stat. § 121A.59
¹⁹⁰ Minn. Stat. § 121A.031
¹⁹¹ Minn. Stat. § 121A.031
¹⁹² Minn. Stat. sec. 121A.73
¹⁹³ Minn. Stat. § 121A.58
¹⁹⁴ Minn. Stat. § 121A.582
¹⁹⁵ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985); *Doe v. Little Rock Sch. Dist.*, 380 F.3d 349 (8th Cir. 2004); <https://www.house.leg.state.mn.us/hrd/pubs/youthlaw.pdf>
¹⁹⁶ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)
¹⁹⁷ Minn. Stat. § 121A.72
¹⁹⁸ *Doe v. Little Rock Sch. Dist.*, 380 F.3d 349 (8th Cir. 2004)
¹⁹⁹ *Riley v. California*, 573 U.S. 373 (2014); *U.S. v. Chaidez*, 906 F.2d 377 (8th Cir. 1990); Minn. Stat. § 626.085
²⁰⁰ *Jackson v. McCurry*, 762 Fed.Appx. 919 (11th Cir. 2019)
²⁰¹ Minn. Stat. § 121A.73
²⁰² *Vernonia Sch. Dist. 47 v. Acton*, 515 U.S. 646 (1995); *Board of Ed. of Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls*, 536 U.S. 822 (2002)
²⁰³ Minn. Stat. § 626.8482
²⁰⁴ Minn. Stat. § 626.8482, subd. 2(c)
²⁰⁵ Minn. Stat. § 609.06, subd. 1
²⁰⁶ *Shade v. City of Farmington, Minn.*, 309 F.3d 1054 (8th Cir. 2002)
²⁰⁷ *Thomas v. Barze*, 57 F.Supp.3d 1040 (D. Minn. 2014)
²⁰⁸ Minn. Stat. § 121A.55(f)
²⁰⁹ Minn. Stat. § 121A.031, subd.2(e)
²¹⁰ Minn. Stat. § 121A.031, subd. 2(f)
²¹¹ Minn. Stat. § 121A.28
²¹² Minn. Stat. § 13.32, subd. 8(a)
²¹³ Minn. Stat. § 121A.05
²¹⁴ Minn. Stat. §§ 260E.03, 260E.28-260E.30
²¹⁵ Minn. Stat. § 121A.58
²¹⁶ 34 C.F.R. § 99.30
²¹⁷ 34 C.F.R. § 99.36
²¹⁸ 34 C.F.R. § 99.10
²¹⁹ 34 C.F.R. § 99.21
²²⁰ Advisory Opinion 19-004, March 28, 2019; ISD 283, St. Louis Park Schools
²²¹ Minn. Stat. § 120A.22, subd. 7(a), (c)
²²² Minn. Stat. § 363A.02
²²³ Minn. Stat. § 363A.13, subd. 1
²²⁴ Minn. Stat. § 363A.13, subd. 2
²²⁵ Minn. Stat. § 363A.03, subd. 13
²²⁶ Minn. Stat. § 363A.03, subd. 13
²²⁷ Minn. Stat. § 363A.13, subd. 1
²²⁸ Minn. Stat. § 363A.14
²²⁹ Minn. Stat. § 363A.15

- ²³⁰ Minn. Stat. § 121A.031, subd. 1
- ²³¹ Minn. Stat. § 121A.031, subd. 4
- ²³² Minn. Stat. § 363A.13; *N.H. v. Anoka-Hennepin Sch. Dist. No. 11*, 950 N.W.2d 553 (Minn. Ct. App. 2020); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586 (4th Cir. 2020)
- ²³³ MSHSL Official Handbook, 300.00 Bylaws: Administration of Student Eligibility, 2021-2022, 300.03; Minn. Stat. § 363A.13, subd. 1
- ²³⁴ Minn. Stat. § 121A.04
- ²³⁵ Minn. Stat. § 121A.04
- ²³⁶ Minn. Stat. § 363A.13
- ²³⁷ Minn. Stat. § 363A.02
- ²³⁸ *Engel v. Vitale*, 370 U.S. 421 (1962)
- ²³⁹ Minn. Stat. § 121A.10
- ²⁴⁰ Minn. Stat. § 120A.35
- ²⁴¹ *Flore v. Sioux Falls Sch. Dist.* 49-5, 619 F.2d 1311 (8th Cir. 1980)
- ²⁴² Minn. Stat. § 121A.15, subd. 3
- ²⁴³ 20 U.S.C. § 4071
- ²⁴⁴ Minn. R. 3500.0550
- ²⁴⁵ Minn. R. 3500.0550, subp. 3
- ²⁴⁶ Minn. Stat. § 134.51, subd. 1
- ²⁴⁷ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)
- ²⁴⁸ Minn. Stat. § 121A.80, subd. 2
- ²⁴⁹ *Bethel School District v. Fraser*, 478 U.S. 675 (1986); *Morse v. Frederick*, 551 U.S. 393 (2007); Minn. Stat. § 121A.031, subd. 3
- ²⁵⁰ https://education.mn.gov/mdeprod/idcplg?IdcService=GET_DYNAMIC_CONVERSION&dDocName=056701&RevisionSelectionMethod=LatestReleased
- ²⁵¹ <https://www.minneapolisfed.org/policy/education-achievement-gaps/executive-brief>
- ²⁵² 20 U.S.C. § 6301 I
- ²⁵³ 20 U.S.C. § 6311(c)
- ²⁵⁴ 20 U.S.C. § 6311(c)
- ²⁵⁵ Minn. Stat. § 124D.861
- ²⁵⁶ Minn. Stat. § 120B.11
- ²⁵⁷ Minn. Stat. § 120B.11, subd. 1(c)
- ²⁵⁸ Minn. Stat. § 120B.125
- ²⁵⁹ Minn. Stat. § 120B.018, subd. 2
- ²⁶⁰ Minn. Stat. § 120B.305, subd. 2
- ²⁶¹ Minn. Stat. § 120B.307, subd. 1
- ²⁶² Minn. Stat. § 124D.09, subd. 5(b);10
- ²⁶³ Minn. Stat. §§ 120B.13; 120B.131
- ²⁶⁴ Minn. Stat. §§ 124D.09, subd. 12; 135A.101, subd. 3
- ²⁶⁵ Minn. Stat. § 124D.09

"When I say you guys go above and beyond, I really mean words don't describe how I really feel. You gave me and my husband the confidence and reassurance we needed to push and fight for our disabled son. Thank you so much for answering us at all times of the day."

-- ELAP Client

"My son and I know that you really care about us. Thank you for helping him with his educational needs."

-- ELAP Client

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