

3525.1100 STATE AND DISTRICT RESPONSIBILITY FOR TOTAL SPECIAL EDUCATION SYSTEM.

Subpart 1. **State responsibility for all educational programs for pupils.** The Department of Education is responsible for ensuring that all pertinent requirements in the Code of Federal Regulations, and this part are carried out by the local education agencies. Each special education program within the state, including programs administered by any other public agency is under the general supervision of the persons responsible for special education in the Department of Education.

This shall be done, in part, by reviewing each district's and program's total special education system (TSES) for compliance. Districts and programs shall also be monitored periodically by the Department of Education for their implementation of the TSES and all requirements in United States Code, title 20, chapter 33, sections 1400 et seq., Code of Federal Regulations, title 34, part 300, Minnesota Statutes, and this part.

Subp. 2. **District responsibility.** A district shall submit to the commissioner the district's plan for providing instruction and related services upon request for all pupils as required by Minnesota Statutes, sections 125A.03 to 125A.24. The plan may be for a single district or for the member districts of a formal special education cooperative. The plan shall be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. If a cooperative changes administrative organization, it shall submit a revised plan. The new plan must be submitted before the beginning of the next school year. The plan shall include descriptions of the district's:

A. Child study procedures for the identification and evaluation of students or other persons suspected of having a disability beginning at birth that include a plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies.

B. Method of providing the special education services for the identified pupils. The district shall have, as part of the district's TSES plan, a description of the full range of available educational service alternatives. The district's TSES plan shall include:

(1) a description of the sites available at which services may occur. Sites describe the building or other location where special education occurs; and

(2) a description of the available instruction and related services.

C. Administration and management plan to assure effective and efficient results of items A and B, including due process procedure assurances available to parents.

D. Operating procedures of interagency committees required in statute.

E. Interagency agreements the district has entered.

The commissioner shall approve or implement appropriate procedures for modification of the district plan. The commissioner shall grant the district a reasonable time to make necessary modifications when the commissioner receives a satisfactory corrective action plan that complies with standards for the education of pupils.

F. [Repealed, L 2009 c 96 art 3 s 22]

Statutory Authority: *MS s 120.17; 121.11; L 1994 c 647 art 3 s 23; L 1999 c 123 s 19,20*

History: *8 SR 596; 14 SR 281; 16 SR 1543; 19 SR 2432; L 1995 1Sp3 art 16 s 13; L 1998 c 397 art 11 s 3; 26 SR 657; L 2003 c 130 s 12; L 2009 c 96 art 3 s 22*

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