

125A.02 CHILD WITH A DISABILITY DEFINED.

Subdivision 1. **Child with a disability.** "Child with a disability" means a child identified under federal and state special education law as deaf or hard-of-hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the commissioner of children, youth, and families for children from birth through age two and by the rules of the commissioner of education for all other children. A licensed physician, an advanced practice registered nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability.

Subd. 1a. **Children birth through age six experiencing developmental delays.** In addition to subdivision 1, every child under age three and, at local district discretion, every child from age three through age six who needs special instruction and services, as determined by the rules of the commissioner of children, youth, and families for children under age three and by the rules of the commissioner of education for children ages three through six, because the child has a substantial delay or a diagnosed physical or mental condition or disorder with a high probability of resulting in developmental delay is a child with a disability.

Subd. 2. **Not a child with a disability.** A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the commissioner of children, youth, and families for children from birth through age two and by the rules of the commissioner of education for all other children, is not a child with a disability.

History: *Ex1959 c 71 art 1 s 3; 1969 c 981 s 1; 1975 c 432 s 7; 1981 c 358 art 3 s 1; 1Sp1985 c 12 art 3 s 1; 1987 c 398 art 3 s 1; 1991 c 265 art 3 s 38; 1998 c 397 art 2 s 164; 1998 c 398 art 2 s 1; art 5 s 55; 2005 c 56 s 1; 2006 c 263 art 2 s 18; 2008 c 326 art 1 s 1; 2009 c 96 art 3 s 5; 1Sp2011 c 11 art 3 s 1; 2022 c 58 s 24; 2023 c 25 s 45; 2024 c 80 art 4 s 17-19; 2024 c 109 art 5 s 1*