

## CHAPTER 128A

## ACADEMIES FOR THE DEAF AND BLIND

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**128A.02 DUTIES OF STATE BOARD OF EDUCATION.**

Subdivision 1. **To govern.** The state board of education shall govern the state academy for the deaf and the state academy for the blind.

Subd. 2. [Repealed, 1Sp1995 c 3 art 11 s 25]

Subd. 3. **Most beneficial, least restrictive.** The state board must do what is necessary to provide the most beneficial and least restrictive program of education for each pupil at the academies who is handicapped by visual disability or deafness.

Subd. 3b. **Planning, evaluation, and reporting.** To the extent required in school districts, the state board must establish a process for the academies to include parent and community input in the planning, evaluation, and reporting of curriculum and pupil achievement.

Subd. 4. [Repealed, 1Sp1995 c 3 art 11 s 25]

Subd. 5. **Site councils.** The state board may establish, and appoint members to, a site council at each academy. The site councils shall exercise power and authority granted by the state board. The state board must appoint to each site council the exclusive representative's employee designee from each exclusive representative at the academies.

*[For text of subd 6, see M.S.1994]*

**History:** 1Sp1995 c 3 art 11 s 5-8

**128A.021 RESOURCE CENTERS; DEAF OR HARD OF HEARING AND BLIND OR VISUALLY IMPAIRED.**

Subdivision 1. **Also for multiply disabled.** Resource centers for the deaf or hard of hearing, and the blind or visually impaired, each also serving multiply disabled pupils, are transferred to the department of children, families, and learning.

Subd. 2. **Programs.** The resource centers must offer summer institutes and like programs throughout the state for deaf or hard of hearing, blind or visually impaired, and multiply disabled pupils. The resource centers must also offer workshops for teachers, and leadership development for teachers.

A program offered through the resource centers must promote and develop education programs offered by school districts or other organizations. The program must assist school districts or other organizations to develop innovative programs.

Subd. 3. **Programs by nonprofits.** The resource centers may contract to have nonprofit organizations provide programs through the resource centers.

Subd. 4. **Advisory committees.** The special education advisory council shall establish an advisory committee for each resource center. The advisory committees shall develop recommendations regarding the resource centers.

**History:** 1Sp1995 c 3 art 11 s 9; art 16 s 13

**128A.022 POWERS OF STATE BOARD OF EDUCATION.**

Subdivision 1. **Personnel.** The state board of education may employ central administrative staff members and other personnel necessary to provide and support programs and services at each academy.

Subd. 2. **Get help from department.** The state board may require the department of children, families, and learning to provide program leadership, program monitoring, and technical assistance at the academies.

*[For text of subs 3 and 4, see M.S.1994]*

**Subd. 6. Student teachers and professional trainees.** (a) The state board may enter into agreements with teacher preparation institutions for student teachers to get practical experience at the academies. A licensed teacher must provide appropriate supervision of each student teacher.

(b) The state board may enter into agreements with accredited higher education institutions for certain student trainees to get practical experience at the academies. The students must be preparing themselves in a professional field that provides special services to children with a disability in school programs. To be a student trainee in a field, a person must have completed at least two years of an approved program in the field. A person who is licensed or registered in the field must provide appropriate supervision of each student trainee.

**History:** *1Sp1995 c 3 art 11 s 10,11; art 16 s 13*

#### **128A.023 DUTIES OF STATE DEPARTMENTS.**

**Subdivision 1. Department of children, families, and learning.** The department of children, families, and learning must assist the state board of education in preparing reports on the academies.

*[For text of subd 2, see M.S.1994]*

**History:** *1Sp1995 c 3 art 16 s 13*

#### **128A.024 OBLIGATIONS OF THE ACADEMIES.**

*[For text of subs 2 and 3, see M.S.1994]*

**Subd. 4. Education with pupils without a disability.** The academies must provide opportunities for their pupils to be educated with pupils without a disability. A pupil's opportunities must be consistent with the pupil's individual education plan or individual family service plan and assessment.

**History:** *1Sp1995 c 3 art 11 s 12*

#### **128A.025 STAFF OF THE ACADEMIES.**

**Subdivision 1. Academies' administrator.** The position of the chief administrator at each academy is in the unclassified service.

**Subd. 2. Teacher standards.** A teacher or administrator at the academies is subject to the licensure standards of the board of teaching or the state board of education.

*[For text of subs 3 to 7, see M.S.1994]*

**History:** *1Sp1995 c 3 art 11 s 13,14*

#### **128A.026 STATE ADOPTED PROCEDURES.**

**Subdivision 1. Subjects.** The state board of education must establish procedures for:

- (1) admission, including short-term admission, to the academies;
- (2) discharge from the academies;
- (3) decisions on a pupil's program at the academies; and
- (4) evaluation of a pupil's progress at the academies.

**Subd. 2. Minimum content.** The discharge procedures must include reasonable notice to the child's district of residence. The procedures must guarantee a pupil and the pupil's parent or guardian appropriate safeguards. The safeguards must include a review of the placement determination made under sections 120.17 and 128A.05 and the right to participate in educational program decisions.

**Subd. 3. Not contested case.** A proceeding about admission to or discharge from the academies or about a pupil's program or progress at the academies is not a contested case under section 14.02. The proceeding is governed instead by the rules of the state board governing special education.

**History:** *1Sp1995 c 3 art 11 s 15*

**128A.03** [Repealed, 1Sp1995 c 3 art 11 s 25]**128A.05 ADMISSION STANDARDS.**

Subdivision 1. **Two kinds.** There are two kinds of admission to the academies.

(a) A pupil who is deaf, hard of hearing, or blind-deaf, may be admitted to the academy for the deaf. A pupil who is blind or visually impaired, blind-deaf, or multiply handicapped may be admitted to the academy for the blind. For a pupil to be admitted, two decisions must be made under section 120.17.

(1) It must be decided by the individual education planning team that education in regular or special education classes in the pupil's district of residence cannot be achieved satisfactorily because of the nature and severity of the deafness or blindness or visual impairment respectively.

(2) It must be decided by the individual education planning team that the academy provides the most appropriate placement within the least restrictive alternative for the pupil.

(b) A deaf or hard of hearing child or a visually impaired pupil may be admitted to get socialization skills or on a short-term basis for skills development.

Subd. 2. **Multiply handicapped.** This section does not prevent a pupil with handicaps in addition to being

(1) deaf or hard of hearing, or

(2) blind or visually impaired

from attending the academy for the deaf or the academy for the blind, respectively.

*[For text of subd 3, see M.S.1994]*

Subd. 4. **Compulsory attendance.** The compulsory attendance provisions of section 120.101 apply to attendance at the academies. Attendance may be excused under that section by the commissioner of children, families, and learning or a designee. A person who fails to comply with section 120.101 is subject to section 120.103. The academies' administrator must exercise the duties imposed on a superintendent by section 120.103. Attendance at the academy for the deaf or the academy for the blind fulfills the requirements of section 120.17. The academies are subject to sections 127.26 to 127.39, the pupil fair dismissal act of 1970, as amended.

**History:** 1Sp1995 c 3 art 11 s 16,17; art 16 s 13

**128A.07 EXPENSE OF PUPILS.**

*[For text of subd 1, see M.S.1994]*

Subd. 2. **Local social services agency.** If the person liable for support of a pupil cannot support the pupil, the local social services agency of the county of the pupil's residence must do so. The commissioner of children, families, and learning must decide how much the local social services agency must pay. The state board of education must adopt rules that tell how the commissioner is to fix the amount. The local social services agency must make the payment to the superintendent of the school district of residence.

*[For text of subd 3, see M.S.1994]*

**History:** 1Sp1995 c 3 art 16 s 13