

Limited Resources and Unlimited Expectations

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Key Statutes



IDEA

Section
504



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IDEA's FAPE Obligation

A student receives a FAPE if the IEP is “reasonably calculated to enable [the] child to make progress appropriate in light of the child’s circumstances”



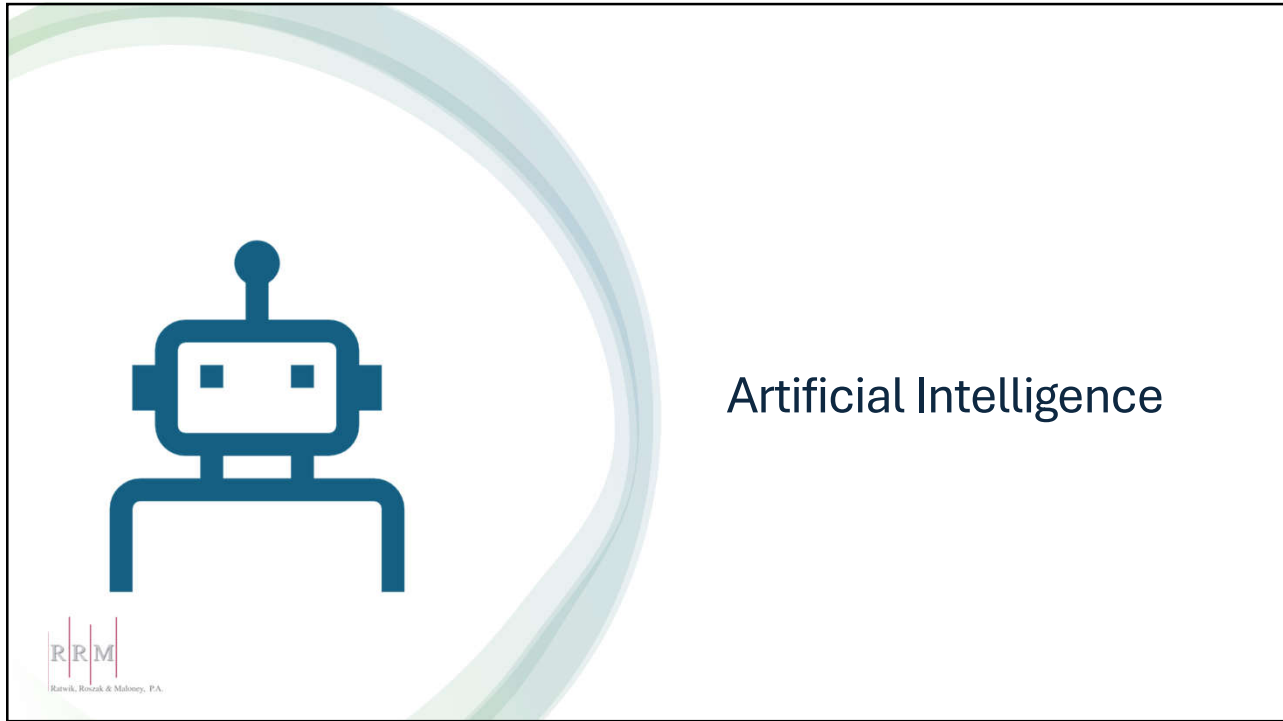
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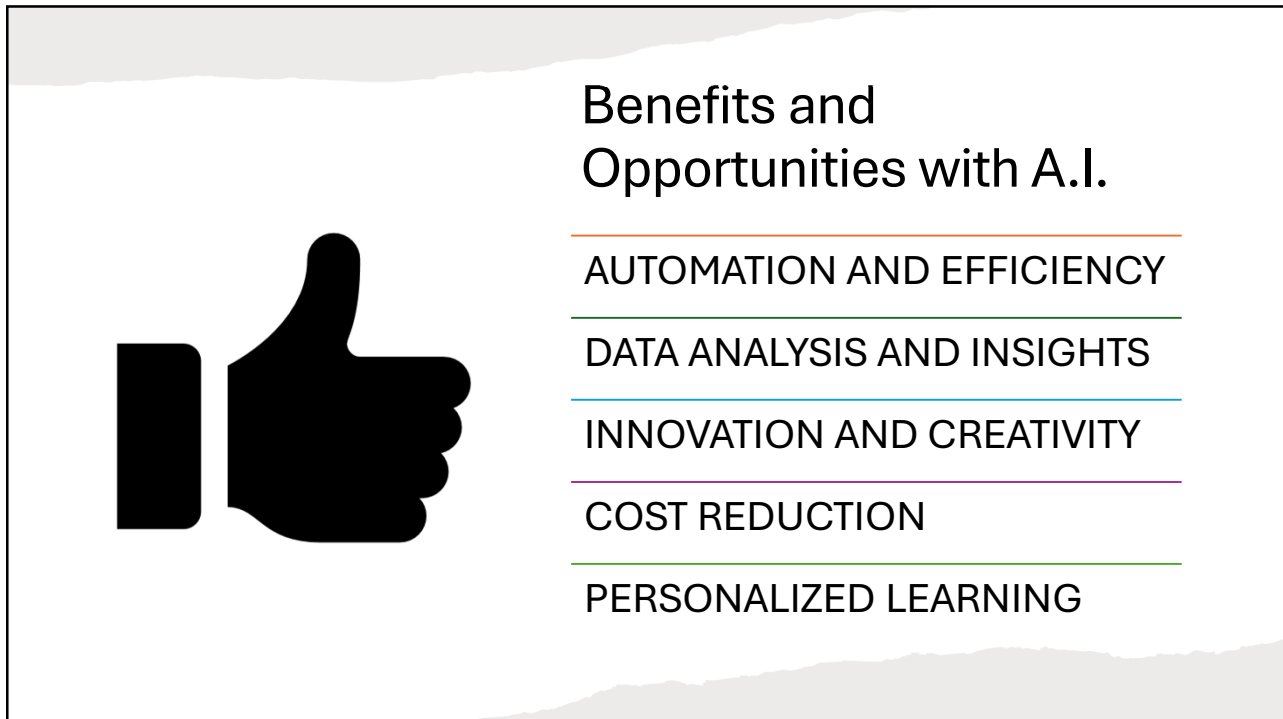
Reasonable Modifications pursuant to Section 504



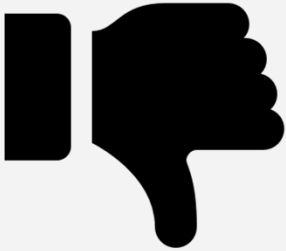
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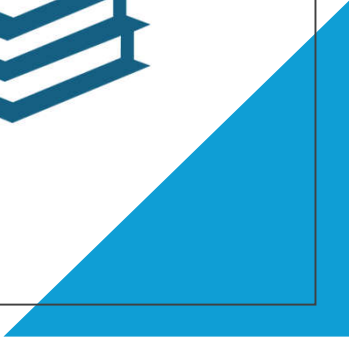
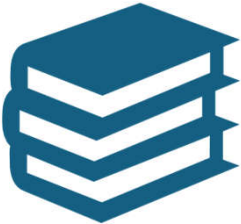


Potential Concerns and Risks with A.I.

- Data Privacy and Security
- Inaccurate and Harmful Information
- Misconduct
- Inequity in Access and Digital Literacy
- Lack of Expertise
- Trust and Transparency

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Guidance on the Use of AI in Schools




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MDE's Guiding Principles



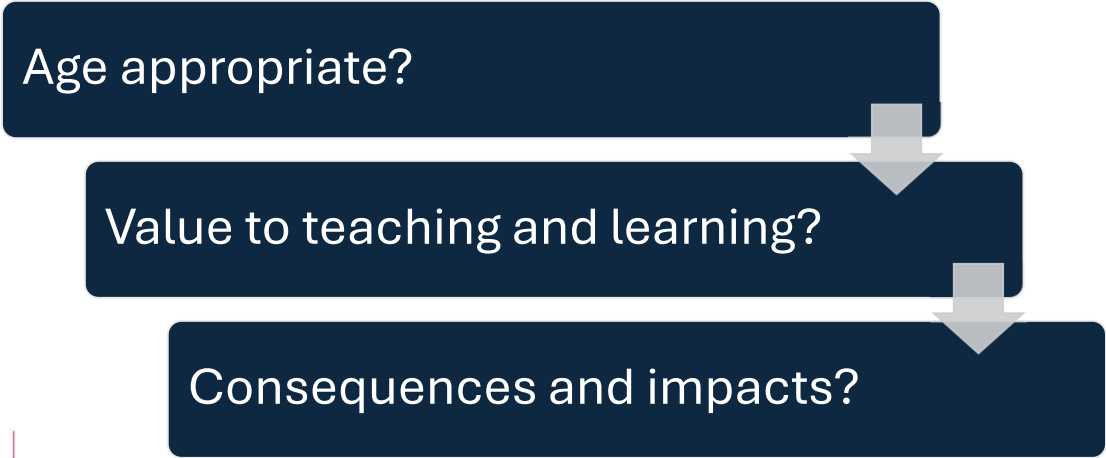
- VISION AND VALUE
- CENTER PEOPLE
- ADVANCE EQUITY
- ENSURE SAFETY, ETHICS, AND EFFECTIVENESS




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MDE's Considerations




- Age appropriate?
- Value to teaching and learning?
- Consequences and impacts?




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Rescinded OCR Guidance: A.I. & Discrimination



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OCR Example (Rescinded Guidance)

- A school district allows schools to use a generative AI tool to write Section 504 Plans.
- “The school district does not have any policies regarding how to use the tool” or “review what the AI produces.”
- One school uses “the tool to create Section 504 Plans for all students with diabetes” and the school “staff do not review or modify the generated Section 504 Plans” prior to implementing them.
- Parents of the students with diabetes complain “that their students’ Section 504 Plans’ provisions look almost identical and, in some cases, do not match the specific needs of their children.” The school district defers to the school’s decision on how to use AI and does not investigate further.



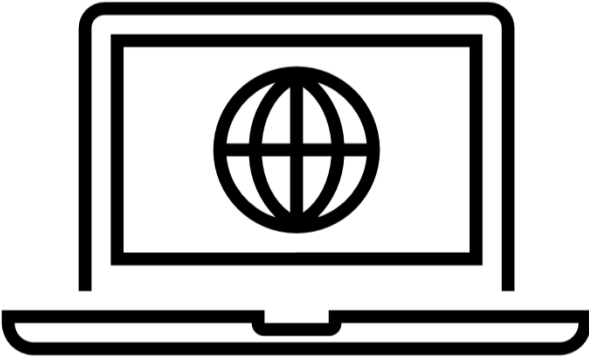
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OCR Example (Rescinded Guidance)

- A school district uses a software program that relies on past students' IEPs to draft current students' IEPs. The software inputs include all the data on IEPs, including race.
- “Historically, more Black students with disabilities in the district had IEPs that included more hours of special education instruction in a separate setting and educational placements that were more restrictive than other students.
- Most of the IEPs for Black students that are generated by the software recommend more special education services in separate settings and would result in placements in more restrictive educational environments
- The IEPs that the software generates for white students with similar disability-related needs recommends more integrated instruction and placements in less restrictive educational environments
- Even after a special education teacher complains, the school district continues the practice because it has a teacher shortage and thus, does not have the staff to draft and review IEPs.




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April 2025 Executive Order

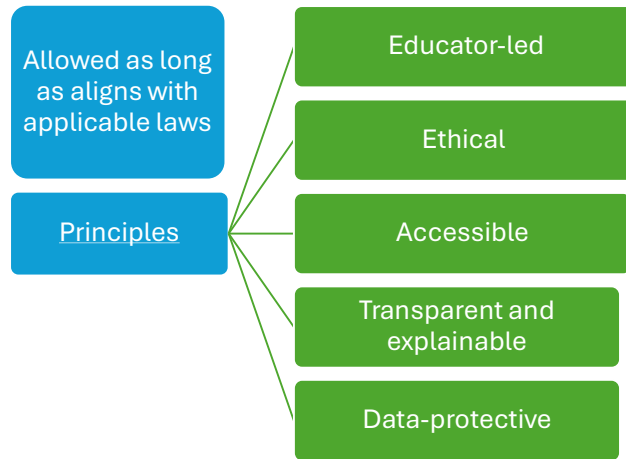
“It is the policy of the United States to promote AI literacy and proficiency among Americans...”





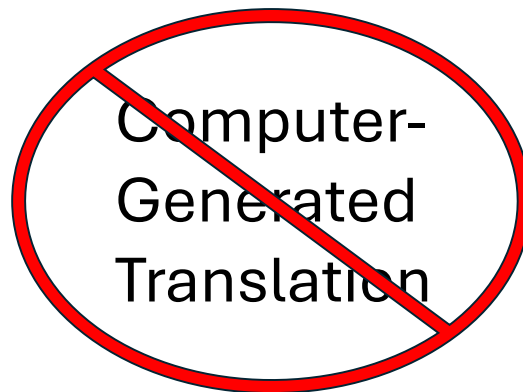
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U.S. Dep't of Educ. Guidance



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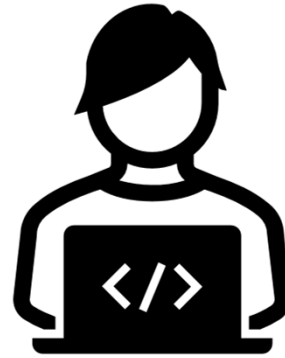
MDE's Language Access Plan Guide



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William A. v. Clarksville-Montgomery Cty. Sch. Sys. (6th Cir. 2025)

- Diagnosis of dyslexia and eligible for special education
- Capable of learning to read, but his IEP did not target such
- IEP gave the student “workarounds in reading”
- Student graduated with a 3.4 GPA but never learned to read
- Student provided a FAPE?



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H.P. v. Bd. of Educ. City Chicago (N.D. Ill. 2019)

- Parents had limited English proficiency
- No policy regarding translation or interpretation services for special education matters
- Requests for needed translation and interpretation services were denied
- Parents were forced to use web-based translation services
- Parents were not able to effectively participate in the IEP process



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Methodology and Providers




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Methodology

- Types of Methodologies
- Selection of a Methodology
- Disability Category



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Selection of Providers and Staff Shortages



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Parents' Requests for Specific Methodologies and Providers



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M.L.K. v. Minnetonka (8th Cir.)

- **RSK:**
 - Instruction: 1:1 non-special education support in reading & phonics (Sunday System)
 - Progress: Didn't make expected progress in reading; Attention struggles
- **Kindergarten:**
 - Services: 30 minutes daily of small group special education instruction in reading, writing, & math (Sunday "Let's Play Learn")
 - Progress: Met 1 & made progress on 2 reading goals; continued struggles with attention
 - EOY: Made reading goals more ambitious
- **1st Grade:**
 - Instruction: 1:1 special education instruction twice a day in reading, writing, and math for 1 hour (Sunday "Let's Play Learn")
 - Progress: "Steady improvements overall" but still reading at kindergarten level; Attention struggles
 - EOY: Made reading goals more "advanced" and benchmarks "more in-depth"
- **2nd Grade**
 - Instruction: 1-on-1 instruction in reading for 30 minutes (Sunday 1)
 - Progress: Making "some progress" in reading, but not at grade level; Attention needs significant
 - EOY: IEP goals kept "largely identical"
- **3rd Grade: First Half of Year**
 - Instruction: 45 minutes of small group & ≈30 minutes of 1:1 special education reading instruction daily (Foundations - WRS denied)
 - Progress: Reading progress (IEP goals, foundational skills mastered, & reading at mid-1st grade); Attention improving
- **3rd Grade: Second Half of Year**
 - Instruction: Small group instruction for 60 minutes four times a week (WRS); Additional support for reading and writing
 - Progress: "great progress toward his reading goals"
 - EOY: Raised reading goals to more difficult level




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Particular Schools




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Thompson ex rel. M.C. v. Lakeville Area Schs. (D. Minn. 2024)

- The Parent requested that a DCD classroom be developed at the Student’s neighborhood school
- The District declined the request because:
 - It was “unworkable;”
 - An individualized assessment of the Student’s needs; &
 - Another District school’s DCD program was more appropriate for the Student.




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**INSTRUCTION
OUTSIDE THE
“REGULAR” SCHOOL
DAY**



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A.J.T. v. Osseo Area Schools

- A.J.T. has a form of epilepsy and did not attend school until noon
- The District educated A.J.T. from noon until after the school day at 4:15 p.m. with intensive special education services
- Parents' requests for additional evening instruction were denied



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Issues

Did the District provide A.J.T. an appropriate education pursuant to the IDEA?

Did the District discriminate against A.J.T. in violation of Section 504 and the ADA?



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Eighth Circuit Holdings

IDEA

Section
504



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U.S. Supreme
Court



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Excessive Absences



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ISD 283 v. E.M.D.H. (8th Cir. 2020)

- **8th Grade (2014-15):**
 - “Excellent” grades when attended, but stopped attending
 - Diagnosed with depression and generalized anxiety disorder
 - Not referred to intervention team
- **9th Grade (2015-16):**
 - Attendance “irregular”
 - Parents requested IDEA evaluation and District agreed
- **10th Grade (2016-17):**
 - Evaluation completed
 - Evaluation concluded that the Student did not qualify for special education services
- **Did the District violate the IDEA’s child find obligation?**



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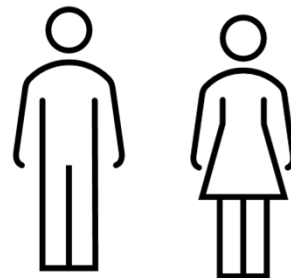
Separate Schooling



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J. S. v. Keystone Oaks Sch. Dist. (W.D. Pa. 2020)

- Escalating “inappropriate” conduct toward female student
- Concerning comments to principal regarding female student
- Diagnosis and recommended for “partial hospitalization”
- IEP amended and placed at private school program with mental health services
- Did the District provide the Student a FAPE in the LRE?



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Residential Placement

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*Indep. Sch.
Dist. No. 284
v. A.C. (8th
Cir. 2021)*

- Qualified for special education due to emotional and behavioral disorders; Average intelligence and no learning disability
- Was truant and, when she attended school, engaged in disruption conduct
- Attempts to educate the student at an off-campus day center and in self-contained classrooms were not successful
- Diagnosed with “conduct disorder” and recommend that she be placed in a secure facility
- Residential placement educationally necessary?

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*Springer v.
Fairfax Cty. Sch.
Bd. (4th Cir.
1998)*



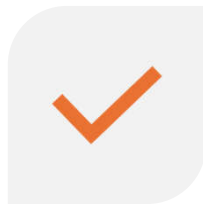
- General education student
- Prior to 11th grade, the Student made progress and advanced grade to grade on schedule
- In 11th grade, the Student started skipping class, using substances, and engaging in criminal activity resulting in a drop in his grades
- Psychologists concluded that he was not seriously emotionally disturbed
- Is the Student a student with a disability and are his parents entitled to tuition reimbursement?

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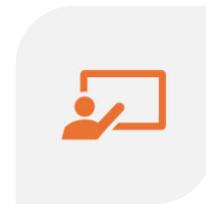
Minnesota – Care and Treatment



CARE AND
TREATMENT



REQUIRED SERVICES



PROVIDING SERVICES

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Minnesota Care and Treatment Decisions

*Anoka-Hennepin
Indep. Sch. Dist.
#011 (Minn. SEA
2007)*

*Northfield Public
Sch. Dist. (Minn.
SEA 2008)*



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*St. Paul Indep. Sch. Dist.
#625 (Minn. SEA 2006)*



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Questions?

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