

# Developing IEPs in Minnesota

## A Fact Sheet from the Minnesota Disability Law Center

*Notice: Minnesota Disability Law Center Fact Sheets, including this one, are intended as brief informational introductions to Minnesota and federal legal requirements on the topic. This fact sheet does not constitute legal advice and does not create an attorney-client relationship. Each situation is different and the law is subject to change and interpretation.*

### **INTRODUCTION**<sup>1</sup>

An individual education plan (IEP) shows how a district plans to provide a free appropriate public education (FAPE) to a student.<sup>2</sup> The IEP must be reasonably calculated to provide the student with a meaningful education and must address the student's needs so that the student may benefit from the district's educational program.<sup>3</sup> An important FAPE concept is that the IEP must be sufficiently individualized to allow the particular student to progress – simply placing the student in a regular education environment without consideration of individual needs or supports is insufficient. Similarly, districts must consider adaptations and supports that would allow the student to be placed in a regular education environment before placing the student in a segregated class or setting.

Additionally, the duty to offer FAPE does not mean the district must provide the highest or maximum level of services. Instead, FAPE is a minimum standard and only directs the district to offer an appropriate education. Appropriateness is not specifically defined by federal or state law. Courts and administrative agencies determine whether a district has provided FAPE on a case-by-case basis and will look to many factors including whether the student is getting passing grades, advancing from grade to grade, and making progress on the IEP goals to determine FAPE.

This factsheet includes: 1. four primary considerations for developing IEPs; 2. required IEP content areas; 3. consent and accessibility requirements, and; 4. a review of Minnesota complaint decisions to show where problems have existed with developing appropriate IEPs.

### *Note For Parentally Placed Private or Home Schooled Students:*

IEPs also must be proposed to home-schooled and private school students with disabilities who reside in the district.<sup>4</sup> Parents are not required to accept the district's offer of IEP services.

## PRIMARY CONSIDERATIONS

Prior to actually filling in the IEP, there are a number of important factors and requirements to meet: basing the IEP on the evaluation; keeping progress in mind; using draft IEPs, team requirements and membership; new changes in IDEIA 2004 on excusing members; and parent participation and notice.

### Evaluation

The IEP must be premised on student needs, which are identified by and documented in evaluations, and should take into account the student's needs, strengths and present levels of performance.<sup>5</sup> Districts typically use standardized forms in creating IEPs.

### Progress

The IEP is a plan of services concerning the student's social, academic, functional, and behavioral needs and how the district proposes to assist the student to advance in or maintain these areas. Accordingly, it is important to think about how the evaluation and IEP can be used to:

1. identify a baseline of the student's status;
2. demonstrate how much and whether the student is progressing or maintaining skills;
3. have clear standards for determining how progress will be measured, reported on, discussed, and explained; and
4. document service delivery.

### Draft IEPs

Draft IEPs are permitted if they are simply drafts for discussion and they should be labeled as such. A draft cannot represent the district's only or last offer. Parents must give written consent before the initial IEP is agreed upon and implemented.<sup>6</sup>

### Team Requirements and Membership and Changes in 2004

The development of the IEP is an IEP team responsibility and it includes notice to the parents and having all required members at a meeting,<sup>7</sup> unless they are excused.<sup>8</sup> Failure to do so will result in a violation.<sup>9</sup>

The IEP team must include:

- Parents (or surrogate parents)
- at least one regular education teacher (if the student is or may be in the regular education environment),
- at least one special education teacher (or, where appropriate, one special education provider of the student),
- an administrative representative/designee (who is qualified to provide or supervise instruction for the student, is knowledgeable of the general curriculum, is knowledgeable about the resource availability of the district, and in Minnesota, the district representative must also have the ability to commit resources on behalf of the district),
- an individual who can interpret the evaluation,
- other individuals, at the discretion of the district or parent who have knowledge or expertise regarding the child, and

- when appropriate, the student.<sup>10</sup>

District staff may serve multiple roles on the IEP team. This means that one district staff person can be, for example, a regular education teacher, an administrative representative, and an individual who can interpret evaluation results. It is important, however, to make sure someone is identified to fulfill each and every role at the IEP meeting. Failure to have the district representative at the meeting may invalidate the IEP.<sup>11</sup>

There may also be representatives from different agencies at an IEP meeting. For example, if a child is between the ages of 0-3 and is receiving some services from a non-school district organization, a representative from that organization could be present to coordinate the provision of services.<sup>12</sup> Also, if a child is 14 or older, a representative from a community organization might be at the meeting to coordinate transition services.<sup>13</sup>

#### *Note on Early Childhood/IFSP Team Members*

The membership for an IFSP team (for young children eligible for early childhood special education) is somewhat different than those on an IEP team. An IFSP team includes:<sup>14</sup>

- a parent or parents of the child;
- other family members, as requested by the parent, if feasible to do so;
- an advocate or person outside of the family, if the parent requests that the person participate;
- the service coordinator who has been working with the family since the initial referral, or who has been designated by the school to be responsible for implementation of the IFSP;
- a person or persons involved in conducting evaluations and assessments; and
- as appropriate, persons who will be providing services to the child or family.

The 2004 changes have new procedures for IEP teams. IEP team members may be excused if the parents and school agree and the member's relevant content area is not being changed.<sup>15</sup> If the content area is being changed, the member may be excused if that member sends a written report to the parent in advance and the parents agrees in writing.<sup>16</sup> IEP team meetings can occur by conference calls or videoconferences.<sup>17</sup>

#### Parent Participation and Notice

State and federal law recognize the importance parents play in the lives and education of their children. Accordingly, there are specific legal provisions requiring parental notice, consent, and participation. *Parental notice* is the responsibility of school districts to ensure parents are aware of educational and service decisions.<sup>18</sup> *Written parental consent* is required in many, but not all instances.<sup>19</sup> Notice and consent requirements, as well as provisions to ensure parents are informed of their rights and responsibilities and of their ability to participate in the special education process are all legal guarantees concerning how, when and where parents can be involved and informed.<sup>20</sup>

Once a child is determined eligible for special education services, the district must hold a meeting to develop an IEP and to determine placement “within 30-days.”<sup>21</sup> The District must give the parent of this meeting and its intent to provide special education services. This notice, in addition to containing meeting details, must also include information about the parent’s rights and procedural safeguards.<sup>22</sup> The notice must be provided to non-custodial parents as well.<sup>23</sup> The meeting to develop the IEP often happens right after a meeting to determine the student’s eligibility for services.

### **CREATING THE IEP**

State and federal law mandate that IEPs have specific content.<sup>24</sup> These are listed and summarized next.

#### **Present Levels of Performance (PLEP)**

A PLEP is a summary of a child’s strengths and needs derived from the Evaluation Summary Report and subsequent progress reports. PLEPs should identify specific student strengths and needs in academics, communication, functional skills, health and physical status, motor abilities, sensory status, social and emotional areas, behavior and transition (for students 14 and up in Minnesota). IDEIA 2004 emphasizes that PLEPs must include information on current academic achievement and functional performance.

#### **Measurable Goals**

IEP goals show what the student will be working on and working towards. These goals must be measurable so that progress may be determined and understood. Goals should be based on PLEPs, be the roadmap for providing FAPE and should contain information on: 1. Skills or behavior that need to change; 2. The direction of change (from present level to goal level); and 3. Evaluation criteria and procedures.

The new changes to the law in IDEIA 2004 remove short term objectives and benchmarks, which were typically used to show what steps students would be taking towards accomplishing the goals. These are no longer required elements, but they may voluntarily be included. *Importantly, as of January 2006, short-term objectives/benchmarks are still required under Minnesota law.*<sup>25</sup>

#### **Least Restrictive Environment (LRE) Statement**

The LRE is a presumption that children will be educated in their regular education classroom unless their needs require a different setting. The LRE *statement* on the IEP is to ensure that the IEP team properly considered why the student was placed in the chosen educational setting.

#### **Progress Reporting**

To be able to measure progress towards a student’s IEP goals and towards obtaining FAPE, it is vital for the IEP to specify how a student’s progress will be measured and how and when progress will be reported to parents. Progress must be reported at least as often as it is for the child’s non-disabled peers,<sup>26</sup> usually at common reporting periods. Progress refers specifically to progress made on the individual goals and objectives listed

in the IEP. Meaningful progress reporting depends on solid and measurable goals as well as consistent and clear data collection and reporting.

Special Education and Related Services, supplementary aids and services, and program modifications or supports to allow the student to be involved and progress in the general curriculum

*Special Education Services:* These are services designed to address the unique needs resulting from the child's disability as documented in the IEP and ensure access to the general education curriculum. They include the necessary instructional adaptations to content, methodology or delivery of instruction. And, starting with the 2004 changes, the instruction must be based on peer-reviewed research to the extent possible.<sup>27</sup>

*Related services:* These consist of any specially designed service that enables a student to access and benefit from special education services. Related services can include, but are not limited to: transportation, counseling, psychological services, social work services, physical therapy, occupational therapy, recreational activities, and school health services (but not doctor provided medical services).

Typically, the amount and type of special education and related services those necessary to meet student needs so that the student can access FAPE. The determination of the type and amount of services are usually based on what other similar students have received in the past, but, of course, the exact amount and type of services must be tailored to the individual needs of the student. The determination of amount and type must be subject to progress reporting and review and revision to ensure their continuing appropriateness.

*Direct and Indirect Services:* In general, direct services are provided by a licensed teacher or related services provider to the student in the course of instruction. Indirect services, in contrast, are services that happen behind the scenes but are necessary for the student. For example, indirect services may include work by a range of district and non-district staff on progress reviews, planning, consultation, changes to the environment and/or materials, or monitoring.

*Adaptations:* The *adaptation* section of the IEP spells out the necessary *supplemental aids, services and supports* to enable children with disabilities to be educated with non-disabled children. State or federal law does not limit what adaptations can be provided. They should be developed and included on IEPs on an individual basis and can, for example consist of: seating arrangements, curriculum adaptations, modified homework, testing arrangements, large print books, modifying policies, one-to-one aides (paraprofessionals or educational assistants), etc. If paraprofessionals are needed, their specific duties must be included in the IEP.

Testing: Accommodations and Modifications to District and Statewide Assessments  
Accommodations typically alter the conditions of a test or instruction, but do not change the substance of the test or instruction. Accommodations are more about access.

Modifications typically change the substance of the test or instruction. A modification can change the level of required performance or the information tested.

States have a legal responsibility to test all children and report results. IEP teams determine if the student will take a standardized test and, if so, whether any accommodations or modifications are necessary. If the team determines that accommodations are necessary for the child to participate they must be designated and written in the IEP. If the team determines that a student cannot take the test, the determination must be noted and explained in the IEP, and an alternate assessment must be chosen and used. The appropriateness of the selected alternate assessment must also be documented in the IEP. More information about alternate assessments are available from the MDE.<sup>28</sup>

Importantly, IDEIA 2004 requires IEPs to include accommodations necessary to measure academic achievement and functional performance on district-wide and state-wide tests. The idea is to ensure that students with disabilities are provided with the supports necessary for them to participate in these tests.

Examples of district-wide tests include standard achievement tests, such as the Iowa Basic Skills Test and the Stanford Achievement Tests. They are designed to show student achievement and assess effectiveness of curriculum relative to national norms.

State-wide assessments and tests are school accountability tests, including the Minnesota Comprehensive Assessments (MCA) and the Minnesota Graduation Basic Standards Test (BST). The BSTs are intended to demonstrate basic skills expected of all high school graduates, unless the IEP (or Section 504) exempts students from these tests. Alternate assessments are required for exempted students.

#### Extended School Year (ESY)

ESY services are special education and related services that are provided to an eligible student during school breaks. ESY services differ from a student's IEP in that they are designed to help a student maintain skills over a specified period of time. ESY services are not designed to help a student make progress. The specific ESY services to be provided for each goal area are determined by the IEP team and must be provided at no cost to parents. Transportation must be provided by the school if it is necessary to provide FAPE.

There must be an annual determination of ESY by the IEP team.<sup>29</sup> If the student is eligible for ESY, the student's IEP must include a statement concerning how the needs will be addressed during ESY programming.<sup>30</sup> To make the determination, the IEP team reviews data collected by the school over the year and decides if a student will be eligible for ESY services.

Data should also be collected over extended breaks such as winter and spring breaks or previous summers to determine what happens to the student's skill level before and after the break.

The student qualifies for ESY if the IEP team determines that:

1. The student will demonstrate “significant **regression**” during school breaks and the time for the student to regain lost skills (“**recoupment**”) would be excessive once the school break is over; OR
2. The student would not reach their expected level of **self-sufficiency** as a result of the break in services; OR
3. ESY services are necessary to provide FAPE given the student’s **unique needs**.<sup>31</sup>

#### Projected start date, anticipated frequency, location and duration of services

This section of the IEP includes a list of specific services, when they will start, who will provide them, where they will be provided and in what amount. The services must be aligned with the IEP to ensure achievement of its goals. Appropriate services may include related services that do not have a specific academic focus.

#### *Note about Methodologies and Service Providers*

Methodologies are the techniques that the district uses to provide educational services. Some methodologies have specific names (like the Orton-Gillingham reading method) while others are combinations of different methods and do not have a specific name. Parents may want to request a specific methodology they are familiar with or with which the student has experienced success.

By law, however, districts generally may choose the service methodology and personnel to deliver and provide the services and thus do not need to include these specific choices on the IEP. The district may include these choices, but will be bound to them. So, while parents may request certain methodologies or personnel, the district is not obligated to meet these specific requests.

#### Transition

Transition services are designed to assist students to make a successful transition from the K-12 environment to post-secondary employment, education and living. IDEIA 2004 requires the transition section to include:

“appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills ... and the transition services (including courses of study) needed to assist the child in reaching these goals.”<sup>32</sup>

In Minnesota, state law requires transition planning to begin at age 14 or when the student enters ninth grade,<sup>33</sup> not age 16 as stated by IDEIA 2004.<sup>34</sup> Minnesota may change this law to reflect the federal age for beginning transition, but until that happens, transition planning in Minnesota must be begin earlier.

#### Transfer of parental rights to the student when the student turns 18, unless a guardian or conservator has been appointed;

Students who turn 18 automatically are treated as “parents” and have decision making capacity under state law.<sup>35</sup> The IEP includes a statement indicating this. Rights will transfer unless the parent is appointed the student’s legal guardian.

#### Documentation necessary to support use of conditional procedures

Some children have behavioral needs that require more significant planning and procedural protections. The interventions used to respond to these behavioral needs are called “conditional procedures,” and they may include, for example: use of locked time out rooms, manual restraints (physical holds by one or more staff), mechanical restraints, and other aversive and deprivation procedures.<sup>36</sup> Minnesota law requires a number of steps prior to the use of conditional procedures to ensure they do not harm the student and are appropriate to their overall needs.

To use these procedures, there must be an emergency situation (where people or property are threatened)<sup>37</sup> or there must be evaluation, preparation, and documentation prior to a “planned” use.<sup>38</sup> For the planned use there must be a functional behavioral assessment (FBA) and a determination that the IEP team has ruled out any other treatable cause for the behavior.<sup>39</sup> Further, there must be an identification of the frequency and severity of behavior and two positive interventions (and their effectiveness).<sup>40</sup> The conditional procedures must be documented in the IEP and based on PLEPs, needs, and goals and objectives.<sup>41</sup> Also, all school staff who may be called upon to use the conditional procedures must have access to the plan.<sup>42</sup>

Other conditions apply for use of conditional procedures in emergency situations, including requirements that: the conditional procedure must be the least intrusive one possible,<sup>43</sup> an IEP team meeting must be held if a conditional procedure is used twice in a month or more,<sup>44</sup> and same day notification if possible (or in writing within two days) of use of a conditional procedure.<sup>45</sup>

#### “Special Factors” and Individuality

The IEP team must also consider several “special” factors, including: the strengths of the student, concerns of parents, results of evaluations, and, student performance on statewide or districtwide assessments.<sup>46</sup> If a student is blind or visually impaired, the IEP must provide for instruction in Braille, unless it is inappropriate.<sup>47</sup> Failure to do so will result in a violation and corrective action.<sup>48</sup> Additionally, the team must consider:

- strategies (including positive behavioral interventions) to address the student’s behavior if it impedes the student’s learning or that of other students;
- the language needs of LEP/ELL students;
- the communication needs, especially for students who are deaf or hard of hearing; and;
- whether the student requires any assistive technology (AT).<sup>49</sup>

The changes in 2004 clarify that the IEP team must conduct a review of the student’s academic, developmental, and functional needs and must consider any necessary positive behavioral supports.

## **LAST STEPS: CONSENT AND ACCESSIBILITY**

Once the IEP team agrees on the IEP contents and there is agreement about where the student will be placed for services, all that remains is consent. Initial special education services cannot begin with this consent. A form is almost always used to request written parent consent. It should be noted that while typically the IEP team determines both IEP content and placement, federal and state laws allow the placement decision to be made separately by a group of individuals, including the parents.

Finally, the agreed-upon IEP must be “accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.”<sup>50</sup>

## **REVIEW OF IEP DEVELOPMENT COMPLAINTS**

The review of IEP complaints consists of two parts. First, 32 complaints with “content” statement violations were reviewed to determine which content violations were most likely to occur. Second, a full review of 43 complaints with allegations concerning development and review of IEPs was performed.

Districts have been found in violation for a failure to incorporate evaluation information,<sup>51</sup> consider communication needs,<sup>52</sup> address behavioral concerns,<sup>53</sup> and assess student needs or lack of expected progress.<sup>54</sup> For example, a violation was found where the student repeated did not avail himself of IEP services; the district was required to at least hold a meeting to determine why this occurred and whether changes to the IEP should be made.<sup>55</sup> Also, if goals and objectives remain an IEP remains unchanged over years, violations will be found.<sup>56</sup> Moreover, if IEP services and placement are based on a particular disability category or district policy, the MDE will determine the IEP is not sufficiently individualized and find a violation.<sup>57</sup>

### Content Violations

By far, the most common statement violation was the failure to include an adequate statement on progress reporting. There were 21 violations of this legal provision. These violations included failure to include all parts of requirements (e.g. the IEP stated when, but not how, progress reports would occur or did not say how parents would be informed). Seven violations concerned a failure to include necessary related services, modifications or accommodations, or paraprofessional duties. Other violations included: failure to include measurable goal, a transition plan, an “LRE statement” and a failure to address all the student’s needs.

The second most common violation concerned a failure to include necessary related services, modifications or accommodations, or paraprofessional duties. Combined, there were 7 violations of these provisions. There were four instances each of a failure to include measurable goals or a transition plan. For example, goals and accommodations that are vague and do not oblige the district to implement them have been found in violation.<sup>58</sup> Additional violations occurred for a failure to include an “LRE statement” and to address all the student’s needs.

### Full Review

To determine where schools have encountered problems and successes in their IEP development duties, 43 special education complaints investigated by the Minnesota Department of Education were reviewed between August 2002 and October 2004. Complaints tended to occur at transition times in the student's education. For example, 12 complaints involved students in grades 6-7 and seven complaints involved students in 12<sup>th</sup> grade or above. The three most common disability categories were Emotional Behavioral Disorder, Specific Learning Disorder, and Developmental Cognitive Disorders.

### Violations and Corrective Action

There were findings of violations in 35 of the 43 complaints. The most common violations concerned failing to review and revise IEPs when student negative behavior increased, the student failed to make expected progress or when the student's anticipated needs were not addressed.<sup>59</sup> The second most common violation was the failure to conduct annual IEP reviews.<sup>60</sup>

The third most common violation was the failure of the IEP to contain "special factors" such as assistive technology needs,<sup>61</sup> Braille services,<sup>62</sup> supplementary aids and services,<sup>63</sup> positive behavior interventions,<sup>64</sup> needs reflected by the evaluation,<sup>65</sup> and where there was not enough specificity in certain statements.<sup>66</sup>

A problem commonly associated with having an inappropriate IEP is a due process violation of suspension and removal provisions<sup>67</sup> or use of non-planned and non-emergency conditional procedures.<sup>68</sup> A student appears more likely to misbehave or violate school policy if the IEP services, provision of services, and/or placement is not working out. This makes sense, if a student's special education needs are not being met, the student may act out because of lack of necessary supports, frustration, or because of new needs.

The most common corrective action ordered by the MDE included requiring the district conduct training (20), compensatory education (16), conducting an IEE, evaluation or FBA (11), hold IEP meetings (7), review district policies (6), review files (5), and various other actions, including notifying parents of problems and rights (5), increasing student monitoring (3), proposing an IEP (3). Additionally, the MDE re-captured funds in one complaint.<sup>69</sup>

The rate of compensatory education orders is noteworthy. In over half of the complaints where violations were found, compensatory education was awarded. This suggests the failures to review and revise IEPs resulted in a denial of FAPE that needed to be remedied by compensatory education. Adding to the overall seriousness of violations, training was even more often ordered.

### Strategies to Avoid Problems: Lessons from "No Violation Cases"

The main strategy revealed by the "no violations" cases is thorough monitoring of student needs throughout the course of the year.<sup>70</sup> In the eight complaints where no violations

were found, the district properly documented IEP meetings, evidence of monitoring student progress, diligent record keeping, and comprehensive and complete IEPs. Had the district appropriately monitored student progress, needs and behavior, it is likely those districts would have avoided over 18 complaints and costly corrective action. A secondary strategy is to ensure complete documentation in IEPs. Having clear documentation would have prevented most of the “statement” and “content” violations.

### **SUMMARY**

The creation of appropriate IEPs is a crucial step in the special education process. The IEP should be based on the evaluation and should serve as the means to provide FAPE. It should also serve as a way to develop a baseline of the student’s progress and track the progress over the year with measure-able data and indicators.

IEP development can be divided into four steps: ensuring parental notice and IEP team membership; including required content statements; including special factors; and obtaining parent consent and providing access to the IEP. While IEPs must be developed to offer FAPE, there is also a duty to review and revise the IEP when and if the student’s needs change during the school year.

A review of the relevant laws, complaint decisions and hearing decisions reveals the following main lessons:

- ★ There are four main steps involved in developing an IEP: having a full IEP team; including the necessary “statements” of IEP content; considering special factors (such as behavioral concerns) and student’s uniqueness; and ensuring accessibility of IEP to service providers.
- ★ After the IEP is developed, districts must take necessary steps to review and revise the IEP at least annually and must continuously monitor student progress and behavior to review and revise the IEP as warranted.
- ★ The IEP content standard that most often violated is progress reporting. Failures to include necessary accommodations/modifications, measurable goals, and transition were also common violations. Content standard violations were often the “tip of the iceberg” of more substantial and serious violations.
- ★ In complaints where no violations were found, the district properly documented IEP meetings, evidence of monitoring student progress, diligent record keeping, and comprehensive and complete IEPs.
- ★ Complaints tended to occur at transition times in the student’s education; and the three most common disability categories were EBD, SLD, and DCD.
- ★ The most common violations concerned failing to review and revise IEPs when student negative behavior increased, the student failed to make expected progress or when the student’s anticipated needs were not concerned.
- ★ Other common violations included the failure to conduct annual IEP reviews and the failure of the IEP to contain “special factors” such as assistive technology needs and positive behavior interventions.
- ★ Violations of removal and conditional procedures standards were commonly associated with having an inappropriately developed or reviewed IEP.

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<sup>1</sup> This section is based in part on from Arc's GetSet Parent Training Curriculum.

<sup>2</sup> See *Board of Education v. Rowley*, 458 U.S. 176 (1982)

<sup>3</sup> Id.

<sup>4</sup> Minnesota Department of Education Complaint 1965

<sup>5</sup> 34 CFR §300.324 Minn. R. 3525.2810

<sup>6</sup> 34 CFR §300.503

<sup>7</sup> 34 CFR §300.503, 34 CFR §300.321, 34 CFR §300.344

<sup>8</sup> 34 CFR §300.321 (e)

<sup>9</sup> Minnesota Department of Education Complaint Decisions 1849, 1931

<sup>10</sup> Minn. R. 3525.2810, subpart 1B.

<sup>11</sup> Minnesota Department of Education Complaint Decision 1741

<sup>12</sup> 34 CFR §303.343

<sup>13</sup> 34 CFR §300.321

<sup>14</sup> 34 CFR §303.343

<sup>15</sup> 614(d)(1)(C)(i)

<sup>16</sup> 614(d)(1)(C)(ii)

<sup>17</sup> 614(f)

<sup>18</sup> 34 CFR §300.503, 34 CFR §300.504; Minn. R. 3525.3600

<sup>19</sup> 34 CFR §300.503

<sup>20</sup> 34 CFR §300.322; CFR §300.501, 34 CFR §300.503, 34 CFR §300.504

<sup>21</sup> 34 CFR §300.323

<sup>22</sup> 34 CFR §300.503, 34 CFR §300.504

<sup>23</sup> Minnesota Department of Education Complaint Decision 2076

<sup>24</sup> Minn. R. 3525.2810, 34 CFR §300.320

<sup>25</sup> Minn. R. 3525.2810

<sup>26</sup> 34 CFR §300.320

<sup>27</sup> Public Law 108-446, 20 USC 1414, §614(d)(1)(A)(i)

<sup>28</sup> See the MDE website at:

[education.state.mn.us/mde/Learning\\_Support/Special\\_Education/Evaluation\\_Program\\_Planning\\_Supports/Statewide\\_Assessment\\_for\\_Students\\_Disabilities/index.html](http://education.state.mn.us/mde/Learning_Support/Special_Education/Evaluation_Program_Planning_Supports/Statewide_Assessment_for_Students_Disabilities/index.html)

<sup>29</sup> Minn. R. 3525.0755, subpart 3

<sup>30</sup> 34 CFR 300.106; Minn. R. 3525.2810, subpart 2C.

<sup>31</sup> Minn. R. 3525.0755

<sup>32</sup> Public Law 108-446, 20 USC 1414, §614(d)(1)(A)(i)(VIII)

<sup>33</sup> Minn. R. 3525.2900

<sup>34</sup> Public Law 108-446, 20 USC 1414, §614(d)(1)(A)(i)(VIII)

<sup>35</sup> 34 CFR §300.520

<sup>36</sup> Minn. R. 3525.2900

<sup>37</sup> Minn. R. 3525.0210, subpt. 17

<sup>38</sup> Id.

<sup>39</sup> Minn. R. 3525.2710, subd. 4

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- <sup>40</sup> Minn. R. 3525.2900
- <sup>41</sup> Id.
- <sup>42</sup> 34 CFR §300.323
- <sup>43</sup> Minn. R. 3525.0210, subpt. 17
- <sup>44</sup> Minn. R. 3525.2900
- <sup>45</sup> 2005 Special Session, Chapter 5, Art. 3
- <sup>46</sup> 34 CFR 300.324; Minn. R. 3525.2810, subpart 2A
- <sup>47</sup> 34 CFR 300.324; Minn. R. 3525.2810, subpart 2A.
- <sup>48</sup> Minnesota Department of Education Complaint Decision 1998
- <sup>49</sup> 34 CFR 300.324; Minn. R. 3525.2810, subpart 2B.
- <sup>50</sup> 34 CFR §300.323.
- <sup>51</sup> Minnesota Department of Education Complaint Decisions 1640, 1727, 1973, 2004, 2012, 2040
- <sup>52</sup> Minnesota Department of Education Complaint Decision 1727
- <sup>53</sup> Minnesota Department of Education Complaint Decisions 1711, 1770, 1776, 1860, 1876, 1885, 1909, 1931, 1977, 2024, 2040
- <sup>54</sup> Minnesota Department of Education Complaint Decisions 1745, 1786, 1823, 1845, 1937
- <sup>55</sup> Minnesota Department of Education Complaint Decision 1885
- <sup>56</sup> Minnesota Department of Education Complaint Decision 1998
- <sup>57</sup> Minnesota Department of Education Complaint Decision 1745, 1760, 1973
- <sup>58</sup> Minnesota Department of Education Complaint Decision 1727
- <sup>59</sup> Minnesota Department of Education Complaint Decisions 1711, 1727, 1745, 1770, 1776, 1786, 1823, 1845, 1860, 1878, 1885, 1886, 1909, 1937, 1973, 1977, 2040,
- <sup>60</sup> Minnesota Department of Education Complaint Decisions 1874, 1876, 1886, 1951, 1965, 1988, 2004, 2008, 2024
- <sup>61</sup> Minnesota Department of Education Complaint Decision 2007
- <sup>62</sup> Minnesota Department of Education Complaint Decision 1998
- <sup>63</sup> Minnesota Department of Education Complaint Decision 1741
- <sup>64</sup> Minnesota Department of Education Complaint Decisions 1741, 1931
- <sup>65</sup> Minnesota Department of Education Complaint Decisions 2012, 2029
- <sup>66</sup> Minnesota Department of Education Complaint Decisions 1727, 1909
- <sup>67</sup> Minnesota Department of Education Complaint Decisions 1507, 1711, 1760, 1878, 1909, 2024
- <sup>68</sup> Minnesota Department of Education Complaint Decisions 1760, 1770, 1776, 1860, 1876
- <sup>69</sup> Minnesota Department of Education Complaint Decision 2008
- <sup>70</sup> Minnesota Department of Education Complaint Decisions 1805, 1816, 1929, 1958