

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
<u>3525.0210</u>	Definitions.		Subd. 10 Cultural liaison – not referred to in any rule				
<u>Policies 3525.0300</u>	Provision of full services.	9E	Subd. 36 Pupil, subd. 18 Evaluation	Yes-5 No-5 * Abstain-0	Yes-0 No-5 Abstain-5	State rule has little meaning other than "applicable law" <ul style="list-style-type: none"> <li>• Yes 6</li> <li>• No 3</li> <li>• Abstain 1</li> </ul>	
<u>3525.0400</u>	Least restrictive environment.	5E 5 No 0 Abstain	Subd. 36 Pupil, subd. 38 Regular education program	Yes-5 No-5 Abstain-0	Yes-4 No-5 Abstain-1		
<u>3525.0550</u>	Pupil IEP manager.	9E	Subd. 44 Teacher, subd. 42 Special education, subd. 34 Parent, Subd. 38 Regular education program	Yes-2 No-8 Abstain-0	Yes-0 No-8 Abstain-2		No comparable language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.0700</u>	Parental involvement.	9E	Subd. 34 Parent, subd. 36 Pupil	Yes-4 No-5 Abstain-1	Yes-5 No-5 Abstain-0		
<u>3525.0750</u>	Identification of pupils with disabilities.	9E 0 No 1 Abstain	Subd. 36 Pupil, subd. 32 Nondiscrimination	Yes-5 No-4 Abstain-1	Yes-5 No-5 Abstain-0		Though Task Force supports B-21, B-3 is covered by part C, 3-21 is covered by part B & this rule (applies to 3525.0210-3525.4770) <ul style="list-style-type: none"> <li>• Yes-6</li> <li>• Abstain-0</li> </ul>
<u>3525.0755</u>	Extended school year services.	5E 5 No 0 Abstain	Subd. 19 Extended school year (ESY) services, subd. 36 Pupil, Subd. 24 Functional skills	Yes-2 No-8 Abstain-0	Yes-5 No-5 Abstain-0		
<u>3525.0800</u>	Responsibility for ensuring... provision of instruction and services.	5E 5 No 0 Abstain	Subd. 36 Pupil, 39 Resident district, subd. 15 District, Subd. 42 Special education, subd. 18 Evaluation, subd. 35 Providing district, subd. 34 Subd. 31 Mediation, subd. 16 Due process hearing,		Yes-10 No-0 Abstain-0	Follow MDE proposal as listed in SONAR to repeal subparts 1,3,4,6,8 and move subpart 7 to 3525.2325 <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>	No comparable Federal language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-10</li> <li>• No-0</li> <li>• Abstain-0</li> </ul>

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
			Subd. 8 Conciliation conference				
<u>3525.0850</u>	Behavior interventions.		Subd. 36 Pupil				Move to discussion on A&D procedures <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-1</li> <li>• Abstain-0</li> </ul>
<u>Applications 3525.1100</u>	State and district responsibility for total special education system.	Subpart 2 5E 5 No	Subd. 15 District, subd. 12 Department, subd. 42 Special education, subd. 36 Pupil, subd. 9 Conditional procedures/interventions, subd. 5 Adversive procedure, subd. 13 Deprivation procedure, subd. 17 Emergency		Yes-7 No-2 Abstain-1		Pull out subpart 2F and move to discussion on A&D Procedures  Districts should be given a choice by MDE to a dept that state TSES or develop their own <ul style="list-style-type: none"> <li>• Yes-7</li> </ul>
<u>3525.1310</u>	State aid for special education personnel.	1 E 6 No 3 Abstain	Subd. 44 Teacher, subd. 36 Pupil, subd. 38 Regular education, subd. 18 Evaluation, subd. 34 Parent, subd. 33 Paraprofessional, subd. 42 Special education		Yes-0 No 10 Abstain 0		No comparable language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>Ent/Exit Criteria 3525.1325</u>	Autism spectrum disorders (ASD).	9E	Subd. 36 Pupil, subd. 42 Special education, subd. 18 Evaluation, subd. 22 Functional behavior assessment	Yes -0 No-9 Abstain-1	Yes-0 No-7 Abstain-3	None	
<u>3525.1327</u>	Deaf-blind.	9E	Subd. 36 Pupil, subd. 23 Functional [skills] evaluation	Yes-0 No-10 Abstain-0	Yes-10 No-0 Abstain-0	Include federal language in state rule. <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>	
<u>3525.1329</u>	Emotional or behavioral disorders (EBD).	9E	Subd. 36 Pupil, subd. 42 Special education, subd. 18 Evaluation, subd. 22 Functional behavior assessment	Yes-2 No-8 Abstain-0	Yes-10 No-0 Abstain-0		In addition to meeting disability criteria, student must also have a need for specialized instruction. <ul style="list-style-type: none"> <li>• Yes-6</li> <li>• No-0</li> <li>• Abstain-4</li> </ul> MDE convene stakeholder group.

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
							<ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-1</li> </ul>
<u>3525.1331</u>	Deaf and hard of hearing (DHH).	9E	Subd. 42 Special education, subd. 36 Pupil, subd. 34 Parent, subd. 44 Teacher	Yes-2 No-8 Abstain-0	Yes-10 No-0 Abstain-0		MDE shall convene stakeholders group. Stakeholder group will consider report from advisory group in their recommendations.
<u>3525.1333</u>	Developmental cognitive disability (DCD).	9E	Subd. 42 Special education, subd. 36 Pupil,	Yes-2 No-8 Abstain-0	Yes-10 No-0 Abstain-0		MDE to convene stakeholders group. <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-2</li> </ul>
<u>3525.1335</u>	Other health disabilities (OHD).	9E	Subd. 36 Pupil, subd. 42 Special education, subd. 18 Evaluation, subd. 34 Parent, subd. 44 Teacher, subd. 24 Functional skills	Yes-0 No-10 Abstain-0	Yes-8 No-2 Abstain-0		Go to stakeholders group convened by MDE. <ul style="list-style-type: none"> <li>• Yes-7</li> <li>• No-2</li> <li>• Abstain-1</li> </ul>
<u>3525.1337</u>	Physically impaired (PI).	9E	Subd. 42 Special education, subd. 36 Pupil, subd. 44 Teacher, subd. 18 Evaluation	Yes-0 No-10 Abstain-0	Yes-1 No-9 Abstain-1		
<u>3525.1339</u>	Severely multiply impaired.	9E	Subd. 36 Pupil, subd. 18 Evaluation	Yes-0 No-10 Abstain-0	Yes-3 No-6 Abstain-1		
<u>3525.1341</u>	<i>Specific learning disability.</i>	9E		Yes-0 No-9 Abstain-1	Yes-9 No-1 Abstain-0		Reconvene and build upon work as prepared by the recent MDE specific learning disability workgroup <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.1343</u>	Speech or language impairments (Sp/L).	9E	Subd. 36 Pupil	Yes-2 No-8 Abstain-0	Yes-10 No-0 Abstain-0		MDE to convene a task force to <ul style="list-style-type: none"> <li>• Yes-7</li> <li>• No-2</li> <li>• Abstain-1</li> </ul>
<u>3525.1345</u>	VViiVsually impuually Impaired	9E	Subd. 36 Pupil	Yes-0 No-8	Yes-1 No-7		

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
	Visually Imp.(VI).			Abstain-2	Abstain-2		
<u>3525.1348</u>	Traumatic brain injury (TBI).	9E	Subd. 36 Pupil, Subd. 42 Special education, subd. 24 Functional skills	Yes-0 No-9 Abstain-1	Yes-1 No-9 Abstain-0		
<u>3525.1350</u>	Infant and toddler intervention services.	9E	Subd. 18 Evaluation, subd. 28 Individualized family service plan (IFSP), subd. 42 Special education, subd. 7 Community-based	Yes-0 No-7 Abstain-3	Yes-0 No-9 Abstain-1		
<u>3525.1351</u>	Intervention services: ages three through six years.	9E	Subd. 42 Special education, subd. 18 Evaluation	Yes-0 No-9 Abstain-1	Yes-0 No-8 Abstain-2		
<u>3525.1352</u>	Developmental adapted physical education: special education (DAPE).	9E	Subd. 36 Pupil, subd. 42 Special education	Yes-2 No-8 Abstain-0	Yes-2 No-8 Abstain-0		
<u>3525.1354</u>	Team override on eligibility decisions.		Subd. 36 Pupil, subd. 42 Special education	Not applicable-No fed minimum	Yes-3 No-6 Abstain-1		No comparable language (IDEA/504/ADA Law)
Fac & Staff <u>3525.1400</u>	Facilities, equipment and materials.	2 E 7 No 1 Abstain	Subd. 36 Pupil, subd. 38 Regular education program		Yes-10 No-0 Abstain-0		No exact language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes 7</li> <li>• No 2</li> <li>• Abstain 1</li> </ul>
<u>3525.1550</u>	Contracted services.	3 E 7 No	Subd. 18 Evaluation, subd. 42 Special education, subd. 15 District, subd. 7 Community-based, subd. 14 Direct services, subd. 27 Indirect services, subd. 36 Pupil, subd. 12 Department		Yes-10 No-0 Abstain-0		No exact language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes 10</li> </ul>
Tmt Prgs & level of serv. <u>3525.2325</u>	Education programs for k-12 pupils and regular students placed in centers for care	5-E 3-No 2-Abstain	Subd. 15 District, subd. 38 Regular education program, subd. 42 Special education, subd. 36 Pupil, subd. 35 Providing district, subd. 44	Yes-0 No-7 Abstain-3	Yes-8 No-0 Abstain-2	A stakeholder group should be convened by MDE to focus on reconciling 125A.15, .51 & .515 statutes <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• Abstain-2</li> </ul>	No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes 8</li> <li>• No 0</li> <li>• Abstain – 2</li> </ul>

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

**2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES**

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
	and treatment.		Teacher, subd. 34 Parent, subd. 18 Evaluation, subd. 19 Extended [school] year, subd. 39 Resident district, subd. 17 Emergency				
<u>3525.2335</u>	Early childhood program services, alternatives, and settings.	9 E 0 N 1 Abstain	Subd. 36 Pupil, subd, 42 Special education, subd. 28 IFSP, subd. 14 Direct services, subd. 27 Indirect services, subd. 7 Community-based, subd. 34 Parent, subd. 15 District,	Yes-1 No-8 Abstain-1	Yes-9 No-0 Abstain-1	MDE to name a stakeholder group - needs to revisit and recognize difference between B thru 2 and 3 thru 7 and to design appropriate rules in this area for each category <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>	No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>
<u>3525.2340</u>	Case loads.	6 E 3 N 1 Abstain	Subd. 36 Pupil, subd. 14 Direct services, subd. 44 Teacher, subd. 42 Special education, subd. 15 District	Yes-0 No-8 Abstain-2	Yes-0 No-9 Abstain-1		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul> MDE workload analysis guidelines appears to be a promising practice which may supplement or supplement case load analysis <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
<u>3525.2350</u>	Multidisability team teaching models.	9E	Subd. 15 District, subd. 44 Teacher, subd. 36 Pupil, subd. 42 Special education	Yes-0 No-8 Abstain-2	Yes-0 No-9 Abstain-1		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
<u>3525.2380</u>	Variances from ratios.	7 E 2 N 1 Abstain	Subd. 15 District	Yes-1 No-8 Abstain-1	Yes-0 No-7 Abstain-3		No comparable federal language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
Interpreters	Stalator standards	9E	Subd. 42 Special education	Yes-0	Yes-10		No comparable language (IDEA/504/ADA Law)

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
<u>3525.2385</u>	for the deaf and hard of hearing.			No-6 Abstain-4	No-0 Abstain-0		<ul style="list-style-type: none"> <li>• Yes-9</li> </ul> MDE needs to consul with DHH group regarding obsolete language for their recommendation (1331 – same group) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
Supervision <u>3525.2405</u>	Directors.	6 E 2 No 2 Abstain	Subd. 15 District, subd. 18 Evaluation, subd. 42 Special education, subd. 14 Direct [services]	Yes-0 No-9 Abstain-1	Yes-0 No-8 Abstain-2		No comparable language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes 10</li> </ul> MDE revisit and make recommendations the classification of non-essential versus essential personnel as it relates to state funding. <ul style="list-style-type: none"> <li>• Yes-7</li> <li>• No-0</li> <li>• Abstain-3</li> </ul>
Surrogate Parents <u>3525.2435</u>	Effort to locate parent.	8 E 2 No	Subd. 34 Parent	Yes-0 No-6 Abstain-4	Yes-9 No-0 Abstain-1		Come back to this definition and review after we have completed the definition of parent <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.2440</u>	Surrogate parent appointment.	10 E 0 No	Subd. 34 Parent, subd. 43 Surrogate parent, subd. 15 District, subd. 36 Pupil	Yes-4 No-5 Abstain-1	Yes-10 No-0 Abstain-0	Suggested Amendment: 1. Parent should be defined to be consistent with federal law (300.30) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul> 2. Include the federal language regarding unaccompanied homeless youth <ul style="list-style-type: none"> <li>• Yes-10</li> </ul> 3. Adopt Sonar language (The district shall make reasonable efforts to ensure the appointment of a surrogate parent not more than 30 days after determining that a child needs a surrogate parent.) for timeline regarding appointment of surrogate parent <ul style="list-style-type: none"> <li>• Yes-7</li> <li>• No 3</li> </ul>	Come back to after review of parent definition <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.2445</u>	Consultation with county social services.	10 E 0 No	Subd. 15 District, subd. 43 Surrogate parent, subd. 36 Pupil	Yes-9 No-1 Abstain-0			No comparable language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul> Problematic due to the data practices acts <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

**2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES**

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
<u>3525.2450</u>	Removal of surrogate parent.	6 E 4 No	Subd. 43 Surrogate parent, subd. 36 Pupil, subd. 42 Special education	Yes-1 No-9 Abstain-0	Yes-10 No-0 Abstain-0	Update the Conflict of Interest to correct site: 300.519(d) (2) (ii) and paragraph A to be US code title 20, chapter 33, section 1400, et seq <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>	No exact language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.2455</u>	Surrogate parent knowledge and skills.	10 E 0 No 0 Abstain	Subd. 43 Surrogate parent, subd. 15 District, subd. 36 Pupil	Yes-5 No-5 Abstain-0	Yes-9 No-1 Abstain-0	Add the federal language in 300.519 (d)(e)(f) to the state rule. <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-1</li> <li>• Abstain-1</li> </ul>	
Eval & Hearings <u>3525.2550</u>	Conduct before evaluation	0 E 10 No 0 Abstain	Subd. 18 Evaluation, subd. 42 Special education, subd. 11 Days, subd. 15 District, subd. 34 Parent, subd. 8 Conciliation conference, subd. 16 [Due process] hearing		Yes-0 No-9 Abstain-1		
<u>3525.2710</u>	Evaluations and reevaluations.	9 E 1 No 0 Abstain	Subd. 18 Evaluation/Reevaluation, subd. 15 District, subd. 42 Special education, subd. 36 Pupil, subd. 31 Mediation, subd. 44 Teacher, subd. 34 Parent, subd. 45 Technically [adequate]/sound instrument, subd. 9 Conditional procedure, subd. 22 Functional behavior assessment (FBA)	Yes-0 No-8 Abstain-2	Yes-10 No-0 Abstain-0	Rule needs to be amended to include the eligibility standard for re-evaluations and that standard is continuing need for special education instruction and related services. <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>	Move 3525.2710 subpart 4F to discussion on A&D procedures
<u>3525.2810</u>	Development of individualized education program plan.	8-E 0-No 2-Abstain	Subd. 36 Pupil, subd. 42 Special education, subd. 3 Aids, subd. 34 Parent, subd. 33 Paraprofessional, subd. 44 Teacher, subd. 2 Administrative designee, subd. 18 Evaluation	Yes-0 No-8 Abstain-2	Yes-5 No-5 Abstain-0		Move subpart 1a7 to 3525.2900 <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>
<u>3525.2900</u>	Transition and behavioral intervention planning.	10-E 0-No 0-Abstain	Subd. 36 Pupil, subd. 18 Evaluation/reevaluation, subd. 14 Direct [services]/instruction, subd. 44 Teacher, subd. 3 Aids,	Yes-2 No-7 Abstain-1	Yes-7 No-1 Abstain-2	Change rule to say that transition will be by grade 9 <ul style="list-style-type: none"> <li>• Yes-7</li> <li>• No-3</li> </ul>	Move subpart 5 to discussion on A&D procedures <ul style="list-style-type: none"> <li>• Yes-10</li> </ul>

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

**2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES**

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
			subd. 15 District, subd. 34 Parent, Subd. 36 Pupil, subd. 15 District, subd. 18 Evaluation, subd. 9 Conditional procedures, subd. 17 Emergency, subd. 5 Aversive procedure, subd. 6 Aversive stimulus, subd. 47 Time-out [for]/procedures that seclude [seclusion]			<ul style="list-style-type: none"> <li>Abstain-0</li> </ul> Change rule 3525.2810, subpart 1A7 to say that transition will be by grade 9 <ul style="list-style-type: none"> <li>Yes-8</li> <li>No-0</li> <li>Abstain-2</li> </ul>	
<u>3525.3010</u>	Educational placement.	5-E 5-No 0-Abstain	Subd. 15 District, subd. 36 Pupil, subd. 42 Special education, subd. 34 Parent		Yes-2 No-8 Abstain-0		References to the federal requirements in state law need to be changed to the correct federal sites. <ul style="list-style-type: none"> <li>Yes-10</li> <li>No-0</li> <li>Abstain-0</li> </ul>
<u>3525.3100</u>	Follow-up review requirements.	8-E 2-No 0-Abstain	Subd. 36 Pupil, subd. 42 Special education, subd. 15 District, subd. 18 Evaluation	Yes-0 No-10 Abstain-0	Yes-0 No-10 Abstain-0		
<u>3525.3600</u>	Prior written notice.	10-E 0-No 0-Abstain	Subd. 15 District, subd. 36 Pupil, subd. 34 Parent, subd. 11 Day, subd. 26 Initial placement, subd. 18 Evaluation, subd. 8 Conciliation conference	Yes-1 No-8 Abstain-1	Yes-0 No-8 Abstain-2		
<u>3525.3700</u>	Conciliation conference.	7E 2-No 1-Abstain	Subd. 8 Conciliation conference, subd. 34 Parent, subd. 11 Day, subd. 15 District, subd. 16 Due process hearing, subd. 40 Serve, subd. 26 Initial placement	Yes-1 No-8 Abstain-1	Yes-0 No-8 Abstain-2		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>Yes-8</li> <li>No-1</li> <li>Abstain-1</li> </ul>
<u>3525.3750</u>	Mediation and other alternative dispute resolution.	9E	Subd. 31 Mediation, subd. 15 District, subd. 34 Parent, subd. 4 Alternative dispute resolution (ADR),	Yes-4 No-5 Abstain-1	Yes-0 No-9 Abstain-1		
<u>3525.3790</u>	Time computation.	7E 2-No 1-Abstain	Subd. 11 Day	Yes-0 No-9 Abstain-1	Yes-0 No-8 Abstain-2		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>Yes-7</li> </ul>

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

**2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES**

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
							<ul style="list-style-type: none"> <li>• No-0</li> <li>• Abstain-3</li> </ul>
<u>525.3900</u>	Initiating a due process hearing.	9-E 0-No 1-Abstain	Subd. 16 Due process hearing, subd. 12 Department, subd. 34 Parent, subd. 15 District, subd. 18 Evaluation, subd. 21 File, subd. 11 Day, subd. 40 Serve, subd. 25 Hearing officer	Yes-3 No-5 Abstain-2	Yes-8 No-0 Abstain-2		
<u>3525.4010</u>	Hearing officers.	1-E 7-No 2-Abstain	Subd. 25 Hearing officer. Subd. 18 Evaluation, subd. 12 Department		Yes-9 No-0 Abstain-1	Adopt MN proposal in SONAR regarding .4010 Hearing Officers. <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>	
<u>3525.4110</u>	Prehearing conference.	9-E 0-No 1-Abstain	Subd. 11 Day, subd. 12 Department, subd. 25 Hearing officer, subd. 34 Parent, subd. 15 District, subd. 31 Mediation, subd. 4 Alternative dispute resolution, subd. 16 Due Process hearing	Yes-0 No-9 Abstain-1	Yes-8 No-0 Abstain-2	Adopt MN proposal in SONAR regarding 4110 Prehearing Conference <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>	
<u>3525.4220</u>	Hearing rights of respective parties.	0-E 8-No 2-Abstain	Subd. 11 Day, subd. 34 Parent		Yes-5 No-3 Abstain-2	Districts should also receive a free copy of the transcript from the state <ul style="list-style-type: none"> <li>• Yes-6</li> <li>• No-2</li> <li>• Abstain-2</li> </ul>	
<u>3525.4300</u>	Hearing procedures.	9E	Subd. 25 Hearing officer	Yes-0 No-8 Abstain-2	Yes-0 No-8 Abstain-2		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
<u>3525.4320</u>	Rules of evidence.	2 E 4-No 4-Abstain	Subd. 25 Hearing officer, subd. 11 Day		Yes-0 No-8 Abstain-2		No comparable federal language (IDEA/504/ADA) <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
<u>3525.4350</u>	Consolidation of	5-E	Subd. 25 Hearing officer, subd.	Yes-1	Yes-0		No comparable federal language (IDEA/504/ADA)

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

## 2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
	cases.	4-No 1-Abstain	40 Serve/Service, subd. 21 File, subd. 11 Day, subd. 12 Department	No-8 Abstain-1	No-8 Abstain-2		<ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>
<u>3525.4420</u>	Decisions of hearing officer.	9-E 0-No 1-Abstain	Subd. 25 Hearing officer, subd. 40 Serve, subd. 12 Department	Yes-1 No-8 Abstain-1	Yes-8 No-0 Abstain-2	Adopt MN proposal in SONAR regarding .4420 <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>	
<u>3525.4700</u>	Enforcement and appeals.	9E 0-No 1-Abstain	Subd. 15 District, subd. 25 Hearing officer, subd. 34 Parent, subd. 12 Department	Yes-0 No-8 Abstain-2	Yes-8 No-0 Abstain-2	Include the federal district court time period of 90 days <ul style="list-style-type: none"> <li>• Yes-9</li> <li>• No-0</li> <li>• Abstain-1</li> </ul>	
<u>3525.4750</u>	Expedited hearings, who may request.	9E	Subd. 34 Parent, subd. 36 Pupil, subd. 15 District, subd. 11 Day	Yes-8 No-0 Abstain-2			
<u>3525.4770</u>	Expedited hearings, timelines.	9E 0N 1 Abstain	Subd. 34 Parent, subd. 15 District, subd. 12 Department, subd. 40 Serve, subd. 25 Hearing officer, subd. 11 Day, subd. 18 Evaluation	Yes-4 No-5 Abstain-1	Yes-0 No-6 Abstain-4		No exact federal language (IDEA/504/ADA Law) <ul style="list-style-type: none"> <li>• Yes-8</li> <li>• No-0</li> <li>• Abstain-2</li> </ul>
<b>OTHER RULES – Time did not permit Task Force review of these rules.</b>							
<u>3501.0090</u>	Students with IEPs or 504 plans		*Going through review*				
<u>3500.1000</u>	Experimental and Flexible School Year Programs						
<u>3505.1100</u>	Standards for Program Approval						
<u>3505.1600</u>	Local Applications for Aid						

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*

**2008–2009 SPECIAL EDUCATION TASK FORCE REVIEW OF MN SPECIAL EDUCATION RULES**

<u>MN Law</u>	<u>Title</u>	<u>Exceeds (E) or Does not Exceed</u>	<u>Applicable Definitions</u>	<u>*Vote to Conform to Min Fed requirements</u>	<u>*Vote to Amend to make more Effective*</u>	<u>Suggested Amendments</u>	<u>Comments</u>
3505.4900	Support Services						
3512.0500	Program Requirements for K-12 Principals						
3512.4000	Special Education Directors						
7470.1600	Transporting Pupils with Disabilities						
7470.1700	Drivers and Aides						
8710.2000	Standards of Effective Practice for Teachers						
8710.5000	Core Skills for Teachers of Special Education						
<b>NEW, ADDITIONAL MDE PROPOSED RULES – Time did not permit Task Force review of these rules.</b>							
3225.2720	Criteria Upon Reevaluation						
3530.4300	Educational Placement Decisions						

*\*Abstention votes include member absences from the decision-making portion of the meetings or election by a member to abstain from voting following discussion/deliberations on the matter.*