

Maintain Minnesota's Historical Commitment to Students with Disabilities by Protecting Critical Special Education Laws and Regulations

Fact Sheet

Position:

Support Minnesota special education laws and regulations that are critical to protect children with disabilities and ensure better outcomes for these students.

Background Information:

Since Minnesota began educating students with disabilities in the 1950's it has established a national reputation for providing high quality services for students with various disabilities. Because the Federal government did not pass the Education for All Handicapped Act until 1975 (later known as IDEA), Minnesota already had established laws and rules and an infrastructure to deliver appropriate services.

Some groups are proposing that Minnesota eliminate some of its special education laws and rules and use the lesser Federal IDEA law and regulations. Minnesota extensively reviewed its special education laws and rules in 1998-99 which resulted in repealing laws and rules that were deemed duplicative or redundant. In 2007 the state legislature established a "Special Education Taskforce" to once again extensively look at what exceeds federal law. This taskforce will be submitting its recommendations to the state legislature by February 15, 2009.

While it is appropriate to examine current state laws, rules, and standards from time to time, it is poor public policy to utilize the Federal requirements in lieu of what Minnesota has developed and used successfully.

Reasons to Support Current Special Education Laws and Rules:

- We've done this before. In the early 1990's and again in 1998 broad stakeholder task forces were formed to review Minnesota's special education rules and laws. In 1999, many duplicative laws and rules were repealed. Only two Minnesota special education laws have passed since then and both were agreed to by all interested parties. Once again in 2007, the state legislature established a "Special Education Taskforce" to extensively compare Minnesota laws and rules with federal laws and rules.
- Some important special education laws and rules that exceed federal requirements are transition at age 14, early childhood special education, teacher caseload sizes, conciliation conferences to resolve disputes and billing third parties to pay for health related IEP services provided by schools.