Minnesota Department of Education

Statute and Rule Alignment Chart

Statute	Rule	Analysis/Recommendations
Minnesota Statutes, sections 125A.15, 125A.51, and 125A.515	**Minnesota Rule 3525.2325**	**Recommendation:** Amend rule to only address students in non-residential treatment. The care and treatment statutes supersede the majority of the current rule language and the remaining effective sections of the rule address students not in residential treatment facilities. Thus, rule should be rewritten.
Minnesota Statutes, section 125A.091, Subp. 3a **Alternative Dispute Resolution and Due Process Hearings** The district will proceed with services unless parent notifies district of an objection "within 14 days of when the district sends the prior written notice to the parent.	**Minnesota Rule 3525.3600, Part B** **Prior Written Notice** The district will proceed with services unless parents object in writing "within 14 calendar days after the receipt of the notice."	**Recommendation**: Amend Minnesota Rule 3525.3600 to be consistent with Minnesota Statutes, section 125A.091, Subp. 3(a), as the statutory provision is consistent with the "mail box" rule and provides the district a set date to begin implementing the IEP if they do not hear from the parents.
Minnesota Statutes, section 125A.02, Subd. 1 **Child with a Disability Defined** -Permits a licensed physician, an advanced practice nurse, or a licensed psychologist to make diagnoses of ADHD or ADD for purposes of identifying child with a disability.	**Minnesota Rule 3525.1335, Subp. 2(a)(2)** **Other Health Disabilities** Requires diagnoses by licensed physician for ADD or ADHD.	**Recommendation**: Amend Minnesota Rule 3525.1335, Subp. 2(a) to be consistent with Minnesota Statutes, section 125A.02, Subd.1, to allow a wider variety of professional individuals to make a diagnosis of ADD/ADHD.
Minnesota Statutes, section 125A.08(a)(1) **Individualized Education Programs** … During grade nine, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living.	**Minnesota Rule 3525.2900, Subp. 4** **Transition Planning** By grade nine or age 14, whichever comes first, the IEP plan shall address the pupil's needs for transition from secondary services to postsecondary education and training, employment, and community living.	**Recommendation:** Amend rule language to be consistent with MINNESOTA statute. This rule also requires a transition evaluation documented in the evaluation report. Recommendation is to keep those provisions in the rule.

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	A. For each pupil, the district shall conduct an evaluation of secondary transition needs and plan appropriate services to meet the pupil's transition needs… B. Secondary transition evaluation results must be documented as part of an evaluation report. **Minnesota Rule 3525.2810 Development of Individualized Education Program Plan** (1)(A)(8) beginning at age 14, and updated annually, a statement of the transition service needs of the pupil in accordance with part 3525.2900, Subpart 4.	
Minnesota Statutes, section 125A.02 Child with a Disability "deaf or hard of hearing, blind or visually impaired, deafblind …blind or visually impaired	**"Deaf-blind" Minnesota Rule 3525.1327** **"Deaf and hard of hearing" Minnesota Rule 3525.1331** **"Visually impaired" Minnesota Rule 3525.1345**	**Recommendation:** Federal law sets out definitions under 34 Code of Federal Regulations (C.F.R.) section 300.8(a) and 34 C.F.R. section 300.8(c)(2) and (3). Amend the rules and statute to use terms consistent with federal regulations.
Minnesota Statutes, section 125A.08 Individualized Education Programs (b)(4) eligibility and needs of children with a disability are determined by an initial assessment or reassessment, which may be completed using existing data under United States Code, title 20, section 33, et seq.	**Minnesota Rule 3525.2550 Conduct Before Evaluation** Minnesota Rule 3525.2710 Evaluations and Reevaluations	**Recommendation:** Federal law refers to "evaluations and reevaluations," not assessment or reassessment. 34 C.F.R. section 300.301-306**.** Amend Minnesota Statutes, section 125A.08 to "evaluation or reevaluation" to use consistent language with the federal regulations.
Minnesota Statutes, section 125A.0942 Standards for Restrictive Procedures	**Minnesota Rule 3525.2710 Evaluations and Reevaluations; Additional requirements for evaluations and reevaluations (4)(F).** Uses the term "conditional procedure" which is no longer used in statute.	**Recommendation**: Either repeal Minnesota Rule 3525.2710, Subp. (4)(f), or change the language in the rule to replace "conditional procedure" with "restrictive procedure."

Statute	Rule	Analysis/Recommendations
Minnesota Statutes, section 121A.67 **Aversive and Deprivation Procedures** Subd. 2 Removal by peace officer **Minnesota Statutes, section 125A.0942** **Standards for Restrictive Procedures**	No rule corollary, but note that there is an error in Minnesota Statutes, section 125A.0942, Subd. 2(b) which states: "A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on a child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (d)." It should read: under paragraph (f).	**Recommendation:** Amend Minnesota Statutes, section 121A.67 to use the language "Restrictive Procedures" and not "Aversive and Deprivation Procedures"
	Minnesota Rule 3525.3010 **Educational Placement** Includes reference to Minnesota Rule 3525.3400 which was repealed in 2009 and 34 C.F.R. 300.552 which is now 34 C.F.R. 300.114.	**Recommendation**: Remove reference to outdated rule and federal regulation. Address need for this rule.
Minnesota Statutes, section 125A.06 **Blind Persons' Literacy Rights** -Different definition from rule.	**Minnesota Rule 3525.1345** **Visually Impaired** -Different definition from statute.	**Recommendation**: A definition of "visual impairment including blindness" is provided for in 34 C.F.R. section 300.8(c)(13). Statute and rule definition are different. Use language from federal regulations.
Minnesota Statutes, section 125A.091 **Alternative Dispute Resolution and Due Process** (5)(a) A district must not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. (7) …hold a conciliation conference within 10 calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice.	**Minnesota Rule 3525.3700** **Conciliation Conference** (E) If the proposed action is an initial evaluation or initial placement, the district must not proceed until the parents give written informed consent. (1a)(A) A conciliation conference must be held within ten calendar days from the district's receipt of the parent's agreement or request to participate in a conciliation conference…	**Recommendation:** Amend the rule to be consistent with the statutory provisions throughout unless otherwise noted below. **Recommendation**: Reflect the impartial hearing officer requirements set out in 34 C.F.R. § 300.511(c)(1). **Recommendation:** Address need for rule. The rule requires additional information about the parent. **Recommendation:** Repeal rule because includes incorrect burden of proof requirement.

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(7) Within five school days…provide to the parent a conciliation conference memorandum… **(13) Hearing officer qualifications**. Different requirements than rule. **(14) Request for hearing.** (b) The parent shall include in the hearing request… name of the child, the address of the child's residence, the name of the school the child attends, a description of the child's problem relating to the proposed or refused initiation or change, including facts relating to the problem, and a proposed resolution of the problem to the extent known and available to the parents at the time. **(16) Burden of proof.** The burden of proof at a due process hearing is on the party seeking relief. **(19) Expedited due process hearing.** Consistent with federal law, a parent or a school district may file a written request for an expedited due process hearing. A hearing office must hold an expedited due process hearing within 20 school days of the date the expedited due process request is filed and must issue a decision within ten school days after the hearing…	(1a)(D) Within five business days… district must serve the parent with a written memorandum… **Minnesota Rule 3525.4010** **Hearing Officers**. Different requirements than statute. **Minnesota Rule 3525.3900** **Initiating a Due Process Hearing.** Subp. 2 parent request for hearing. A parent request for hearing must include: A. a statement indicating the parents request a hearing; C. the name, address, and telephone number, if available, of the parent; E. the name or number of the school district of the parent's residence; **Minnesota Rule 3525.3900** **Initiating a Due Process Hearing** Rule language is wrong. **Minnesota Rule 3525.4770** **Expedited Hearing Timelines** **(8) Decision**. A written decision for an expedited hearing shall be rendered by the hearing officer in ten calendar days from the date the hearing was requested. An extension of up to five calendar days may be granted…for good cause…	**Recommendation:** Address need for rule. Federal law requires an expedited due process hearing to occur within 20 school days of the date the complaint is filed and the hearing officer must make a determination within 10 school days after the hearing. 34 C.F.R. § 300.532(c)(2).