

**STATE OF MINNESOTA
STATE BOARD OF EDUCATION**

In the Matter of the Proposed Rules
Governing Special Education Minn.
Rules Parts 3525.1329, 3525.1333,
3525.1341, 3525.1343 and 3525.2925

**STATEMENT OF NEED
AND REASONABLENESS**

I. INTRODUCTION

These proposed corrections in special education rule are being proposed as the result of significant field input requiring repeated clarifications for interpretation of the individual special education rules which became effective in 1992. Initial rules for special education were developed in 1976. Revisions, additions and amendments were made in 1979, 1983, 1989 and 1991. As the field of special education evolves, the need for special education proposed rules is prompted by a number of factors such as: (1) changes in state statutes and federal laws relating to special education, (2) monitoring citations by the Federal Office of Special Education (OSEP) requiring changes in order to continue receiving federal funds, (3) the Department's resulting corrective action plan submitted to OSEP as a result of the monitoring report, (4) increased amount of district data from the department's monitoring of local district programs and formally filed complaints, and (5) State Board of Education (SBE) policies relating to special education that have been discussed and passed.

II. STATEMENT OF BOARD'S STATUTORY AUTHORITY

Minnesota Statutes (1988) Section 120.17, Subdivision 3 charges the Board with the responsibility to promulgate rules that will provide standards and procedures appropriate for the implementation of special education services for students with disabilities by all school districts. Specifically, this Minnesota Statute directs the Board to adopt rules to determine eligibility for special education service. Additionally, Minnesota Statute 14.23 permits the Board to adopt a rule after completing the noncontroversial rule making process.

The Legislative Commission to
Review Administrative Rules

OCT 27 1992



III. STATEMENT OF NEED

The basic need for this rule revision process is to clarify what is already in rule. The word changes are not intended to change the eligibility of any of the criteria rather, the changes are intended to add clarification in parts of the criteria where repeated requests for clarification have been received from educators by MDE staff.

IV. STATEMENT OF REASONABLENESS

These proposed changes are the result of significant field input. The Department of Education, Special Education Unit, has sought advice and input from the State Special Education Advisory Committee (SEAC), school officials and staff from Minnesota's public school, parents and parent advocate organizations. The changes are to clarify what has already gone through a formal rule making process, hearings, meetings and written input.