

Minnesota Department of
Education

Special Education

Litigation Costs

Fiscal Year 2011

**Report
To the
Legislature**

**As required by
Minnesota Statutes
2011
Section 125A.75,
Subdivision 9**

COMMISSIONER:
Brenda Cassellius

Special Education
Litigation Costs

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Fiscal Year 2011

FY 2011
Report
To the
Legislature

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As required by
Minnesota Statutes
2011
Section 125A.75
Subdivision 9

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Upon request, this report can be made available in alternative formats.

Cost of Report Preparation

Minnesota Statutes, section 3.197 require the following:

"A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government."

The following provides estimated costs incurred in the preparation of this report.

This report provides information that the Minnesota Department of Education (MDE) already collects as part of its normal business functions. The cost information reported below does not include the cost of gathering and analyzing the data, but rather is limited to the estimated cost of actually preparing this report

Minnesota Department of Education Costs

The estimated cost incurred by MDE in the preparation of this report was approximately \$120.

Funding for this Report

Special funding was not appropriated to cover the costs of preparing this report.

**SPECIAL EDUCATION LITIGATION COST REPORT
FISCAL YEAR 2011**

Minnesota Statutes, 2011, section 125A.75, subdivision 9, states:

(a) By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.

(b) By January 15 of each year, the commissioner shall report school district special education litigation costs to the house of representatives and the senate committees having jurisdiction over kindergarten through grade 12 education finance.

This report is notification to legislative committees based upon data compiled on February 15, 2012.

Introduction

In response to the statutory requirement, the department created a new Uniform Financial Accounting and Reporting (UFARS) code to monitor special education litigation costs. Entities reporting financial data to the department of education are requested to use object code 306 for special education litigation costs. The definition of the account code in the UFARS manual is as follows:

Include all Special Education expenditures incurred for time spent by legal counsel in consideration of litigation, during litigation and in post-litigation work, including appeals and discussions regarding potential appeals. Costs should include the legal fees associated with a request for a due process hearing whether or not it settles the issue, and any expense incurred when seeking counsel in consideration of filing.

Special Education Litigation Cost Summary

Table One shows that sixteen independent school districts and one special school district reported total special education litigation costs of \$173,766.95 for Fiscal Year 2011.

Table One: Special Education Litigation Cost Summary as of February 15, 2012

DST	TYPE	DESCRIPTION	AMOUNT
6	3	SOUTH ST. PAUL PUBLIC SCHOOL DISTRICT	\$ 12,304.80
11	1	ANOKA-HENNEPIN PUBLIC SCHOOL DISTRICT	16,538.60
13	1	COLUMBIA HEIGHTS PUBLIC SCHOOL DISTRICT	654.51
110	1	WACONIA PUBLIC SCHOOL DISTRICT	2,126.00
112	1	EASTERN CARVER COUNTY PUBLIC SCHOOL	1,665.00
271	1	BLOOMINGTON PUBLIC SCHOOL DISTRICT	17,084.60
279	1	OSSEO PUBLIC SCHOOL DISTRICT	162.99
392	1	LECENTER PUBLIC SCHOOL DISTRICT	311.50
466	1	DASSEL-COKATO PUBLIC SCHOOL DIST.	398.00
535	1	ROCHESTER PUBLIC SCHOOL DISTRICT	14,771.79
621	1	MOUNDS VIEW PUBLIC SCHOOL DISTRICT	4,094.99
719	1	PRIOR LAKE-SAVAGE AREA SCHOOLS	22,232.50
720	1	SHAKOPEE PUBLIC SCHOOL DISTRICT	14,039.70
818	1	VERNDALE PUBLIC SCHOOL DISTRICT	19,570.48
832	1	MAHTOMEDI PUBLIC SCHOOL DISTRICT	11,140.30
833	1	SOUTH WASHINGTON COUNTY SCHOOL DIST	26,890.78
879	1	DELANO PUBLIC SCHOOL DISTRICT	9,780.41
TOTAL SPECIAL EDUCATION LITIGATION COSTS AS REPORTED			<u><u>\$173,766.95</u></u>