

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE STATE BOARD OF EDUCATION

In the Matter of the Proposed
Adoption of Rules Regarding
Special Education, Minn. Rule
Pts. 3525.0200 to 3525.7500
(Re: Partial Report of
Administrative Law Judge)

ORDER OF THE
CHIEF ADMINISTRATIVE LAW JUDGE

WHEREAS, a hearing was held on June 12 and 13, 1991, before Allan W. Klein, an Administrative Law Judge of the Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14; and

WHEREAS, the Report of Administrative Law Judge made pursuant to Minn. Stat. § 14.50, was issued to the State Board of Education ("Board"); and

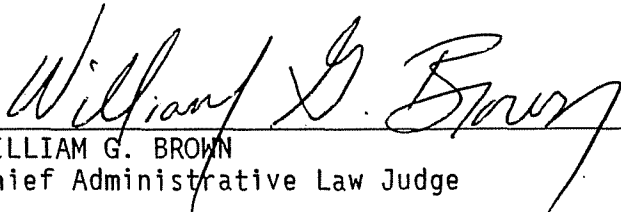
WHEREAS, the Board has now determined to adopt the rules; and

WHEREAS, the Board has submitted the rules to the Chief Administrative Law Judge for review pursuant to Minn. Stat. §§ 14.16, 14.51, and Minn. Rules 1400.1100 and 1400.1200; and

WHEREAS, the Chief Administrative Law Judge finds that the final proposed rules are not substantially different from those proposed at the public hearing and that there are no defects in the rules.

NOW, THEREFORE, upon receipt of this Order, the Board has the responsibility of filing the rules with the Secretary of State and publishing the adoption of the rules in the State Register in accordance with Minn. Stat. § 14.18.

Dated: August 30th, 1991.


WILLIAM G. BROWN
Chief Administrative Law Judge

MEMORANDUM

The Board has adopted the rules as originally proposed; thus, there is no substantial change. During the hearing process the Board had agreed to amend Parts 3525.3500 and 3525.3800 so as to require a hearing only when the school district refused to perform an educational reassessment and the parents requested that a hearing be initiated. This did not satisfy federal requirements according to the United States Department of Education. That Department notified the Board that the proposal to make the hearing available at the parents' request was not sufficient to satisfy the requirements of 34 C.F.R. § 300.534. The Board was informed that if a hearing in this situation was not mandated the federal government would not release \$37 million in special education funds to the Minnesota Department of Education. Thus, the Board adopted the rules as originally proposed which mandated such hearings. The rule as adopted by the Board is needed and reasonable and there is no substantial change.

W.G.B.