

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of the  
Department of Education Related to an  
Individualized Educational Program (IEP)  
Team Including District and Statewide  
Assessment Results in an IEP, Minnesota  
Rules, Chapter 3525.2810, Subp. 2

**ORDER ON REVIEW OF  
RULES UNDER  
MINN. STAT. § 14.26**

The Minnesota Department of Education (Department) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2020). On January 22, 2021, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Department under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2019). Based upon a review of the written submissions and filings, Minnesota Statutes, and Minnesota Rules,

**IT IS HEREBY DETERMINED:**

1. The Department has the statutory authority to adopt the rules.<sup>1</sup>
2. With one exception, the rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2020) and Minnesota Rules, Chapter 1400 (2019). The Department's failure to publish the Request for Comments within 60 days of the effective date of the new law requiring the rules to be amended was harmless error.<sup>2</sup>
3. The record demonstrates the rules are needed and reasonable.

**IT IS HEREBY ORDERED THAT:**

The rules are **APPROVED**.

Dated: February 5, 2021

  
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KIMBERLY MIDDENDORF  
Administrative Law Judge

<sup>1</sup> See 2019 Minn. Laws 1<sup>st</sup> Spec. Sess. ch. 11, art. 4, § 10.

<sup>2</sup> See Minn. Stat. §§ 14.101, 14.26, subd. 3(d).