

1.1 A bill for an act

1.2 relating to education; establishing a special education administrative complaint  
1.3 review process; proposing coding for new law in Minnesota Statutes, chapter  
1.4 125A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [125A.101] SPECIAL EDUCATION COMPLAINT APPEALS PANEL.

1.7 Subdivision 1. **Establishment.** A Special Education Complaint Appeals Panel is  
1.8 established to provide timely review of department decisions on administrative special  
1.9 education complaints.

1.10 Subd. 2. **Membership.** (a) The Special Education Complaint Appeals Panel  
1.11 consists of five members. The appeals panel consists of the following:

1.12 (1) one representative from the Minnesota Administrators for Special Education;

1.13 (2) one representative from the Minnesota School Boards Association;

1.14 (3) one representative from the Minnesota Association of School Administrators;

1.15 (4) one parent advocate from PACER Center; and

1.16 (5) one representative from the Minnesota Disability Law Center.

1.17 (b) The commissioner of education or a representative must serve as an ex-officio,  
1.18 nonvoting member and convene all meetings of the appeals panel. The panel must meet as  
1.19 frequently as necessary to carry out its duties. Appeals panel members must not receive  
1.20 compensation or reimbursement for expenses for service on the appeals panel.

1.21 Subd. 3. **Duties; appeals.** If a party to an administrative complaint regarding  
1.22 alleged violations of special education law with the department disagrees with the decision  
1.23 issued by the department, the final complaint decision may be reviewed by the state special  
1.24 education appeals panel. A party to an administrative complaint that disagrees with the

2.1 department's decision must file a written request for review by the panel within 15 days of  
2.2 the department's decision. The written request must be in the form and manner required by  
2.3 the appeals panel. The panel may uphold, modify, or overturn the department's decision.  
2.4 The panel has 15 days to review the department's decision and to issue a written decision.  
2.5 A party to an administrative complaint that was reviewed by the appeals panel can appeal  
2.6 to the Minnesota Court of Appeals within 60 days of receiving the appeals panel decision.

2.7 **Sec. 2. [125A.102] ADMINISTRATIVE COMPLAINT DECISIONS.**

2.8 The department must provide school districts and charter schools serving special  
2.9 education students with an electronic copy of administrative complaint decisions made  
2.10 by the department or the appeals panel under section 125A.101, subdivision 3. The  
2.11 department must allow school districts and charter schools serving special education  
2.12 students at least 14 days to make adjustments to their program to comply with new  
2.13 interpretations of existing federal law or regulation contained in administrative complaint  
2.14 decisions. The new interpretation of existing federal law or regulation must not be applied  
2.15 retroactively to special education programs.