

February 19, 2021

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *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
OAH 21-9005-37182; Revisor R-4630***

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Kerstin P. Forsythe Hahn
Rulemaking Coordinator
Minnesota Department of Education
1500 Hwy 36 W
Roseville, MN 55113
kerstin.forsythe@state.mn.us

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



LISA ARMSTRONG
Legal Assistant

Enclosures

cc: Kerstin P. Forsythe Hahn (via email)

Filed on February 19, 2021
Document Number 212483
Office of the Minnesota Secretary of State,
Steve Simon

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Individualized Education Program Plans

AGENCY: Department of Education

REVISOR ID: R-4630

MINNESOTA RULES: Chapter 3525

The attached rules are approved for
filing with the Secretary of State

A handwritten signature in blue ink, reading "Cassandra McGuiness".

Cassandra McGuiness
Assistant Revisor

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1.1 **Department of Education**

1.2 **Adopted Permanent Rules Relating to Individualized Education Program Plans**

1.3 **3525.2810 DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM**
1.4 **PLAN.**

1.5 Subpart 1. **Definitions.** As used in this chapter, the terms defined in this part have the
1.6 meanings given them.

1.7 A. "Individualized education program" or "IEP" means a written statement for
1.8 each pupil that is developed, reviewed, and revised in a meeting in accordance with this
1.9 part and that includes:

1.10 *[For text of subitems (1) and (2), see Minnesota Rules]*

1.11 (3) a statement of the special education and related services and supplementary
1.12 aids and services to be provided to the pupil, or on behalf of the pupil, and a statement of
1.13 the program modifications or supports for school personnel that will be provided for the
1.14 pupil to advance appropriately toward attaining the annual goals, to be involved and progress
1.15 in the general curriculum in accordance with subitem (1) and to participate in extracurricular
1.16 and other nonacademic activities, and to be educated and participate with other pupils and
1.17 students in the activities described in this paragraph;

1.18 *[For text of subitems (4) to (11), see Minnesota Rules]*

1.19 *[For text of item B, see Minnesota Rules]*

1.20 Subp. 2. **Development of IEP.**

1.21 A. In developing each pupil's IEP, the IEP team must consider the strengths of
1.22 the pupil; the concerns of the parents for enhancing the education of the pupil; the results
1.23 of the initial evaluation or most recent evaluation of the pupil; and the academic,
1.24 developmental, and functional needs of the pupil. The IEP team may report the pupil's

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2.1 performance on general state or districtwide assessments in the pupil's individualized
2.2 education program.

2.3 B. The IEP team shall:

2.4 (1) in the case of a pupil whose behavior impedes the pupil's learning or that
2.5 of others, consider, when appropriate, strategies, including positive behavioral interventions
2.6 and supports to address that behavior;

2.7 *[For text of subitems (2) to (5), see Minnesota Rules]*

2.8 *[For text of items C and D, see Minnesota Rules]*

2.9 *[For text of subparts 3 to 5, see Minnesota Rules]*