Minnesota Department of Education

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Special Education Infant and Toddler Intervention Services, Minnesota Rules, 3525.1350; Revisor's ID Number 4195.

Introduction. The Department of Education intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, Minnesota Rules, part 1400.2410, and the Administrative Procedure Act, Minnesota Statutes, section 14.389. You may submit written comments on the proposed expedited rules until December 15, 2013.

Agency Contact Person. You must submit comments or questions on the rules to: Kerstin Forsythe Hahn at the Minnesota Department of Education, 1500 Highway 36, Roseville, MN, 55113, T: 651-582-8583; F: 651-582-8725; E: kerstin.forsythe@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are about special education intervention services for infant and toddlers. The expedited rulemaking process is being used because the federal Office of Special Education Programs (OSEP) has given the department approval for our Part C application contingent on promptly modifying our state rules to reflect recent changes to federal law. New Part C of IDEA regulations were passed into law on September 28, 2011. These new regulations went into effect on July 1, 2012. OSEP wants our state rules to be in compliance with these new regulations as soon as possible following the implementation of the new Part C federal regulations. New Part C of IDEA regulations were passed into law on September 28, 2011 and went into effect on July 1, 2012. Minnesota must modify its state rules to be in compliance with these regulations to avoid any lapse in Federal Part C funding. State rules must also comply with the new regulations to ensure that Minnesota continues to provide high quality and necessary services to infant and toddlers with disabilities and their families. Minnesota has provided assurances to OSEP that the state is implementing Infant and Toddler Intervention services in a manner consistent with the federal regulations while we complete the necessary rule changes.

The statutory authority to adopt the rules under the expedited rulemaking process is 2013 Minnesota Session Law, Chapter 116, Article 5, Section 29. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed on the Department of Education's rulemaking webpage.

Comments. You have until 4:30 p.m. on December 15, 2013, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also be make any comments on the legality of the proposed rules during this comment period.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in Minnesota Statutes, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under Minnesota Rules, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651 296 5148 or 1 800 657 3889.

Adoption and Review of Expedited Rules. The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: October 31, 2013

Brenda Cassellius
Commissioner, Department of Education