



Special Education Litigation Costs

Report to the Legislature

As required by Minnesota Statutes, section 125A.75, subdivision 9

For more information:

Molly Koppes
Division of School Finance
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113
651-582-8249
Molly.Koppes@state.mn.us
education.mn.gov

As requested by Minnesota Statutes, section 3.197: This report cost approximately \$239.24 to prepare, including staff time, printing and mailing expenses.

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Legislative Charge

Minnesota Statutes, 2015, section 125A.75, subdivision 9, states:

- a. By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.
- b. By February 1 of each year, the commissioner shall report school district special education litigation costs to the House of Representatives and the Senate committees having jurisdiction over kindergarten through grade 12 education finance.

Introduction

The Minnesota Department of Education (MDE) created a Uniform Financial Accounting and Reporting Standards (UFARS) code dimension to monitor special education litigation costs. Entities reporting financial data to MDE are requested to use Object Code 306 for special education litigation costs. The definition of the account code in the UFARS manual is as follows:

"Include all special education expenditures incurred for time spent by legal counsel in consideration of litigation, during litigation and in post-litigation work, including appeals and discussions regarding potential appeals. Costs should include the legal fees associated with a request for a due process hearing whether or not it settles the issue, and any expense incurred when seeking counsel in consideration of filing."

This report is notification to legislative committees based upon data compiled on January 3, 2019, and under statutory authority in Minnesota Statutes, section 125A.75, subdivision 9.

Analysis

Table 1 shows that at the time of this report (January 3, 2019), 15 independent school districts, one charter school, one education district, and two special education cooperatives reported total special education litigation costs of \$199,999.75 for fiscal year (FY) 2018.

Conclusion

Table 1: Special Education Litigation Cost Summary for FY 2018 ended June 30, 2018.

<i>District Name</i>	<i>District Number</i>	<i>District Type¹</i>	<i>Amount (\$)</i>
Anoka-Hennepin	11	1	12,685.79
Waconia	110	1	1,423.99
Brainerd	181	1	(553.50) ²
Hastings	200	1	1,258.00
Edina	273	1	14,055.47
Osseo	279	1	40,529.70
St. Anthony-New Brighton	282	1	18,916.85
Rochester	535	1	6,478.18
Mounds View	621	1	6,763.50
North St. Paul-Maplewood-Oakdale	622	1	12,800.00
St. Paul	625	1	4,617.00
Jordan	717	1	1,539.50
Prior Lake	719	1	22,204.65
Shakopee	720	1	16,153.51
Mahtomedi	832	1	25,812.74
Southern Plains Education Cooperative	915	52	9,225.50
AFSA High School	4074	7	4,411.09
Minnesota Valley Education District	6027	61	980.28
Northern Lights Academy Cooperative	6096	52	697.50
<i>Special Education Litigation Cost – Total</i>			<i>\$199,999.75</i>

Bibliography

Minnesota Department of Education Databridge Database for School Year 2017-18.

¹ District types: 1= independent districts and schools, 7= charter schools, 52= special education cooperatives, 61= education districts.

² Actual expenditures were less than the accrual.