

**Special Education Electronic  
Individualized Education Program (IEP) System**

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**Fiscal Year 2016**

**Report**

**To the**

**Legislature**

**As required by  
Minnesota Statutes,  
section 125A.085**

**COMMISSIONER:**

**Brenda Cassellius, Ed. D.**

**Special Education Electronic  
Individualized Education Program (IEP)  
System**

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**February 2016**

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## **Cost of Report Preparation**

The total cost for the Minnesota Department of Education (MDE) to prepare this report was approximately \$250. Most of these costs involved staff time in analyzing data from surveys and preparing the written report. Incidental costs include paper, copying and other office supplies.

Estimated costs are provided in accordance with Minnesota Statutes 2011, section 3.197, which requires that at the beginning of a report to the Legislature, the cost of preparing the report must be provided.

The purpose of this report is to comply with the requirements under Minn. Stat. §125A.085. This law requires the Minnesota Department of Education (MDE) commissioner to annually, by February 1, submit to the Legislature a report on the status, recent changes and sustainability of the online system for Individualized Education Programs (IEP) for students with disabilities needing special education services.

## **Legislative History and Background**

In 2013, the Minnesota Legislature appropriated \$1.763M for Fiscal Year 2014 to create a statewide system for special education paperwork.<sup>1</sup> In 2014, the Legislature greatly expanded the requirements of the system but did not appropriate additional resources to maintain ongoing operation of the system. The 2014 legislation codified the system in statute and made the system mandatory for all public schools starting in the 2018-2019 school year.<sup>2</sup> The 2015 Legislature further amended the statute to remove the mandatory requirement and make the system purely voluntary for public school use.<sup>3</sup>

Based on MDE concerns that resources beyond the first year were not appropriated to sustain ongoing operation of the statewide system and because of the 2015 statutory amendments, implementation of Minnesota Statutes, section 125A.085 has been carried out in two phases:

- A 2014-2015 Request for Proposal (2015 RFP) for a system that would be used by all public schools in the state by 2018-2019 school year, as required by the 2014 legislation; and
- A 2015-2016 RFP that is currently pending which reflects the voluntary nature of the system, as required by the 2015 legislation.

The following is a summary of the action taken by MDE to fulfill the requirements in the law:

In 2014, the commissioner established a work group which included the representatives from the stakeholders the law required to be consulted.<sup>4</sup> The work group met a total of four times. Information from the following tasks was instrumental in developing the RFP.

- Review of IEP forms used by North Dakota, Wisconsin, Minnesota and the U.S. Office of Special Education.
- Demonstration from Colorado and Maryland Departments of Education on their statewide electronic IEP system.
- Conference calls with the Oklahoma and North Carolina Departments of Education, who were making major changes to their existing statewide electronic systems;
- Feedback from the work group on the forms and various systems that were reviewed and presented;

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<sup>1</sup> 2013 Minn. Laws, Ch. 116, Art. 5, Sec 31, Subd. 8.

<sup>2</sup> 2014 Minn. Laws, Ch. 312, Art. 17, Sec. 11. Minn. Stat. § 125A.085 (2014).

<sup>3</sup> 2015, 1st Spec. Sess. Minn. Laws, Ch. 3, Art. 5, Sec. 14. Minn. Stat. § 125A.085 (2015).

<sup>4</sup> Minn. Stat. § 125A.085, para. (b) (2015).

- Identification by the work group of the top 10 features that needed to be included in a statewide system for Minnesota if the system was to meet the intent of the law;
- A vision for a comprehensive system for Minnesota that would simplify the process for teachers, be user friendly, easily accessible, effective and efficiently transmit the records of all transferring children with disabilities, including highly mobile and homeless children with disabilities among others and avoid fragmented services delivery.

### **2015 Request For Proposal Process**

Based on the recommendations of the work group, MDE and MN.IT staff developed an RFP that complied with the 2014 legislative language which required all districts to participate in the system by the 2018-2019 school year. After publishing the RFP and receiving and reviewing proposals, a respondent was selected. The selected vendor was Excent, an educational technology company from Georgia.

### **Sustainability of the Online System**

MDE was informed by Excent that the ongoing cost of maintaining the statewide system as a free resource for all districts would be approximately \$1.5M per year. The initial funding from 2013 covered start-up and launch of the system and possibly some of the funding needed for FY2016 (i.e. license fees). But MDE was informed it would not cover ongoing costs to maintain operation of the system beyond initial startup and launch. At that juncture, MDE felt that it would not be fiscally responsible to enter into a contractual agreement with the vendor until a source of ongoing funding for system was identified. Consequently MDE and MN.IT paused the contract negotiation process. MDE recommended amending §125A.085 to delay implementation in order to give the Legislature and MDE time to explore sources of ongoing funding to sustain the system. The initial 2013 appropriation was transferred to MN.IT's Odyssey Fund for future use on the project.

### **2016 Request For Proposal Process**

During the 2015 Legislative session, Minn. Stat. §125A.085 was amended to eliminate the mandatory participation of all districts. Because the system was no longer mandatory and would likely not be used by all public schools in the state, MDE was informed by MN.IT and the Department of Administration that the terms of the 2015 RFP had been substantially changed and a new RFP would need to be issued.

In December 2015, MDE issued a new RFP which was posted in the State Register from December 24, 2015 until January 21, 2016. MDE is now in the process of reviewing the proposals submitted. Because the system was no longer mandatory, MDE is hopeful it can use the 2013 appropriation to fund startup, launch and initial use of the system until ongoing funds for maintenance and operation can be identified.