In accordance with a court order, MDE must disclose certain information about some former students in Minnesota whose birthdates are between July 1, 1998, through June 30, 2001, and who received special education services between July 1, 2019, and July 1, 2022. For more information click on the disclosure notice or view the news release or view below.

## Notice of Potential Disclosure of Student Records

On May 14, 2024, Chief Judge Schiltz preliminarily approved a class action settlement between the Minnesota Department of Education (MDE) and a group of students and/or their guardians represented by Minnesota Disability Law Center regarding compensatory education services for a group of Minnesota students described below:

All children (a) who are receiving or received special instruction and services pursuant to the Individuals with Disabilities Education Act and Minnesota Special Instruction laws from a local educational agency in Minnesota, (b) who became 21 years old after July 1, 2019, or will become 21 during the pendency of this action, (c) whose special instruction and services ended, or will end, on July 1 after their 21st birthday pursuant to Minn. Stat. § 125A.03(b), (d) whose special instruction and services ended, or will end, before they complete the graduation requirements to receive a regular high school diploma as defined in 34 C.F.R. 300.102(a)(3)(iv).

In accordance with that court order, MDE must disclose certain information about some former students in Minnesota whose birthdates are between July 1, 1998, through June 30, 2001, and who received special education services between July 1, 2019, and July 1, 2022, to the Claims Administrator: Continental DataLogix LLC. The Claims Administrator will use that information to identify former students who may fit the description above, and allow those former students to apply for compensatory education services. MDE plans to provide the Claims Administrator with the following information:

- Names of former students: (i) whose birthdates are between July 1, 1998, to June 30, 2001, (ii) who received special education services from a Minnesota school district or local education agency sometime between July 1, 2019, and July 1, 2022, and (iii) whose special education instructions or services were ended before the student turned 22 years old
- Birthdates of those same former students
- The name of the school district last attended by those same former students
- The last date of those same former students' status at the school

Those former students will be notified by the Claims Administrator of their eligibility and provided with a claims form. Any former student who fits the description in the first bullet point above and who does not want MDE to share the information described above with the Claims Administrator, must inform MDE that they object to MDE's disclosure. Please email kosettlement.MDE@state.mn.us for instructions

on how to object and to let MDE know that it should not provide that information. All objections should be received by MDE before Monday, July 15, 2024.

Additional information about this settlement is available at https://education.mn.gov.

Additional inquiries can be made to MDE's Data Practices Compliance Official, Adam Heuett, at the email above, or at 651-582-8267.

# NEWS RELEASE

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For Immediate Release
June 14, 2024

# Court Order: MDE Must Notify Special Education Students of Disclosure and Right to Object

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MINNEAPOLIS – Following a class action lawsuit, filed by Mid-Minnesota Legal Aid's Minnesota Disability Law Center, U.S. District Judge Patrick J. Schiltz preliminarily approved a settlement on May 14. That settlement directs the Minnesota Department of Education (MDE) to notify a group of former special education students that they may be entitled to compensatory education for having been denied school days leading up to their 22nd birthday.

Unless they object, names of former students, described below, will be shared with the Claims Administrator so they may be informed of their eligibility.

- (i) birthdates are between July 1, 1998, to June 30, 2001
- (ii) received special education services from a Minnesota school district or local education agency sometime between July 1, 2019, and July 1, 2022
- (iii) special education instructions or services were ended before the student turned 22 years old

Students or their families who object may ask MDE not to share their names by emailing kosettlement.MDE@state.mn.us before Monday, July 15, 2024.
Notice of potential disclosure of student record.

In 2020, Mid-Minnesota Legal Aid's Minnesota Disability Law Center took up the case of two students, K.O. v. Jett, and those similarly classed, contending their school districts prematurely ended instruction July 1 following their 21st birthday, in violation of federal law. The U.S. District Court agreed.

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