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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1336**

Re.: Remand Decision File 24-170R on behalf of L.L.B. from Delano 0879-01.

**Filed April 27, 2026
Affirmed
Bentley, Judge**

Minnesota Department of Education
File No. 24-170R

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No. 879)

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Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Smith, John,
Judge.*

NONPRECEDENTIAL OPINION

BENTLEY, Judge

The parents of respondent-student brought an administrative complaint to
respondent Minnesota Department of Education (MDE) against relator-school district for
an alleged violation of the federal Individuals with Disabilities Education Act (IDEA),

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

20 U.S.C. §§ 1400-1482 (2024).¹ After MDE concluded that the district violated the IDEA, the district appealed the decision to this court. We concluded that MDE acted arbitrarily in rendering its decision, and we reversed and remanded for further proceedings. The district now appeals MDE’s decision on remand, which reaffirmed that the district violated the IDEA. The district argues that MDE failed to follow this court’s remand directive; that MDE’s decision was arbitrary, unsupported by substantial evidence, or the product of an error of law; and that MDE failed to apply a two-year statute of limitations. We affirm.

FACTS

The facts underlying MDE’s first decision on parents’ administrative complaint are recounted in full in our prior opinion, *Complaint Decision File 24-170C on behalf of L.L.B.*, No. A24-1182, 2025 WL 1157174 (Minn. App. Apr. 21, 2025) (*Delano I*). We set forth here the facts necessary to understand the issues now on appeal.

Student has received special education services under the IDEA from relator Delano Public School District since 2015. In January 2022, the district reevaluated student to assess his needs and set goals for his education. The reevaluation report identified student’s primary disability area as “Other Health Disability” and noted that he “would benefit” from additional instruction to address his difficulty with punctuation and spelling. Based on the results of the reevaluation, the district proposed a new Individualized Education Plan (IEP) to address student’s needs, to which parents affirmatively consented.

¹ Because of the confidential nature of the agency proceedings, we do not reference the individual parties by name and instead refer to them as “parents” and “student.” We refer to relator as “the district.”

Parents sought a private evaluation at their own expense for student in June 2022, in which he was diagnosed with dyslexia, dyscalculia, and dysgraphia, in addition to other diagnoses. Parents informed district staff of student's new diagnoses and began attempting to seek services through the district to accommodate his needs.

Student's IEP was amended several times, both to incorporate amendments in line with the private-evaluation results and to address behavioral changes. The district also conducted a functional-behavior assessment in November 2023 to better understand and address student's behavioral needs. On January 25, 2024, student destroyed a bathroom sink on district property. A no-trespass order was issued prohibiting student from accessing school property outside of school hours or attending school activities without prior approval.

On February 15, 2024, parents emailed the district stating that they were "formally disagreeing with the latest IEP evaluation" and requesting an individualized educational evaluation (IEE) at public expense. For context, if the parents of a child with a disability disagree with a school's evaluation of their child, regulations implementing the IDEA provide that they "ha[ve] the right to an [IEE]," which is an evaluation funded "at public expense" and conducted by a "qualified examiner who is not employed by the public agency responsible for education of the child." 34 C.F.R. § 300.502(a)(3)(i), (b)(1) (2025). "If a parent requests an [IEE] at public expense," the school district then must, "without unnecessary delay," either (1) file a due-process complaint with the state education agency "to request a hearing to show that its evaluation is appropriate," or (2) "ensure that an [IEE] is provided at public expense." 34 C.F.R. §§ 300.502(b)(2), .508(a) (2025).

In response to parents' request, the district declined to fund an IEE. The district stated that the most recent evaluation of student was in January 2022 and "[t]he District is not required to defend an evaluation that is over two years old." Instead, the district asserted it "ha[d] the right to respond to a request for an IEE by offering to conduct a reevaluation."

Parents filed a state administrative complaint with MDE in March 2024. In the complaint, parents alleged that the district violated their right under the IDEA to an IEE at public expense without unnecessary delay. Specifically, parents argued that the district violated federal law by (1) requiring parents to agree to a reevaluation before obtaining an IEE at public expense, (2) requiring proof that parents previously disputed the evaluation, (3) requiring proof that parents disagreed within two years of the evaluation, and (4) imposing improper limitations on the scope of the IEE. The district requested a due-process hearing, but it later withdrew that request.

After a brief investigation, MDE issued a decision on May 29, 2024. MDE concluded that the district violated 34 C.F.R. § 300.502 by failing "to either request a hearing to show that its evaluation was appropriate or ensure that an IEE was provided at public expense." MDE noted that there is no binding precedent in Minnesota on the specific issue of whether a district may respond to a request for an IEE with an offer to reevaluate the student when the district last evaluated the student over two years earlier. It relied on the plain text of 34 C.F.R. § 300.502 and authorities including the United States Court of Appeals for the Second Circuit decision in *D.S. ex. rel. M.S. v. Trumbull Board of Education*, 975 F.3d 152 (2d Cir. 2020), to determine that the district failed to comply with IDEA regulations regardless of the timing of the IEE request.

The district appealed MDE’s decision by writ of certiorari. The district challenged MDE’s decision on the grounds that it departed from a prior complaint decision with similar facts, *Complaint Decision File 19-032C*, in which MDE concluded that a school district did not violate the IDEA by refusing to provide an IEE until after the district reevaluated the student. *Delano I*, 2025 WL 1157174, at *6-7. The district also argued that MDE failed to conduct a thorough investigation before issuing its decision. *Id.*

We agreed with the district, concluding that MDE acted arbitrarily by failing to explain its departure from its prior decision in *Complaint Decision File 19-032C*, and by failing to investigate whether parents genuinely disagreed with the January 2022 evaluation. *Id.* at *7-9. We reversed the decision and remanded for further proceedings. *Id.* at 9.

On remand, MDE conducted interviews with parents and district staff throughout May and June 2025. MDE also asked the parties to submit additional briefing and evidence. MDE then issued a second decision on June 20, 2025. In this decision, MDE responded to this court’s concerns and provided additional support for its prior complaint decision.

MDE offered an explanation for the disparate outcomes in this case and *Complaint Decision File 19-032C*. It also described the additional investigation it undertook to determine whether parents actually disagreed with the prior evaluation. And it explained that “[a]dditional investigatory actions by MDE find the [parents] disagreed with the District’s January 2022 Evaluation.” MDE found that parents “consistently and credibly reported how difficult it was to have their concerns about the January 2022 evaluation addressed”; that parents “credibly reported their attempts to gather more information about

the [s]tudent’s educational needs and their attempts to secure additional accommodations . . . after being met with resistance from the District”; and that “their representation of events is consistent with the expansive written record, supporting the finding that the [parents] disagreed with the January 2022 evaluation.”

MDE therefore concluded that *Complaint Decision File 19-032C* was distinguishable, and that, because parents disagreed with the district’s January 2022 evaluation, “the District was obligated to respond to the [parents’] request for an IEE in a manner consistent with 34 C.F.R. § 300.502(b).”

The district appeals the decision on remand by writ of certiorari.

DECISION

The district argues that MDE’s decision on remand failed to comport with this court’s decision in *Delano I*; that MDE’s conclusion that parents genuinely disagreed with the January 2022 evaluation was arbitrary, lacked substantial evidence, and included errors of law; and that parents’ complaint is barred by a two-year statute of limitations under either 20 U.S.C. § 1415(b)(6) (2024) or 20 U.S.C. § 1415(f)(3)(C) (2024). Before turning to these arguments, we briefly explain the standard of review that appellate courts apply to quasi-judicial agency decisions and provide an overview of the relevant portions of the IDEA.

When reviewing quasi-judicial agency decisions, we will reverse only “when it is fraudulent, arbitrary, unreasonable, unsupported by substantial evidence, not within its jurisdiction, or based on an error of law.” *In re A.D.*, 883 N.W.2d 251, 258 (Minn. 2016) (quotation omitted). This court “adhere[s] to the fundamental concept that decisions of

administrative agencies enjoy a presumption of correctness, and deference should be shown by courts to the agencies' expertise and their special knowledge in the field." *Indep. Sch. Dist. No. 192 v. Minn. Dep't of Educ.*, 742 N.W.2d 713, 719 (Minn. App. 2007) (quoting *In re Excess Surplus Status of Blue Cross & Blue Shield of Minn.*, 624 N.W.2d 264, 278 (Minn. 2001)), *rev. denied* (Minn. Mar. 18, 2008).

An agency decision is arbitrary if the agency relied on factors that the legislature did not intend to be considered, provided an explanation that "runs counter to the evidence," or "entirely failed to consider an important aspect of the problem," or if the decision was "so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Minn. Transitions Charter Sch. v. Comm'r of Minn. Dep't of Educ.*, 844 N.W.2d 223, 235 (Minn. App. 2014) (quotation omitted), *rev. denied* (Minn. May 28, 2014). An agency decision is supported by substantial evidence when, "considering the evidence in its entirety, there is relevant evidence that a reasonable person would accept as adequate to support a conclusion." *A.D.*, 883 N.W.2d at 259. "[T]he substantial-evidence standard requires more than 'a scintilla of evidence' and more than 'some' or 'any' evidence." *Id.*

The IDEA was enacted to "ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs." 20 U.S.C. § 1400(d)(1)(A); *see* 20 U.S.C. §§ 1400-1482. To determine whether a student may qualify as a child with a disability under the IDEA, school districts must conduct an initial evaluation. 20 U.S.C. § 1414(a)(1). If the evaluation indicates that the student is a child with a disability, then the school district

must reevaluate the student “at least once every 3 years” but “not more frequently than once a year,” unless otherwise agreed to by the parent and the district. *Id.* (a)(2). These evaluations are used to “gather relevant functional, developmental, and academic information” about the student to determine whether the student has a disability and, if so, which services and accommodations the student needs to succeed. *Id.* (b)(2)(A).

Once a student qualifies for services, school districts must propose and implement an IEP, which is a written statement “that is developed, reviewed, and revised” in accordance with the IDEA’s requirements. 20 U.S.C. §§ 1401(14), 1414(d). An IEP includes, among other things, “a statement of the special education and related services, and supplementary aids and services that will be provided for the child.” *Indep. Sch. Dist. No. 12 v. Minn. Dep’t of Educ.*, 788 N.W.2d 907, 911 (Minn. 2010) (citing 20 U.S.C. § 1414(d)(1)(A)(i)(I)-(VI) (2006)).

If an evaluation is inaccurate or otherwise objectionable, both parents and school districts have mechanisms to address that inaccuracy. The mechanism for school districts is a reevaluation. School districts must reevaluate a child with a disability “if [the district] determines that the educational or related services needs . . . of the child warrant a reevaluation” or if “the child’s parents or teacher requests a reevaluation.” 20 U.S.C. § 1414(a)(2)(A). In *Delano I*, we described this requirement as applying when “changed circumstances” occur. 2025 WL 1157174, at *8.

The mechanism for parents to challenge an evaluation is an IEE. As already described, parents have the right to request an IEE at public expense if they disagree with a school district’s evaluation. 34 C.F.R. § 300.502(b)(1). The school district then “must,

without unnecessary delay, either,” (1) file a due-process complaint with the state education agency “to request a hearing to show that its evaluation is appropriate,” or (2) “[e]nsure that an [IEE] is provided at public expense.” 34 C.F.R. §§ 300.502(b)(2), .508(a).

If a dispute arises between a school district and parents of a child with a disability, parents have two avenues to obtain relief. *Indep. Sch. Dist. No. 281 v. Minn. Dep’t of Educ.*, 743 N.W.2d 315, 322 (Minn. App. 2008). Under the first avenue, parents may request “an impartial due process hearing” under 20 U.S.C. § 1415(f) and Minnesota Statutes section 125A.091, subdivision 12 (2024). *Indep. Sch. Dist. No. 281*, 743 N.W.2d at 322. Under the second avenue, parents may file an administrative or state complaint, meaning a complaint “filed with the state educational agency”—here, MDE. *Id.* Each process is subject to its own statute of limitations. For due-process complaints, “[a] parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint.” 20 U.S.C. § 1415(f)(3)(C). For state administrative complaints, parents must allege “a violation that occurred not more than one year prior to the date the complaint is received.” 34 C.F.R. § 300.153(c) (2025).

With this background in mind, we turn to the district’s arguments on appeal.

I

The district first argues that MDE did not follow this court’s decision in *Delano I* because it failed to conduct an adequate investigation and failed to provide a reasoned

explanation for its departure from *Complaint Decision File 19-032C*. We are not persuaded with respect to either argument.

On remand, an agency “must execute an appellate court’s mandate strictly according to its terms.” *Johnson v. Princeton Pub. Utils. Comm’n*, 899 N.W.2d 860, 868 (Minn. App. 2017). If the remand order is not specific in its directions, the agency then “has discretion to proceed in any manner not inconsistent with the remand order.” *State by Smart Growth Minneapolis v. City of Minneapolis*, 7 N.W.3d 418, 428 (Minn. App. 2024) (quotation omitted), *rev. denied* (Minn. Aug. 20, 2024). We review compliance with remand instructions for an abuse of discretion.² *Id.* at 429.

MDE’s Remand Investigation

In *Delano I*, we concluded that the decision was arbitrary, in part, because MDE engaged in little investigation beyond considering the written submissions, despite the “significant role” of credibility determinations in this case. 2025 WL 1157174, at *8. We noted that MDE failed to interview parents and spoke to only one district employee. *Id.* at *8 nn.11-12. We faulted MDE for not conducting “a more balanced investigation,” noting that “only an MDE investigator could develop the record to ascertain whether parents genuinely disagreed with the January 2022 reevaluation.” *Id.* at *8.

² We previously have reviewed agency decisions for compliance with a remand order under the same standard that we apply when reviewing a district court’s decision on remand. *See, e.g., In re City of St. Paul’s Decision on Need for Env’t Impact Statement*, No. A25-0076, 2025 WL 2588212, at *4 (Minn. App. Sept. 8, 2025) (applying standard for reviewing district court decisions on remand to an agency decision). Nonprecedential decisions are not binding on us, but we are persuaded that the abuse-of-discretion standard applies. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (providing that nonprecedential opinions are not binding authority but may be cited for their persuasive value).

MDE’s decision on remand stated that MDE “invited the District and [parents] to submit additional information,” which included “hundreds of pages of documents, emails, and legal arguments.” MDE staff interviewed parents and conducted on-site interviews with five district employees. Based on that additional evidence, MDE determined that parents genuinely disagreed with the 2022 evaluation.

The district argues that MDE’s investigation was inadequate because MDE investigators failed to question parents on a number of specific topics, such as whether student’s circumstances changed and warranted a reevaluation. But our decision did not turn on specific lines of questioning—it required a “balanced investigation” to develop the record on the question of genuine disagreement. *Delano I*, 2025 WL 1157174, at *8. Because MDE conducted additional interviews and reviewed hundreds of pages of additional documentation to reach its conclusion, we conclude that this investigation was consistent with our opinion. *See id.* at *8 n.13 (offering *Complaint Decision File 19-032C* as an example of a “balanced investigation,” when MDE conducted an on-site interview and “interviewed the student’s special-education case manager”).

MDE’s Departure From Its Prior Decision

Another reason for our decision in *Delano I* was the lack of an explanation by MDE regarding the outcome in this case as compared to the outcome in *Complaint Decision File 19-032C*. *Id.* at *7-8. On appeal, the district argues that MDE’s additional explanation is inadequate. We disagree and are persuaded that MDE complied with our decision.

In *Delano I*, this court noted that *Complaint Decision File 19-032C* and this case had “striking similarities” because both cases involved parents who requested an IEE more

than two years after the last evaluation, and both involved districts that offered to reevaluate the child instead of filing a due-process complaint or paying for the IEE with public funds. 2025 WL 1157174, at *7. We observed, however, that the outcomes in the cases were different. *Id.* In *Complaint Decision File 19-032C*, MDE determined that the district did not violate 34 C.F.R. § 300.502(b)(2), even though it did not file a due-process complaint or pay for an IEE upon the parents' request; in this case, on the other hand, MDE determined that the district violated section 300.502(b)(2). *Delano I*, 2025 WL 1157174, at *7. We acknowledged in *Delano I* that MDE identified factual differences in the cases—in particular, that the parents in *Complaint Decision File 19-032C* consented to a reevaluation and “used their consent to a reevaluation to bargain with the school district”—but we noted that “the relevant question is whether school districts have a third option when a parent requests an IEE even though only two options are listed in 34 C.F.R. § 300.502(b)(2).” *Delano I*, 2025 WL 1157174, at *8 n.10. We concluded that MDE's decision was arbitrary in this case because “MDE did not adequately explain its reason for departing from its prior decision.” *Id.* at *8.

In its decision on remand, MDE offered an additional explanation regarding the difference in outcomes between *Complaint Decision File 19-032C* and this case. It explained that *Complaint Decision File 19-032C* did not recognize a third option in addition to the two options listed in section 300.502(b). Rather, in that case, “the parents' actions and responses did not consistently evidence disagreement with the school district's evaluation.” In other words, section 300.502(b) was not properly invoked because there was no genuine disagreement with the prior evaluation. Here, in contrast, MDE explained

that parents “made repeated, consistent inquiries and expressed concerns about dyslexia and how it impacted the Student’s educational needs, which was not addressed in the January 2022 evaluation.” Because parents here genuinely disagreed with the prior evaluation, MDE determined that section 300.502(b)(2) applied.

MDE also discussed why it relied on a case from the U.S. Court of Appeals for the Second Circuit, *Trumbull*, 975 F.3d 152, as persuasive authority in this case, and not *N.D.S. by & Through de Campos Salles v. Academy for Science & Agriculture Charter School*, No. 18-CV-0711, 2018 WL 6201725 (D. Minn. Nov. 28, 2018), which is the case MDE relied on in *Complaint Decision File 19-032C*. It explained that *Trumbull* was decided after MDE’s decision in *19-032C* and *Trumbull* provided support for MDE’s determination that “IDEA regulations do not establish specific timelines for how long a parent can wait before requesting public reimbursement for an IEE.” It also noted, as we did in *Delano I*, that the *N.D.S.* discussion about the timeline to request an IEE was dicta. *See Delano I*, 2025 WL 1157174, at *7 n.9 (noting that the language from *N.D.S.* relied on in *Complaint Decision File 19-032C* “is dicta”).

Especially in light of MDE’s additional investigation, we are satisfied with MDE’s explanation that the circumstances of this case and *Complaint Decision File 19-032C* are materially distinguishable, and consequently we do not detect an abuse of discretion in MDE’s application of our opinion on remand. MDE’s conclusion that the parents here genuinely disagreed with the 2022 evaluation sets it apart from the conclusion in *Complaint Decision File 19-032C*, in which the parents did not appear to have genuinely disagreed with the initial evaluation and, as a result, the district was not required under section

300.502(b)(2) to file a due-process complaint or fund an IEE. Moreover, MDE was not unreasonable in finding *Trumbull* more persuasive than *N.D.S.* in its determination that section 300.502(b)(2) does not place a time limit on parents to express their genuine disagreement.³

We conclude that MDE's decision on remand is consistent with this court's decision in *Delano I*, and the agency therefore did not abuse its discretion in applying *Delano I* on remand.

II

The district next argues that MDE's conclusion that parents genuinely disagreed with the January 2022 evaluation was unsupported by substantial evidence, arbitrary, and affected by an error of law. We consider each argument in turn.

Substantial Evidence

Substantial evidence in the record supports MDE's conclusion that parents genuinely disagreed with the January 2022 evaluation. In its decision on remand, MDE pointed to its interview with parents during the remand investigation, in which parents stated that student's learning disability diagnoses were consistently ignored and not adequately accommodated, even after the diagnoses were brought to the district's attention. MDE also identified a number of emails from parents to district staff requesting additional services for student or seeking recommendations for outside services in light of his learning

³ As we explain more below, neither *Trumbull* nor *N.D.S.* is directly on point here because those cases arose in the context of a due-process complaint proceeding, and not an administrative complaint. *See Trumbull*, 975 F.3d at 156; *N.D.S.*, 2018 WL 6201725, at *2.

disability diagnoses. MDE also relied on an email from shortly before the January 2022 evaluation in which parents expressed concerns about student potentially having a learning disability. The 2022 evaluation did not identify or consider a learning-disability diagnosis, prompting parents to seek a private evaluation a few months later.

Additionally, in the decision on remand, MDE credited parents' statement that they did not realize they could request an IEE until they spoke with an attorney in February 2024. As such, it was reasonable for MDE to attribute the parents' delay in requesting an IEE to a lack of knowledge of the IDEA's provisions, and not to consider it indicative of agreement with the 2022 evaluation.

The administrative record reflects that parents continued to advocate for accommodations for student's learning disabilities in ways that the January 2022 evaluation did not address. We view this as more than some, any, or a scintilla of evidence supporting MDE's conclusion that parents genuinely disagreed with the evaluation. *A.D.*, 883 N.W.2d at 259. Accordingly, we conclude that MDE's determination was supported by substantial evidence.

Arbitrariness

We further conclude that MDE's determination was not arbitrary. Having found that parents "consistently and credibly reported how difficult it was to have their concerns about the January 2022 evaluation addressed," MDE concluded that parents disagreed with the January 2022 evaluation. MDE explained that parents believed that "the District failed to ensure the Student's educational needs, stemming from characteristics of specific learning disability, were identified," and MDE determined that parents' disagreement was "evident

throughout the time period covered by the complaint.” This explanation follows logically from the evidence and does not reflect an implausible outcome. *See Minn. Transitions Charter Sch.*, 844 N.W.2d at 235 (listing aspects that render an agency decision arbitrary, including “if it offered an explanation for the decision that runs counter to the evidence, or if the decision is so implausible that it could not be ascribed to a difference in view or the product of agency expertise”).

MDE’s conclusion also tracks with our discussion in *Delano I* about the nature of the inquiry required on remand. In reaching our conclusion that MDE needed to perform additional investigation to determine whether parents genuinely disagreed with the 2022 evaluation, we rejected the idea that the determination could turn on a “buzz word” in the parents’ submissions, such as the word “disagree.” 2025 WL 1157174, at *8 n.12. On remand, MDE looked beyond the parents’ statements and considered their conduct and communications to determine whether they disagreed with the 2022 evaluation. It then reached a conclusion based on that evidence. This shows that, consistent with *Delano I*, MDE relied on more than a “buzz word” from written submissions in reaching its conclusion. We detect no hallmarks of arbitrariness in that determination.

The district focuses on other aspects of MDE’s decision and the record to show that the decision was arbitrary. We are not convinced. First, the district argues that the decision on remand is arbitrary because it does not expressly address whether parents’ request resulted from “changed circumstances,” as compared to genuine disagreement with the 2022 evaluation. The district points to language in *Delano I* where we stated that “the fundamental dispute between parents and the district was whether parents ‘disagreed’ with

the prior reevaluation or if changed circumstances required a new reevaluation.” *Id.* at *8. The district argues that MDE’s decision on remand was arbitrary in failing to consider an important part of the problem because MDE addressed only whether parents disagreed, and not whether changed circumstances existed. We disagree with this characterization of the decision. MDE concluded that parents did, in fact, genuinely disagree with the prior evaluation, which triggered the two options available to the district under 34 C.F.R. § 300.502(b)(2). It is implicit in that determination that MDE did not find that the dispute arose from changed circumstances. Because MDE’s decision addressed the fundamental dispute and then applied the plain language of the IDEA’s corresponding regulations, we discern no arbitrariness in MDE’s decision.

Second, the district argues that MDE’s decision is arbitrary because it failed to consider evidence in the record that the district views as critical to the disagreement issue. *See Minn. Transitions Charter Sch.*, 844 N.W.2d at 235 (stating that an agency decision may be arbitrary if it “entirely failed to consider an important aspect of the problem”). Specifically, the district points to a statement in one of parents’ submissions on remand in which the parents argued that, when they informed the district they were “formally disagreeing with the latest IEP evaluation,” the “latest” evaluation was the 2023 functional-behavior assessment conducted three months before the IEE request and the request was “not based on their disagreement with an over two-year-old reevaluation.” (Emphasis and quotations omitted.) This statement is taken out of context. The statement was made by parents’ counsel to further distinguish *Complaint Decision File 19-032C*, in which the parents did not request an IEE until two years after a district’s evaluation of their student.

Counsel argued that, here, parents’ IEE request was more timely because it was made within several months of a district evaluation—the 2023 functional-behavior assessment. And earlier in the same paragraph, counsel stated that the 2023 functional-behavior assessment was deficient, in part, because it failed to “cure at least some of the defects in the District’s 2022 evaluation.” Viewed in context, even though counsel identified the separate issue of disagreement with the functional-behavior assessment, this statement still reflects parents’ genuine disagreement with the 2022 evaluation and is therefore consistent with MDE’s conclusions. For that reason, we do not view this evidence by itself as an “important aspect of the problem,” *id.*, and MDE’s lack of consideration of this evidence does not render the decision on remand arbitrary.

Error of Law

The district challenges MDE’s failure to define “disagree,” and it argues that the definition of “disagree” that MDE applied implicitly is an error of law. The district states that, although “disagree” is not defined by the IDEA or related federal regulations, “consent” is defined as, “[t]he parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.” 34 C.F.R. § 300.9(b) (2025). Because parents consented to several changes to student’s IEP derived from the 2022 evaluation, the district argues that parents thus consistently agreed to the evaluation itself. In other words, it was an error of law to conclude that parents consistently disagreed with the 2022 evaluation because they also consistently consented, or agreed, to other district actions implementing that evaluation.

We discern no error of law. We do not view parents' consent to IEP changes as indicative of whether they agreed with the 2022 evaluation because evaluations are distinct from IEPs. An evaluation is conducted to assess a student's needs, whereas the IEP is written to plan the specific services and goals the district will offer to address those needs. *See* 20 U.S.C. § 1414(a)-(c) (governing evaluations and reevaluations), (d) (governing IEPs). Here, parents disagreed with the district's assessment of student's needs but agreed to the services offered to meet the identified needs. Moreover, some of the IEP changes resulted from parents' communications with district staff seeking accommodations for student's learning disabilities that were diagnosed in the private 2022 evaluation. We therefore reject the argument that parents' consent to those IEP changes is equivalent to agreement with the district's 2022 evaluation.

In sum, we conclude that MDE's determination that parents disagreed with the January 2022 evaluation is supported by substantial evidence, is not arbitrary, and does not reflect an error of law.

III

Finally, the district argues that parents' administrative complaint is time-barred by a two-year statute of limitations. We review the application of a statute of limitations *de novo*. *Ford v. Minneapolis Pub. Sch.*, 874 N.W.2d 231, 232 (Minn. 2016).⁴

⁴ In its decision on remand, MDE did not directly address whether parents' complaint may be barred by a two-year statute of limitations, but in a footnote to its discussion of *Complaint Decision File 19-032C*, it explained:

The IDEA clearly distinguishes the dispute resolution procedures established by the Act. Under IDEA's regulations,

In support of its argument, the district points to two different provisions in the IDEA’s text. Under the first provision, state agencies are required to establish procedures by which parties may submit complaints related to “the identification, evaluation, or educational placement” of a child with a disability, so long as the complaint “sets forth an alleged violation that occurred not more than 2 years before the date the parent . . . knew or should have known about the alleged action.” 20 U.S.C. § 1415(b)(6). But, in referencing this provision, the district does not account for an exception that applies if “the State has an explicit time limitation for presenting such a complaint.” *Id.*, (b)(6)(B). Here, Minnesota law explicitly provides that state administrative complaints “must allege a violation that occurred not more than one year prior to the date that the complaint is received.” Minn. Stat. § 125A.092, subd. 1(c) (Supp. 2025). Furthermore, federal regulations implementing the IDEA provide that state complaints specifically need only allege “a violation that occurred not more than one year prior to the date that the complaint is received.” 34 C.F.R. § 300.153(c) (2025). Because parents filed a state administrative complaint, the statute of limitations under state law and section 300.153(c) applies. *See*

34 C.F.R. § 300.153(c), a State complaint must allege a violation that occurred within one year of filing, and under 34 C.F.R. § 300.507(a), there is a two-year time period for a party to file a due process complaint requesting a hearing which runs from the date of which the party knew or should have known of the alleged violation.

We agree with MDE’s articulation of the regulations, and we understand MDE to have determined that the two-year statute of limitations for due-process complaints does not apply to these proceedings.

20 U.S.C. § 1415(b)(6)(B) (exception to the IDEA’s statute of limitations for complaints if a state has a specific time limitation).

The second provision, specific to impartial due-process hearings, states: “A parent or agency shall request an impartial due process hearing within 2 years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint[.]” *Id.* (f)(3)(C). We again emphasize that parents filed a state administrative complaint—not a due-process complaint. The statute of limitations applicable to an impartial due-process hearing is not applicable. We therefore decline to reach the question briefed by the parties about whether *N.D.S.* or *Trumbull* is more persuasive on the issue of whether a parent must request an IEE within two years of an evaluation in order to challenge a denial of an IEE in a due-process complaint. *See N.D.S.*, 2018 WL 6201725, at *5-7 (concluding that a school district must first have the opportunity to conduct a reevaluation after parents requested an IEE two years after a prior evaluation); *Trumbull*, 975 F.3d at 168-70 (concluding that IEE requests are not time-barred by the two-year statute of limitations for due-process complaints under the IDEA).

The violation at issue in the complaint stemmed from the district’s refusal to either provide an IEE at public expense or to file a due-process complaint. Because parents’ state complaint was filed within one year of that violation, it was timely under Minnesota Statute section 125A.092, subdivision 1(c).

Affirmed.