

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0112**

State Complaint Decision 25-257C on behalf of
T.I.E. from South Washington County 0833-01.

**Filed August 17, 2026
Appeal dismissed
Segal, Judge***

Minnesota Department of Education
File No. 25-257C

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Considered and decided by Bentley, Presiding Judge; Ross, Judge; and Segal, Judge.

NONPRECEDENTIAL OPINION

SEGAL, Judge

Relator school district challenges respondent department's decision that relator
violated the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1482
(2024), by proposing to unilaterally change a student's educational placement setting, over

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

the parents' objection, for the remainder of the student's expulsion period. Because the parties subsequently reached an agreement on a placement and the period for the expulsion has expired, we conclude that there is no longer a live case or controversy to resolve. We therefore dismiss relator's appeal as moot.

FACTS

The following summary of the relevant facts and procedural background is taken from the administrative record accompanying the decision of respondent Minnesota Department of Education. In the fall of 2024, the student was enrolled for his junior year at a high school in relator Independent School District No. 833, South Washington County Schools. The student had previously been home schooled. The student qualified for special education services under IDEA and an individualized education plan (IEP)¹ was developed for the student that was agreed to by his parents.

In March 2025, the student's mother alerted district staff that the student may have brought a knife to school. After the student arrived at school, staff escorted him to the office and asked him whether he had a knife. He admitted that he did, and staff located a knife in the student's backpack. The district then suspended the student for six days, pending further proceedings. That same day, the student's parents withdrew him from the district.

¹ An IEP is an individualized plan for providing special education and related services under IDEA and Minnesota statutes, to ensure that children with disabilities receive a free appropriate public education. *See* 20 U.S.C. §§ 1401(14), 1412(a)(1), 1414(d)(1)(a); Minn. Stat. § 125A.08, subd. 1(b)(1) (2024).

Despite the parent's withdrawal of the student from the district, the district scheduled a meeting with the student's IEP team² to determine whether the student's conduct was a manifestation of the student's disability.³ Under IDEA and state law, when a child with a disability has committed a violation of school rules that might result in a change of the student's educational placement, the IEP team (including the child's parents) must meet to determine whether the child's violation of the rules resulted from a manifestation of the child's disability. *See* 20 U.S.C. § 1415(k)(1)(E); Minn. Stat. § 121A.43 (2024). A rule violation is a manifestation of the student's disability if the behavior was caused by or had a direct and substantial relationship to the child's disability or was a direct result of the local education agency's failure to implement the child's IEP. *See* 20 U.S.C. § 1415(k)(1)(E). IDEA further allows that for conduct that qualifies as a "special circumstance," such as bringing a weapon to school, the district "may remove a student to an interim alternative educational setting for not more than 45 school days," regardless of whether the conduct was a manifestation of the student's disability. 20 U.S.C. § 1415(k)(1)(G).

The student's parents attended the manifestation-determination meeting. The school staff at the meeting determined that the student's action of bringing the knife to school was not a manifestation of his disability. The parents disagreed with school staff at

² An IEP team is the group responsible for creating a special-education plan for a child with disabilities. 20 U.S.C. § 1414(d)(3). An IEP team must include the student's parents, the student's teachers, and a district representative. 20 U.S.C. § 1414(d)(1)(B).

³ The district explained that it proceeded to schedule the meeting in case the parents changed their minds and sought to reenroll the student in the district.

the IEP meeting but ultimately signed a prior written notice⁴ agreeing with the district's determination.

Following the manifestation determination, the parents decided to reenroll the student in the district. The student's IEP team then determined that it would be appropriate to place the student in an interim alternative educational setting, pending expulsion proceedings. The team decided that the student would receive five hours per week of home instruction to be delivered virtually or in person at the public library, based on the family's preference and availability, with transportation to be provided by the district. The parents agreed in writing to the interim alternative educational setting.

The district notified the parents that the district intended to expel the student from his high school for a period of 12 months. The parents waived their right to an expulsion hearing and the district school board voted to expel the student from April 1, 2025, through March 31, 2026. An IEP team meeting, which the student's mother attended, was then held in May 2025, to discuss an educational placement for the remainder of the 12-month expulsion period, among other topics. After the IEP team meeting, the district sent a prior written notice to the parents proposing to "amend [the student's IEP] to change the student's educational placement from his home-based setting to a special education program at Northeast Metro Intermediate School District 916," beginning in the fall of the

⁴ IDEA requires local educational agencies to provide parents with a "prior written notice" whenever an agency "(A) proposes to initiate or change[] or (B) refuses to initiate or change[] the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child." 20 U.S.C. § 1415(b)(3).

2025-2026 school year.⁵ The parents objected to the proposed placement, but the district responded that it had the right to unilaterally make the placement decision during the expulsion period.

Shortly after receiving the district’s response, the student’s mother filed a state administrative complaint with the department alleging, in relevant part, that the district violated the student’s education rights. Specifically, she argued, among other claims, that the district violated federal law by (1) unilaterally changing the student’s educational setting for the remainder of the expulsion period without parental consent, and (2) precluding parents from meaningful participation in the IEP process. A conciliation conference between the district and the parents was held in October 2025, which led to an agreement between the parties that the student would be placed in a transition program that focused on post-secondary education, employment, and independent living for the remainder of the expulsion period.

The department completed its investigation and issued its decision in November 2025. As relevant here, the department found that the district had violated IDEA and state law by unilaterally changing the student’s placement for the remainder of the expulsion period over the objection of the parents and by failing to “include” a parent “in the IEP team determination of the interim alternative educational setting for the remainder of the Student’s term of expulsion.” It reasoned that, under 20 U.S.C. § 1415(k)(1)(G), the

⁵ The prior written notice identified the school as a “Setting 4 placement” and explained that such a placement “offers intensive support, specialized instruction, and consistent peer engagement opportunities—critical components for adequate progress on [the student’s] IEP goals and objectives that are not feasible within a home-based setting.”

district had the right to unilaterally remove the student from school and place him in an interim alternative educational setting for up to 45 school days based on the seriousness of the student's conduct in bringing a weapon to school, but that any subsequent change in placement required parental consent, or if the parents objected, an opportunity for due-process proceedings. The department found that "[r]ather than use the administrative remedies available to it, the District unilaterally and in violation of 20 U.S.C. § 1415(k)(2), notified [mother] that it was placing the Student in a special school." As the corrective action, the department ordered district staff to attend training on "the legal framework of school discipline," which the department provided in February 2026 without charge to the district.

The district appealed the department's decision by a petition for a writ of certiorari.

DECISION

The district asserts a number of issues on appeal, including arguments that the department's decision is unsupported by evidence in the record because the student's mother was included in the IEP meeting at which the placement at intermediate district 916 was discussed, and that it is affected by an error of law because the district had the right to change the student's placement for the remainder of the expulsion period without parental consent or a due-process hearing. The district also challenges the decision on procedural grounds, arguing that it is arbitrary and capricious because the department's investigation was not adequate, balanced, or meaningful, the decision was not issued in a timely manner, and it amounts to impermissible rulemaking.

The department, in addition to defending its decision, asserts that this appeal is moot because the parties reached an agreement in October 2025 on a placement for the remainder of the expulsion period. The department contends that, because the expulsion period ended in March 2026, there is no longer any relief that can be provided by the courts.

Minnesota courts may only resolve justiciable cases and controversies. *See Winkowski v. Winkowski*, 989 N.W.2d 302, 308 n.7 (Minn. 2023). A justiciable controversy presents “a genuine conflict in the tangible interests of opposing litigants.” *Izaak Walton League of Am. Endowment, Inc. v. State, Dep’t of Nat. Res.*, 252 N.W.2d 852, 854 (Minn. 1977). The controversy, however, must continue to exist throughout the litigation, including on appeal. *See Dean v. City of Winona*, 868 N.W.2d 1, 4-5 (Minn. 2015). “An appeal should be dismissed as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible.” *Id.* at 5. The issue of mootness presents a question of law subject to de novo review. *See id.* at 4.

The district does not challenge the department’s mootness assertion but argues that the appeal falls within two exceptions to the mootness doctrine: (1) that the issue is capable of repetition but is likely to evade review, *see Winkowski*, 989 N.W.2d at 308; and (2) is “functionally justiciable and presents an important question of statewide significance that should be decided immediately,” *Dean*, 868 N.W.2d at 6 (quotations omitted). We address each exception below.

A. Capable of Repetition Yet Evading Review

We address first the district’s argument that its appeal comes within the capable-of-repetition-yet-likely-to-evade-review exception to the mootness doctrine. This exception

applies when two elements are satisfied: “there is a reasonable expectation that a complaining party would be subjected to the same action again *and* the duration of the challenged action is too short to be fully litigated.” *Snell v. Walz*, 985 N.W.2d 277, 287 (Minn. 2023) (quoting *Dean*, 868 N.W.2d at 5). Both elements must be established for the exception to apply. *Id.*

The district argues that “nothing prevents this student from repeating his actions and facing the exact same discipline again” prior to graduation. The district also asserts that the duration of expulsion proceedings is too short to be fully litigated before the expulsion period expires.

Here, the student was over halfway through his junior year of high school when the district expelled him for 12 months. His expulsion ended in March of this year and, presumably, the student may well have completed his senior year by the date this opinion is released. Given this short time frame, we are not persuaded that it is reasonable to expect that the student would engage in conduct warranting a second expulsion. *See id.* (stating that appellate courts “will not conclude that a claim is justiciable based on mere speculation”); *see also Quinn v. LMC NE Minneapolis Holdings, LLC*, 985 N.W.2d 571, 574 (Minn. 2023) (holding that capable-of-repetition exception did not apply, even though it is “conceivable” that the same party could engage again in the same conduct, because such a recurrence “is not reasonably likely”). In addition, we are not persuaded that it is likely that the same circumstances would arise where the parents have agreed to the initial 45-day interim alternative educational setting, but there is disagreement over the alternative placement for the remainder of the expulsion period.

Because the district has failed to demonstrate a “reasonable expectation” that the student would be subject to the same action again, we need not address the district’s argument on the second element, and we conclude that this exception is not applicable.

B. Important Question of Statewide Significance

The exception for questions of statewide significance also has two elements. First, the case must be “functionally justiciable” and, second, it must “present[] an important question of statewide significance that should be decided immediately.” *Dean*, 868 N.W.2d at 6 (quotations omitted). “A case is functionally justiciable if the record contains the raw material (including effective presentation of both sides of the issues raised) traditionally associated with effective judicial decision-making.” *Id.* (quotation omitted). And issues of statewide importance must be of such significance or urgency to require “immediate resolution.” *Snell*, 985 N.W.2d at 286-87. Appellate courts “apply this exception narrowly.” *Dean*, 868 N.W.2d at 6.

The district argues that this case is both functionally justiciable and presents an important, urgent issue of statewide significance because it impacts all public school districts. We agree that the case is functionally justiciable. There is a complete record, and the issues are fully briefed by both sides.

As to the urgency-and-importance issue, the district maintains that the department’s decision requires districts to return expelled students to their school if a parent objects to an alternative placement thereby potentially endangering others at the school. Without expressing an opinion on whether the department’s decision was correct, we disagree that the decision required the district to return the student to the high school from which he was

expelled. In the decision, the department concluded that the district erred by seeking to unilaterally change the student's placement after the 45-day interim placement and that the responsibility for initiating dispute-resolution processes was on the district, not the parents. The decision also provided that, while the dispute was being resolved, that the student was to remain in his "then-current educational placement."⁶ *See* 20 U.S.C. § 1415(j), 34 C.F.R. § 300.533 (2024). According to the record, the student's "then-current educational placement" was the home-schooling placement, not the high school from which he was expelled. We thus are not persuaded by the district's argument that the import of the decision is to require school districts to return students to schools from which they have been expelled. Consequently, the district's urgency argument is unsupported, and we conclude that this case does not satisfy the requirements for the statewide-significance exception.

⁶ The decision quoted the following explanation by the United States Department of Education relating to disputed educational placements during the time period of a disciplinary action:

[I]f a child's parents oppose a proposed change in placement at the end of a 45-day interim educational placement, during the pendency of the proceeding to challenge the change in placement, the child remains in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period for the disciplinary action, whichever occurs first, unless the parent and the public agency agree otherwise.

71 Fed. Reg. 46726 (Aug. 14, 2006).

Because the parties reached agreement on an alternative educational placement for the duration of the expulsion and the period of expulsion has now expired, this case no longer presents a live case or controversy, and we dismiss this appeal as moot.

Appeal dismissed.