

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1370

(SENATE AUTHORS: WESTROM and Eken)

DATE	D-PG	OFFICIAL STATUS
03/05/2015	562	Introduction and first reading Referred to Finance See SF3, Art. 9, Sec. 1-3, 6-7 (First Special Session)

A bill for an act
relating to education finance; authorizing early education services for certain
students from adjoining states; amending Minnesota Statutes 2014, sections
121A.17, subdivision 5; 124D.041, subdivisions 1, 2; 124D.165, subdivision
2; 125A.03.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 121A.17, subdivision 5, is amended to read:

Subd. 5. **Developmental screening program information.** (a) The board must
inform each resident family with a child eligible to participate in the developmental
screening program, and a charter school that provides screening must inform families
that apply for admission to the charter school, about the availability of the program and
the state's requirement that a child receive a developmental screening or provide health
records indicating that the child received a comparable developmental screening from a
public or private health care organization or individual health care provider not later than
30 days after the first day of attending kindergarten in a public school. A school district
must inform all resident families with eligible children under age seven, and a charter
school that provides screening must inform families that apply for admission to the charter
school, that their children may receive a developmental screening conducted either by the
school district or by a public or private health care organization or individual health care
provider and that the screening is not required if a statement signed by the child's parent
or guardian is submitted to the administrator or other person having general control and
supervision of the school that the child has not been screened.

(b) A school district that enrolls students from an adjoining state under section
124D.041 may inform a nonresident child whose family resides at a Minnesota address as

2.1 assigned by the United States Postal Service about the availability of the developmental
2.2 screening program and may provide screening under this section to that child.

2.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016
2.4 and later.

2.5 Sec. 2. Minnesota Statutes 2014, section 124D.041, subdivision 1, is amended to read:

2.6 Subdivision 1. **Agreements.** (a) The commissioner may enter into an agreement
2.7 with the designated authority from an adjoining state to establish an enrollment options
2.8 program between Minnesota and the adjoining state. Any agreement entered into pursuant
2.9 to this section must specify the following:

2.10 (1) for students who are not residents of Minnesota, the enrollment options program
2.11 applies only to a student whose resident school district borders Minnesota;

2.12 (2) the commissioner must negotiate equal, reciprocal rates with the designated
2.13 authority from the adjoining state;

2.14 (3) if the adjoining state sends more students to Minnesota than Minnesota sends to
2.15 the adjoining state, the adjoining state must pay the state of Minnesota the rate agreed
2.16 upon under clause (2) for the excess number of students sent to Minnesota;

2.17 (4) if Minnesota sends more students to the adjoining state than the adjoining state
2.18 sends to Minnesota, the state of Minnesota will pay the adjoining state the rate agreed
2.19 upon under clause (2) for the excess number of students sent to the adjoining state;

2.20 (5) the application procedures for the enrollment options program between
2.21 Minnesota and the adjoining state;

2.22 (6) the reasons for which an application for the enrollment options program between
2.23 Minnesota and the adjoining state may be denied; and

2.24 (7) that a Minnesota school district is not responsible for transportation for any
2.25 resident student attending school in an adjoining state under the provisions of this section.
2.26 A Minnesota school district may, at its discretion, provide transportation services for
2.27 such a student.

2.28 (b) Any agreement entered into pursuant to this section may specify additional
2.29 terms relating to any student in need of special education and related services pursuant
2.30 to chapter 125A, including early childhood special education services. Any additional
2.31 terms must apply equally to both states.

2.32 **EFFECTIVE DATE.** This section is effective July 1, 2015.

2.33 Sec. 3. Minnesota Statutes 2014, section 124D.041, subdivision 2, is amended to read:

Subd. 2. **Pupil accounting.** (a) Any student from an adjoining state enrolled in Minnesota pursuant to this section is included in the receiving school district's average daily membership and pupil units according to section 126C.05 as if the student were a resident of another Minnesota school district attending the receiving school district under section 124D.03.

(b) Any Minnesota resident student enrolled in an adjoining state pursuant to this section is included in the resident school district's average daily membership and pupil units according to section 126C.05 as if the student were a resident of the district attending another Minnesota school district under section 124D.03.

(c) A prekindergarten child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service and is receiving early childhood special education services from a Minnesota school district is considered enrolled in a Minnesota school district.

EFFECTIVE DATE. This section is effective July 1, 2015.

Sec. 4. Minnesota Statutes 2014, section 124D.165, subdivision 2, is amended to read:

Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship, parents or guardians must meet the following eligibility requirements:

(1) have a child three or four years of age on September 1 of the current school year, who has not yet started kindergarten; and

(2) have income equal to or less than 185 percent of federal poverty level income in the current calendar year, or be able to document their child's current participation in the free and reduced-price lunch program or child and adult care food program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; the supplemental nutrition assistance program; or placement in foster care under section 260C.212.

(b) Notwithstanding the other provisions of this section, a parent under age 21 who is pursuing a high school or general education equivalency diploma is eligible for an early learning scholarship if the parent has a child age zero to five years old and meets the income eligibility guidelines in this subdivision.

(c) Any siblings between the ages zero to five years old of a child who has been awarded a scholarship under this section must be awarded a scholarship upon request, provided the sibling attends the same program as long as funds are available.

(d) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available.

(e) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(f) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

EFFECTIVE DATE. This section is effective July 1, 2015.

Sec. 5. Minnesota Statutes 2014, section 125A.03, is amended to read:

125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section 300.121, paragraph (d), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities. "Free appropriate public education" means special education and related services that:

(1) are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state, including the requirements of the Individuals with Disabilities Education Act, Part B or C;

(3) include an appropriate preschool, elementary school, or secondary school education; and

(4) are provided to children ages three through 21 in conformity with an individualized education program that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to

infants and toddlers in conformity with an individualized family service plan that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

(c) At the board's discretion, a school district that participates in a reciprocity agreement with a neighboring state under section 124D.041 may enroll and provide special instruction and services to a child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service if the district has completed child identification procedures for that child to determine the child's eligibility for special education services, and the child has received developmental screening under sections 121A.16 to 121A.19.

EFFECTIVE DATE. This section is effective July 1, 2015.