

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2228

(SENATE AUTHORS: WIGER)

DATE	D-PG	OFFICIAL STATUS
03/05/2012	4104	Introduction and first reading Referred to Education
03/15/2012	4489a 4503	Comm report: To pass as amended Second reading See HF2949

A bill for an act relating to education; providing for policy for prekindergarten through grade 12 education, including general education, education excellence, and special programs; amending Minnesota Statutes 2010, sections 120A.20, subdivision 2; 120A.22, subdivision 11; 123B.92, subdivision 3; 124D.08, by adding a subdivision; 124D.09, subdivision 22; 125A.14; 125A.19; 125A.515, subdivision 1; 127A.47, subdivision 1; Minnesota Statutes 2011 Supplement, sections 121A.15, subdivisions 8, 9; 124D.10, subdivisions 4, 13, 14, 17a, 25; Laws 2011, First Special Session chapter 11, article 2, section 50, subdivision 16; repealing Minnesota Statutes 2010, sections 125A.16; 125A.80; 127A.47, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2010, section 120A.20, subdivision 2, is amended to read:

Subd. 2. **Education and, residence, and transportation of homeless.** (a) Notwithstanding subdivision 1, a district must not deny free admission to a homeless ~~person of school age~~ pupil solely because the district cannot determine that the ~~person~~ pupil is a resident of the district.

(b) The school district of residence for a homeless ~~person of school age~~ pupil shall be the school district in which the ~~homeless shelter or other program, center, or facility assisting the homeless person is located. The educational services a school district provides to a homeless person must allow the person to work toward meeting the graduation standards under section 120B.02.~~ parent or legal guardian resides, unless: (1) parental rights have been terminated by court order; (2) the parent or guardian is not living within the state; or (3) the parent or guardian having legal custody of the child is

an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections. If any of clauses (1) to (3) apply, the school district of residence shall be the school district in which the pupil resided when the qualifying event occurred. If no other district of residence can be established, the school district of residence shall be the school district in which the pupil currently resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner of education.

(c) The serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. The district may transport from a permanent home in another district but only through the end of the academic school year. When a pupil is enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation. When a homeless student with or without an individualized education program attends a public school other than an independent or special school district or charter school, the district of residence is responsible for transportation.

Sec. 2. Minnesota Statutes 2010, section 120A.22, subdivision 11, is amended to read:

Subd. 11. **Assessment of performance.** (a) Each year the performance of every child ages seven through 16 who is not enrolled in a public school must be assessed using a nationally norm-referenced standardized achievement examination. The superintendent of the district in which the child receives instruction and the person in charge of the child's instruction must agree about the specific examination to be used and the administration and location of the examination.

(b) To the extent the examination in paragraph (a) does not provide assessment in all of the subject areas in subdivision 9, the parent must assess the child's performance in the applicable subject area. This requirement applies only to a parent who provides instruction and does not meet the requirements of subdivision 10, clause (1), (2), or (3).

(c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's performance on the total battery score is at or below the 30th percentile or one grade level below the performance level for children of the same age, the parent must obtain additional evaluation of the child's abilities and performance for the purpose of determining whether the child has learning problems.

(d) A child receiving instruction from a nonpublic school, person, or institution that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner, is exempt from the requirements of this subdivision.

3.1 Sec. 3. Minnesota Statutes 2011 Supplement, section 121A.15, subdivision 8, is
3.2 amended to read:

3.3 Subd. 8. **Report.** The administrator or other person having general control and
3.4 supervision of the elementary or secondary school shall file a report with the commissioner
3.5 on all persons enrolled in the school. The superintendent of each district shall file a
3.6 report with the commissioner for all persons within the district receiving instruction in
3.7 a ~~home nonpublic~~ school that is not accredited by a state recognized accrediting agency
3.8 in compliance with sections 120A.22 and 120A.24. The parent of persons receiving
3.9 instruction in a ~~home nonpublic~~ school shall submit the statements as required by
3.10 subdivisions 1, 2, 3, 4, and 12 to the superintendent of the district in which the person
3.11 resides by October 1 of the first year of their ~~homeschooling~~ attending a nonpublic school
3.12 that is not accredited by a state recognized accrediting agency in Minnesota and the grade 7
3.13 year. The school report must be prepared on forms developed jointly by the commissioner
3.14 of health and the commissioner of education and be distributed to the local districts by the
3.15 commissioner of health. The school report must state the number of persons attending the
3.16 school, the number of persons who have not been immunized according to subdivision 1 or
3.17 2, and the number of persons who received an exemption under subdivision 3, clause (c)
3.18 or (d). The school report must be filed with the commissioner of education within 60 days
3.19 of the commencement of each new school term. Upon request, a district must be given a
3.20 60-day extension for filing the school report. The commissioner of education shall forward
3.21 the report, or a copy thereof, to the commissioner of health who shall provide summary
3.22 reports to boards of health as defined in section 145A.02, subdivision 2. The administrator
3.23 or other person having general control and supervision of the child care facility shall file a
3.24 report with the commissioner of human services on all persons enrolled in the child care
3.25 facility. The child care facility report must be prepared on forms developed jointly by
3.26 the commissioner of health and the commissioner of human services and be distributed
3.27 to child care facilities by the commissioner of health. The child care facility report
3.28 must state the number of persons enrolled in the facility, the number of persons with no
3.29 immunizations, the number of persons who received an exemption under subdivision 3,
3.30 clause (c) or (d), and the number of persons with partial or full immunization histories.
3.31 The child care facility report must be filed with the commissioner of human services by
3.32 November 1 of each year. The commissioner of human services shall forward the report,
3.33 or a copy thereof, to the commissioner of health who shall provide summary reports to
3.34 boards of health as defined in section 145A.02, subdivision 2. The report required by this
3.35 subdivision is not required of a family child care or group family child care facility, for
3.36 prekindergarten children enrolled in any elementary or secondary school provided services

according to sections 125A.03 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a onetime only or occasional basis to a maximum of 45 hours per child, per month.

Sec. 4. Minnesota Statutes 2011 Supplement, section 121A.15, subdivision 9, is amended to read:

Subd. 9. **Definitions.** As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or nonpublic school, church, or religious organization, or ~~home nonpublic school~~ that is not accredited by a state recognized accrediting agency in which a child is provided instruction in compliance with sections 120A.22 and 120A.24.

(b) "Person enrolled in any elementary or secondary school" means a person born after 1956 and enrolled in grades kindergarten through 12, and a child with a disability receiving special instruction and services as required in sections 125A.03 to 125A.24 and 125A.65, excluding a child being provided services at the home or bedside of the child or in other states.

(c) "Child care facility" includes those child care programs subject to licensure under chapter 245A, and Minnesota Rules, chapters 9502 and 9503.

(d) "Family child care" means child care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(e) "Group family child care" means child care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Sec. 5. Minnesota Statutes 2010, section 123B.92, subdivision 3, is amended to read:

Subd. 3. **Alternative attendance programs.** (a) A district that enrolls nonresident pupils in programs under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68, must provide authorized transportation to the pupil within the attendance area for the school that the pupil attends at the same level of service that is provided to resident pupils within the attendance area. The resident district need not provide or pay for transportation between the pupil's residence and the district's border.

(b) A district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance

area of the program to continue in the program until the student completes the highest grade level offered by the program.

(c) A homeless nonresident pupil enrolled under section 124D.08, subdivision 2a, must be provided transportation from the pupil's district of residence to and from the school of enrollment.

Sec. 6. Minnesota Statutes 2010, section 124D.08, is amended by adding a subdivision to read:

Subd. 2a. **Continued enrollment for homeless students.** Notwithstanding subdivision 2, a pupil who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the pupil's resident district is not required.

Sec. 7. Minnesota Statutes 2010, section 127A.47, subdivision 1, is amended to read:

Subdivision 1. **Aid to serving district.** (a) Unless otherwise specifically provided by law, general education aid must be paid according to this subdivision.

(b) Except as provided in paragraph (c), general education aid must be paid to the serving district.

(c) If the resident district pays tuition for a pupil under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, general education aid, excluding basic skills revenue under section 126C.10, subdivision 4, must be paid to the resident district. For a student enrolled under section 124D.08, subdivision 2a, that is enrolled in other than an independent or special school district or charter school, the general education revenue shall be paid to the resident district.

Sec. 8. **REVISOR'S INSTRUCTION.**

In Minnesota Statutes and Rules, the revisor of statutes shall substitute the terms "English learner," "EL," or similar term for "limited English proficient," "English language learner," "LEP," "ELL," or similar term when referring to early childhood through grade 12 education. The revisor shall also make grammatical changes related to the changes in term.

Sec. 9. **REPEALER.**

Minnesota Statutes 2010, section 127A.47, subdivision 2, is repealed.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2010, section 124D.09, subdivision 22, is amended to read:

Subd. 22. **Transportation.** (a) A parent or guardian of a pupil enrolled in a course for secondary credit may apply to the pupil's district of residence for reimbursement for transporting the pupil between the secondary school in which the pupil is enrolled or the pupil's home and the postsecondary institution that the pupil attends. The state shall provide state aid to a district in an amount sufficient to reimburse the parent or guardian for the necessary transportation costs when the family's or guardian's income is at or below the poverty level, as determined by the federal government. The reimbursement shall be the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. However, if the nearest postsecondary institution is more than 25 miles from the pupil's resident secondary school, the weekly reimbursement may not exceed the reimbursement rate per mile times the actual distance between the secondary school or the pupil's home and the nearest postsecondary institution times ten. The state must pay aid to the district according to this subdivision.

(b) A parent or guardian of an alternative pupil enrolled in a course for secondary credit may apply to the pupil's postsecondary institution for reimbursement for transporting the pupil between the secondary school in which the pupil is enrolled or the pupil's home and the postsecondary institution in an amount sufficient to reimburse the parent or guardian for the necessary transportation costs when the family's or guardian's income is at or below the poverty level, as determined by the federal government. The amount of the reimbursement shall be determined as in paragraph (a). The state must pay aid to the postsecondary institution according to this subdivision.

Sec. 2. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from a school developer, may charter a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under paragraph (b). The school must be organized and operated as a

nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section.

Notwithstanding sections 465.717 and 465.719, a school district, subject to this section and section 124D.11, may create a corporation for the purpose of establishing a charter school.

(b) Before the operators may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. The affidavit must state the terms and conditions under which the authorizer would charter a school and how the authorizer intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the authorizer and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain commissioner approval precludes an authorizer from chartering the school that is the subject of this affidavit.

(c) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this section or does not meet the ready-to-open standards that are part of the authorizer's oversight and evaluation process or are stipulated in the charter school contract.

(d) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members who are not related parties until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under paragraph (f). A charter school board of directors must be composed of at least five members who are not related parties. Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election. Board of director meetings must comply with chapter 13D.

8.1 ~~(e) Upon the request of an individual, the charter school must make available~~
8.2 ~~in a timely fashion~~ A charter school shall publish and maintain on the school's official
8.3 Web site: (1) the minutes of meetings of the board of directors, and of members and
8.4 committees having any board-delegated authority; for at least one calendar year from the
8.5 date of publication; (2) directory information for members of the board of directors and
8.6 committees having board-delegated authority; and (3) identifying and contact information
8.7 for the school's authorizer. Identifying and contact information for the school's authorizer
8.8 must be included in other school materials made available to the public. Upon request of
8.9 an individual, the charter school must also make available in a timely fashion financial
8.10 statements showing all operations and transactions affecting income, surplus, and deficit
8.11 during the school's last annual accounting period; and a balance sheet summarizing assets
8.12 and liabilities on the closing date of the accounting period. A charter school also must post
8.13 on its official Web site information identifying its authorizer and indicate how to contact
8.14 that authorizer and include that same information about its authorizer in other school
8.15 materials that it makes available to the public.

8.16 (f) Every charter school board member shall attend department-approved ongoing
8.17 training throughout the member's term on board governance, including training on
8.18 the board's role and responsibilities, employment policies and practices, and financial
8.19 management. A board member who does not begin the required initial training within six
8.20 months after being seated and complete that training within 12 months of being seated on
8.21 the board is ineligible to continue to serve as a board member.

8.22 (g) The ongoing board must be elected before the school completes its third year of
8.23 operation. Board elections must be held during the school year but may not be conducted
8.24 on days when the school is closed for holidays or vacations. The charter school board of
8.25 directors shall be composed of at least five nonrelated members and include: (i) at least one
8.26 licensed teacher employed at the school or a licensed teacher providing instruction under
8.27 contract between the charter school and a cooperative; (ii) the parent or legal guardian
8.28 of a student enrolled in the charter school who is not an employee of the charter school;
8.29 and (iii) an interested community member who is not employed by the charter school and
8.30 does not have a child enrolled in the school. The board may be a teacher majority board
8.31 composed of teachers described in this paragraph. The chief financial officer and the chief
8.32 administrator may only serve as ex-officio nonvoting board members and may not serve
8.33 as a voting member of the board. Charter school employees shall not serve on the board
8.34 unless item (i) applies. Contractors providing facilities, goods, or services to a charter
8.35 school shall not serve on the board of directors of the charter school. Board bylaws shall

outline the process and procedures for changing the board's governance model, consistent with chapter 317A. A board may change its governance model only:

(1) by a majority vote of the board of directors and the licensed teachers employed by the school, including licensed teachers providing instruction under a contract between the school and a cooperative; and

(2) with the authorizer's approval.

Any change in board governance must conform with the board structure established under this paragraph.

(h) The granting or renewal of a charter by an authorizer must not be conditioned upon the bargaining unit status of the employees of the school.

(i) The granting or renewal of a charter school by an authorizer must not be contingent on the charter school being required to contract, lease, or purchase services from the authorizer. Any potential contract, lease, or purchase of service from an authorizer must be disclosed to the commissioner, accepted through an open bidding process, and be a separate contract from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services for a school that it authorizes, unless the school documents that it received at least two competitive bids.

(j) An authorizer may permit the board of directors of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the authorizer's original affidavit as approved by the commissioner only after submitting a supplemental affidavit for approval to the commissioner in a form and manner prescribed by the commissioner. The supplemental affidavit must document that:

(1) the proposed expansion plan demonstrates need and projected enrollment;

(2) the expansion is warranted, at a minimum, by longitudinal data demonstrating students' improved academic performance and growth on statewide assessments under chapter 120B;

(3) the charter school is financially sound and the financing it needs to implement the proposed expansion exists; and

(4) the charter school has the governance structure and management capacity to carry out its expansion.

(k) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school

10.1 may not expand grades or add sites until the commissioner has approved the supplemental
10.2 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

10.3 Sec. 3. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 13, is
10.4 amended to read:

10.5 Subd. 13. **Length of school year.** A charter school must provide instruction each
10.6 year for at least the number of ~~days~~ hours required by section 120A.41. It may provide
10.7 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

10.8 Sec. 4. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 14, is
10.9 amended to read:

10.10 Subd. 14. **Annual public reports.** A charter school must publish an annual report
10.11 approved by the board of directors. The annual report must at least include information
10.12 on school enrollment, student attrition, governance and management, staffing, finances,
10.13 academic performance, operational performance, innovative practices and implementation,
10.14 and future plans. A charter school must distribute the annual report by publication, mail,
10.15 or electronic means to the ~~commissioner~~, authorizer, school employees, and parents and
10.16 legal guardians of students enrolled in the charter school and must also post the report on
10.17 the charter school's official Web site. The reports are public data under chapter 13.

10.18 Sec. 5. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 17a,
10.19 is amended to read:

10.20 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before a charter school
10.21 may organize an affiliated nonprofit building corporation (i) to renovate or purchase an
10.22 existing facility to serve as a school or (ii) to construct a new school facility, an authorizer
10.23 must submit an affidavit to the commissioner for approval in the form and manner the
10.24 commissioner prescribes, and consistent with paragraphs (b) and (c) or (d).

10.25 (b) An affiliated nonprofit building corporation under this subdivision must:

10.26 (1) be incorporated under section 317A and comply with applicable Internal
10.27 Revenue Service regulations;

10.28 (2) submit to the commissioner each fiscal year a list of current board members
10.29 and a copy of its annual audit; and

10.30 (3) comply with government data practices law under chapter 13.

10.31 An affiliated nonprofit building corporation must not serve as the leasing agent for
10.32 property or facilities it does not own. A charter school that leases a facility from an
10.33 affiliated nonprofit building corporation that does not own the leased facility is ineligible

to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.

(c) A charter school may organize an affiliated nonprofit building corporation to renovate or purchase an existing facility to serve as a school if the charter school:

(1) has been operating for at least five consecutive school years;

(2) has had a net positive unreserved general fund balance as of June 30 in the preceding five fiscal years;

(3) has a long-range strategic and financial plan;

(4) completes a feasibility study of available buildings; ~~and~~

(5) documents enrollment projections and the need to use an affiliated building corporation to renovate or purchase an existing facility to serve as a school; and

(6) has a plan for the renovation or purchase, which describes the parameters and budget for the project.

(d) A charter school may organize an affiliated nonprofit building corporation to expand an existing school facility or construct a new school facility if the charter school:

(1) demonstrates the lack of facilities available to serve as a school;

(2) has been operating for at least eight consecutive school years;

(3) has had a net positive unreserved general fund balance as of June 30 in the preceding eight fiscal years;

(4) completes a feasibility study of facility options;

(5) has a long-range strategic and financial plan that includes enrollment projections and demonstrates the need for constructing a new school facility; and

(6) has a plan for the expansion or new school facility, which describes the parameters and budget for the project.

(e) A charter school or an affiliated nonprofit building corporation organized by a charter school must not initiate an installment contract for purchase, or a lease agreement, or solicit bids for new construction, expansion, or remodeling of an educational facility that requires an expenditure in excess of \$1,400,000, unless it meets the criteria in paragraph (b) and paragraph (c) or (d), as applicable, and receives a positive review and comment from the commissioner under section 123B.71.

Sec. 6. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 25, is amended to read:

Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter school may sue and be sued.

(b) The board may not levy taxes or issue bonds.

(c) The commissioner, an authorizer, members of the board of an authorizer in their official capacity, and employees of an authorizer are immune from civil or criminal liability with respect to all activities related to a charter school they approve or authorize. The board of directors shall obtain at least the amount of and types of insurance up to the applicable tort liability limits under chapter 466. The charter school board must submit a copy of the insurance policy to its authorizer ~~and the commissioner~~ before starting operations. The charter school board must submit changes in its insurance carrier or policy to its authorizer and the commissioner within 20 business days of the change.

(d) Notwithstanding section 3.736, the charter school shall assume full liability for its activities and indemnify and hold harmless the authorizer and its officers, agents, and employees from any suit, claim, or liability arising from any operation of the charter school and the commissioner and department officers, agents, and employees. A charter school is not required to indemnify or hold harmless a state employee if the state would not be required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

Sec. 7. Laws 2011, First Special Session chapter 11, article 2, section 50, subdivision 16, is amended to read:

Subd. 16. **Student organizations.** For student organizations:

\$	725,000	2012
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\$	725,000	2013
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\$49,000 each year is for student organizations serving health occupations ~~(HUSA)~~ (HOSA).

\$46,000 each year is for student organizations serving service occupations (HERO).

\$106,000 each year is for student organizations serving trade and industry occupations (SkillsUSA, secondary and postsecondary).

\$101,000 each year is for student organizations serving business occupations ~~(DECA, BPA, secondary and postsecondary)~~.

\$158,000 each year is for student organizations serving agriculture occupations (FFA, PAS).

\$150,000 each year is for student organizations serving family and consumer science occupations (FCCLA).

\$115,000 each year is for student organizations serving marketing occupations ~~(DEX)~~ (DECA, DECA Collegiate).

Any balance in the first year does not cancel but is available in the second year.

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2010, section 125A.14, is amended to read:

125A.14 EXTENDED SCHOOL YEAR.

A district may provide extended school year services for children with a disability living within the district and nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~. Prior to March 31 or 30 days after the child with a disability is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~, of its intention to provide these programs. Notwithstanding any contrary provisions in ~~sections~~ section 125A.15 ~~and 125A.16~~, the district providing the special instruction and services must apply for special education aid for the extended school year services. The unreimbursed actual cost of providing the program for nonresident children with a disability, including the cost of board and lodging, may be billed to the district of the child's residence and must be paid by the resident district. Transportation costs must be paid by the district responsible for providing transportation pursuant to section 125A.15 ~~or 125A.16~~ and transportation aid must be paid to that district.

Sec. 2. Minnesota Statutes 2010, section 125A.19, is amended to read:

125A.19 NONRESIDENT EDUCATION; BILLING.

All tuition billing for the education of nonresident children pursuant to sections 125A.03 to 125A.24, 125A.51, 125A.515, and 125A.65 must be done on uniform forms prescribed by the commissioner. The billing shall contain an itemized statement of costs that are being charged to the district of residence. ~~One copy of each billing must be filed with the commissioner.~~

Sec. 3. Minnesota Statutes 2010, section 125A.515, subdivision 1, is amended to read:

Subdivision 1. **Approval of education programs.** The commissioner shall approve on-site education programs for placement of children and youth in residential facilities including detention centers, before being licensed by the Department of Human Services or the Department of Corrections. Education programs in these facilities shall conform to state and federal education laws including the Individuals with Disabilities Education Act (IDEA). This section applies only to placements in facilities licensed by the Department of Human Services or the Department of Corrections. For purposes of this section, "on-site

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14.1 education program" means the educational services provided directly on the grounds of
14.2 the care and treatment facility to children and youth placed for care and treatment.

14.3 Sec. 4. **REPEALER.**

14.4 Minnesota Statutes 2010, sections 125A.16; and 125A.80, are repealed.

APPENDIX
Article locations in S2228-1

ARTICLE 1 GENERAL EDUCATION Page.Ln 1.12

ARTICLE 2 EDUCATION EXCELLENCE Page.Ln 6.1

ARTICLE 3 SPECIAL PROGRAMS Page.Ln 13.1