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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 842

01/25/2023 Authored by Daniels and Newton
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying licensure requirements for deaf and hard-of-hearing
1.3 students and for oral/aural deaf education; authorizing rulemaking; requiring a
1.4 report; amending Minnesota Statutes 2022, sections 122A.28, subdivision 1;
1.5 125A.03.

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

1.7 Section 1. Minnesota Statutes 2022, section 122A.28, subdivision 1, is amended to read:

1.8 Subdivision 1. **K-12 license to teach deaf and hard-of-hearing students;**
1.9 **relicensure.** (a) School districts are required to provide direct instruction to students who
1.10 are deaf or hard-of-hearing by teachers who are licensed to teach deaf or hard-of-hearing
1.11 students. The Professional Educator Licensing and Standards Board must review and
1.12 determine appropriate licensure requirements for a candidate for a license or an applicant
1.13 for a continuing license to teach deaf and hard-of-hearing students in prekindergarten through
1.14 grade 12. In addition to other requirements, the board must adopt rules requiring a candidate
1.15 must to demonstrate the minimum at least level of 4 proficiency in American sign language
1.16 as determined by the board on the American Sign Language Proficiency Interview evaluation.

1.17 (b) Among other relicensure requirements, each teacher under this section must complete
1.18 30 continuing education clock hours on hearing loss topics, including American Sign
1.19 Language, American Sign Language linguistics, or deaf culture, and must demonstrate at
1.20 least level 4 proficiency on the American Sign Language Proficiency Interview evaluation
1.21 in each licensure renewal period.

1.22 **EFFECTIVE DATE.** The changes to paragraph (b) are effective for renewal applications
1.23 beginning July 1, 2027.

2.1 Sec. 2. Minnesota Statutes 2022, section 125A.03, is amended to read:

2.2 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

2.3 (a) As defined in paragraph (b), every district must provide special instruction and
2.4 services, either within the district or in another district, for all children with a disability,
2.5 including providing required services under Code of Federal Regulations, title 34, section
2.6 300.121, paragraph (d), to those children suspended or expelled from school for more than
2.7 ten school days in that school year, who are residents of the district and who are disabled
2.8 as set forth in section 125A.02. For purposes of state and federal special education laws,
2.9 the phrase "special instruction and services" in the state Education Code means a free and
2.10 appropriate public education provided to an eligible child with disabilities. School districts
2.11 are required to provide direct instruction to students who are deaf or hard-of-hearing by
2.12 teachers who are licensed to teach deaf or hard-of-hearing students. "Free appropriate public
2.13 education" means special education and related services that:

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

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

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

2.20 (4) are provided to children ages three through 21 in conformity with an individualized
2.21 education program that meets the requirements of the Individuals with Disabilities Education
2.22 Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in
2.23 conformity with an individualized family service plan that meets the requirements of the
2.24 Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

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

3.1 (c) At the board's discretion, a school district that participates in a reciprocity agreement
3.2 with a neighboring state under section 124D.041 may enroll and provide special instruction
3.3 and services to a child from an adjoining state whose family resides at a Minnesota address
3.4 as assigned by the United States Postal Service if the district has completed child
3.5 identification procedures for that child to determine the child's eligibility for special education
3.6 services, and the child has received developmental screening under sections 121A.16 to
3.7 121A.19.

3.8 Sec. 3. **ORAL/AURAL DEAF EDUCATION LICENSE REVIEW.**

3.9 The Professional Educator Licensing and Standards Board must review whether the
3.10 oral/aural deaf education license under Minnesota Rules, part 8710.5250, remains an
3.11 appropriate license to meet the needs of deaf and hard-of-hearing students and must decide
3.12 whether the oral/aural deaf education license should be discontinued or incorporated into
3.13 the requirements for the deaf and hard-of-hearing license under Minnesota Rules, part
3.14 8710.5200. The board must report its findings to the chairs and ranking minority members
3.15 of the legislative committees with jurisdiction over kindergarten through grade 12 education
3.16 no later than February 1, 2024, and must amend or adopt rules consistent with its report no
3.17 later than July 1, 2025.

3.18 Sec. 4. **RULEMAKING.**

3.19 The commissioner of education must amend Minnesota Rules, part 3525.1331, which
3.20 is used to determine eligibility criteria for deaf and hard-of-hearing services, to include
3.21 more students who are affected by unilateral hearing loss, including reducing unilateral
3.22 sensorineural or persistent conductive loss with an unaided pure tone average or speech
3.23 threshold from 45 decibels hearing level to 35 decibels.

3.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.