

A bill for an act

relating to education; providing special instruction and services that meet minimum federal special education requirements; amending Minnesota Statutes 2010, section 125A.03; repealing Minnesota Statutes 2010, sections 121A.43; 121A.67; 125A.023, subdivisions 1, 2, 3, 4, 6, 7; 125A.027; 125A.06; 125A.08; 125A.11; 125A.12; 125A.13; 125A.14; 125A.15; 125A.155; 125A.16; 125A.17; 125A.18; 125A.19; 125A.20; 125A.21; 125A.22; 125A.23; 125A.24; 125A.25; 125A.259; 125A.26; 125A.27; 125A.29; 125A.30; 125A.31; 125A.32; 125A.33; 125A.34; 125A.35; 125A.36; 125A.37; 125A.38; 125A.39; 125A.40; 125A.41; 125A.42; 125A.43; 125A.44; 125A.45; 125A.46; 125A.48; 125A.51; 125A.515, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; 125A.52; 125A.53; 125A.54; 125A.55; 125A.57; 125A.58; 125A.59; 125A.60; Minnesota Rules, parts 3525.0300; 3525.0550; 3525.0700; 3525.0750; 3525.0755; 3525.0800; 3525.0850; 3525.1100; 3525.1352; 3525.1354, subpart 1; 3525.1400; 3525.1550; 3525.2325; 3525.2335, subpart 2; 3525.2340, subparts 4, 5; 3525.2350, subparts 1, 2, 3, 4; 3525.2380, subpart 1; 3525.2385; 3525.2405, subpart 1; 3525.2435; 3525.2440; 3525.2450; 3525.2455; 3525.2710; 3525.2810; 3525.2900, subparts 4, 5; 3525.3010; 3525.3100; 3525.3600.

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

Section 1. Minnesota Statutes 2010, 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 and~~

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~~includes special education and related services defined in the Individuals with Disabilities Education Act, subpart A, section 300.24.~~

(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.

EFFECTIVE DATE. This section is effective for the 2011-2012 school year and later.

Sec. 2. RULES AFFECTING SPECIAL EDUCATION INSTRUCTION AND SERVICES.

Consistent with Minnesota Statutes, section 127A.05, subdivision 4, the commissioner of education must amend or repeal all rules relating to special education and related services so that the rules do not impose requirements not required by federal special education laws or regulations. The commissioner may use the expedited rulemaking process under Minnesota Statutes, section 14.389, excluding subdivision 5, to amend or repeal these rules.

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

Sec. 3. REPEALER.

(a) Minnesota Statutes 2010, sections 121A.43; 121A.67; 125A.023, subdivisions 1, 2, 3, 4, 6, and 7; 125A.027; 125A.06; 125A.08; 125A.11; 125A.12; 125A.13; 125A.14; 125A.15; 125A.155; 125A.16; 125A.17; 125A.18; 125A.19; 125A.20; 125A.21; 125A.22; 125A.23; 125A.24; 125A.25; 125A.259; 125A.26; 125A.27; 125A.29; 125A.30; 125A.31; 125A.32; 125A.33; 125A.34; 125A.35; 125A.36; 125A.37; 125A.38; 125A.39; 125A.40; 125A.41; 125A.42; 125A.43; 125A.44; 125A.45; 125A.46; 125A.48; 125A.51; 125A.515, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 125A.52; 125A.53; 125A.54; 125A.55; 125A.57; 125A.58; 125A.59; and 125A.60, are repealed.

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3.1 (b) Minnesota Rules, parts 3525.0300; 3525.0550; 3525.0700; 3525.0750;
3.2 3525.0755; 3525.0800; 3525.0850; 3525.1100; 3525.1352; 3525.1354, subpart 1;
3.3 3525.1400; 3525.1550; 3525.2325; 3525.2335, subpart 2; 3525.2340, subparts 4 and 5;
3.4 3525.2350, subparts 1, 2, 3, and 4; 3525.2380, subpart 1; 3525.2385; 3525.2405, subpart
3.5 1; 3525.2435; 3525.2440; 3525.2450; 3525.2455; 3525.2710; 3525.2810; 3525.2900,
3.6 subparts 4 and 5; 3525.3010; 3525.3100; and 3525.3600, are repealed.

3.7 **EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and
3.8 later.