

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FOURTH SESSION**

**S.F. No. 1591**

(SENATE AUTHORS: FARNSWORTH, Maye Quade, Gustafson, Hoffman and Abeler)

DATE  
02/20/2025

D-PG

437 Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to education; modifying the age for a child with a disability to receive
- 1.3 special instruction and services; amending Minnesota Statutes 2024, section
- 1.4 125A.03.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2024, section 125A.03, is amended to read:
- 1.7 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**
- 1.8 (a) As defined in paragraph (b), every district must provide special instruction and
- 1.9 services, either within the district or in another district, for all children with a disability,
- 1.10 including providing required services under Code of Federal Regulations, title 34, section
- 1.11 300.121, paragraph (d), to those children suspended or expelled from school for more than
- 1.12 ten school days in that school year, who are residents of the district and who are disabled
- 1.13 as set forth in section 125A.02. For purposes of state and federal special education laws,
- 1.14 the phrase "special instruction and services" in the state Education Code means a free and
- 1.15 appropriate public education provided to an eligible child with disabilities. "Free appropriate
- 1.16 public education" means special education and related services that:
- 1.17 (1) are provided at public expense, under public supervision and direction, and without
- 1.18 charge;
- 1.19 (2) meet the standards of the state, including the requirements of the Individuals with
- 1.20 Disabilities Education Act, Part B or C;
- 1.21 (3) include an appropriate preschool, elementary school, or secondary school education;
- 1.22 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 22 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 142D.09 to 142D.093.

**EFFECTIVE DATE.** This section is effective for the 2025-2026 school year and later.