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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1383

03/07/2013 Authored by Newton and Marquart

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; establishing a special education case loads task force;
1.3 modifying rules governing individualized education program development;
1.4 modifying rules governing special education services purchasing; requiring a
1.5 report; repealing Minnesota Rules, parts 3525.0800, subpart 2; 3525.2810,
1.6 subparts 1, 4.

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

1.8 Section 1. **SPECIAL EDUCATION CASE LOADS TASK FORCE.**

1.9 Subdivision 1. **Members.** The commissioner shall establish and appoint a special
1.10 education case loads task force consisting of at least ten members who will provide equal
1.11 representation from school districts and advocacy organizations, including parents of
1.12 children with disabilities.

1.13 Subd. 2. **Duties.** The special education case loads task force shall develop
1.14 recommendations for the maximum number of students with disabilities that may be
1.15 assigned to a teacher both with and without paraprofessional support in the classroom.

1.16 Subd. 3. **Report.** The task force must submit a report by February 15, 2014, to the
1.17 education policy and finance committees of the legislature recommending appropriate
1.18 case loads for teachers of school-age children in all federal settings, including educational
1.19 service alternatives, and for early childhood special education and program alternatives.

1.20 Subd. 4. **Expiration.** The task force expires February 16, 2014.

1.21 Sec. 2. **REVISOR'S INSTRUCTION.**

1.22 In Minnesota Rules, the revisor of statutes shall substitute the reference "Minnesota
1.23 Statutes, section 125A.08" or similar reference for "part 3525.2810, subpart 1, item A"

2.1 or similar reference. The revisor shall make grammatical changes related to the change
2.2 in references.

2.3 Sec. 3. **REPEALER.**

2.4 Minnesota Rules, parts 3525.0800, subpart 2; and 3525.2810, subparts 1 and 4, are
2.5 repealed.

3525.0800 RESPONSIBILITY FOR ENSURING PROVISION OF INSTRUCTION AND SERVICES.

Subp. 2. **Purchased services.** The district shall not purchase special educational services for a pupil from a public or private agency when the service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Whenever it is appropriate for a district to purchase special education service for pupils with disabilities who reside in the district, it continues to be the responsibility of the school district, consistent with Minnesota Statutes and parts 3525.0210 to 3525.4770, to assure and ascertain that such pupils and youth receive the education and related services and rights to which they are entitled.

3525.2810 DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM PLAN.

Subpart 1. **Definitions.** As used in parts 3525.0210 to 3525.4770, the terms defined in this part have the meanings given them.

A. "Individualized education program" or "IEP" means a written statement for each pupil that is developed, reviewed, and revised in a meeting in accordance with this part and that includes:

(1) a statement of the pupil's present levels of educational performance, including how the pupil's disability affects the pupil's involvement and progress in the general curriculum, or for preschool pupils, as appropriate, how the disability affects the pupil's participation in appropriate activities;

(2) a statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the pupil's needs that result from the pupil's disability to enable the pupil to be involved in and progress in the general curriculum, and meeting each of the pupil's other educational needs that result from the pupil's disability;

(3) a statement of the special education and related services and supplementary aids and services to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided for the pupil to advance appropriately toward attaining the annual goals, to be involved and progress in the general curriculum in accordance with subitem (1) and to participate in extracurricular and other nonacademic activities, and to be educated and participate with other pupils and students in the activities described in this paragraph;

(4) an explanation of the extent, if any, to which the pupil will not participate with students in the regular class and in the activities described in subitem (3);

(5) a statement of any individual modifications in the administration of state or districtwide assessments of student achievement that are needed in order for the pupil to participate in such assessment. If the IEP team determines that the pupil will not participate in a particular state or districtwide assessment of student achievement or part of such an assessment, a statement of why that assessment is not appropriate for the pupil; and how the pupil will be assessed;

(6) the projected date for the beginning of the services and modifications described in subitem (3), and the anticipated frequency, location, and duration of those services and modifications;

(7) beginning at age 14, and updated annually, a statement of the transition service needs of the pupil in accordance with part 3525.2900, subpart 4;

(8) when a pupil reaches the age of 18, unless a guardian or conservator has been appointed for the pupil by a court of competent jurisdiction, the following shall occur and be documented in the pupil's IEP:

(a) the district shall provide any notice required under this chapter to the pupil and the pupil's parents; and

(b) all other rights accorded to the parents under this chapter and Part B of IDEA 1997, Code of Federal Regulations, title 34, chapter 300, transfer to the pupil, even if the pupil is incarcerated in an adult or juvenile state or local correctional institution.

Beginning at least one year before the pupil reaches the age of 18, the pupil and the pupil's parents must be informed of those rights under this chapter that will transfer to the pupil at age 18;

(9) a statement of how the pupil's progress toward the annual goals described in subitem (2) will be measured, how the pupil's parents will be regularly informed by such means as periodic report cards, at least as often as parents are informed of their nondisabled student's progress, of the pupil's progress toward the annual goals described in subitem (2), and the extent to which that progress is sufficient to enable the pupil to achieve the goals by the end of the year;

APPENDIX
Repealed Minnesota Rule: 13-2356

(10) a statement of the pupil's need for and the specific responsibilities of a paraprofessional; and

(11) any documentation required in Minnesota Statutes, section 125A.0942.

B. "Individualized education program team" or "IEP team" means a group of individuals that must include:

(1) the parents of the pupil;

(2) at least one regular education teacher of the pupil, if the pupil is, or may be, participating in the regular education environment;

(3) at least one special education teacher or, where appropriate, at least one special education provider of the pupil;

(4) an administrative designee, as defined in part 3525.0210, subpart 2, who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of pupils with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district;

(5) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in subitems (2) to (6);

(6) at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the pupil, according to Code of Federal Regulations, title 34, section 300.344(c), including related services personnel, as appropriate; and

(7) whenever appropriate, the pupil.

3525.2810 DEVELOPMENT OF INDIVIDUALIZED EDUCATION PROGRAM PLAN.

Subp. 4. **Failure to meet transition objectives.** If a participating agency, other than the local school district, fails to provide the transition services described in the IEP in accordance with subpart 1, item A, subitem (7), the district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the pupil set out in that program.