

A bill for an act
relating to education; clarifying school district obligations to children with
disabilities; amending Minnesota Statutes 2008, section 125A.57, subdivision 2;
proposing coding for new law in Minnesota Statutes, chapter 125A; repealing
Minnesota Statutes 2008, section 125A.03.

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

Section 1. **[125A.031] GENERAL SCHOOL DISTRICT OBLIGATIONS TO
CHILDREN WITH DISABILITIES.**

(a) A school district must identify, locate, and evaluate every resident child with
a disability who is in need of special education and related services, including a child
under age 3.

(b) A school district must make available a free appropriate public education to:

(1) a resident child with a disability under 21 years old who has not received a
regular high school diploma; and

(2) for the duration of the school year, a resident child with a disability who becomes
21 years old during that school year but has not received a regular high school diploma.

(c) A school district must ensure that a resident child with a disability who is enrolled
in a nonpublic school or facility is provided special education and related services,
consistent with the child's individualized education plan, at no cost to the child's parent if
the district places the child in the nonpublic school or facility to meet the requirements
of this section or applicable federal law.

(d) To the extent that a parent unilaterally enrolls a resident child with a disability in
a nonpublic school or facility located within the district, the district must ensure that all
such children have an opportunity to participate in special education and related services.
The amount the district spends to provide these services must be at least equal to the

H.F. No. 1701, as introduced - 86th Legislative Session (2009-2010) [09-3030]

2.1 proportionate amount of federal funds made available for resident children with disabilities
2.2 who are unilaterally enrolled in a nonpublic school or facility located in the district.

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

2.4 Sec. 2. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

2.5 Subd. 2. **Assistive technology device.** "Assistive technology device" means any
2.6 item, piece of equipment, software, or product system, whether acquired commercially off
2.7 the shelf, modified, or customized, that is used to increase, maintain, or improve functional
2.8 capabilities of ~~children with disabilities~~ a child with a disability. The term does not include
2.9 a medical device that is surgically implanted or a replacement of such a device.

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

2.11 Sec. 3. **REPEALER.**

2.12 Minnesota Statutes 2008, section 125A.03, is repealed.