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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1005

02/11/2019 Authored by Pryor
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; amending conciliation conference requirements; amending
1.3 Minnesota Statutes 2018, section 125A.091, subdivisions 3a, 7, 8.

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

1.5 Section 1. Minnesota Statutes 2018, section 125A.091, subdivision 3a, is amended to read:

1.6 Subd. 3a. Additional requirements for prior written notice. In addition to federal law
1.7 requirements, a prior written notice shall:

1.8 (1) inform the parent that except for the initial placement of a child in special education,
1.9 the school district will proceed with its proposal for the child's placement or for providing
1.10 special education services unless the child's parent notifies the district of an objection within
1.11 14 days of when the district sends the prior written notice to the parent; and

1.12 (2) state that a parent who objects to a proposal or refusal in the prior written notice may
1.13 request a conciliation conference under subdivision 7 or, another alternative dispute resolution
1.14 procedure under subdivision 8 or 9, or a meeting of the individualized education program
1.15 team.

1.16 Sec. 2. Minnesota Statutes 2018, section 125A.091, subdivision 7, is amended to read:

1.17 Subd. 7. Conciliation conference. A parent must have an opportunity to request a
1.18 meeting of the individualized education program team or meet with appropriate district staff
1.19 in at least one conciliation conference if the parent objects to any proposal of which the
1.20 parent receives notice under subdivision 3a. A district must hold a conciliation conference
1.21 within ten calendar days from the date the district receives a parent's objection to a proposal

2.1 ~~or refusal in the prior written notice~~ request for a conciliation conference. Except as provided
2.2 in this section, all discussions held during a conciliation conference are confidential and
2.3 are not admissible in a due process hearing. Within five school days after the final conciliation
2.4 conference, the district must prepare and provide to the parent a conciliation conference
2.5 memorandum that describes the district's final proposed offer of service. This memorandum
2.6 is admissible in evidence in any subsequent proceeding.

2.7 Sec. 3. Minnesota Statutes 2018, section 125A.091, subdivision 8, is amended to read:

2.8 Subd. 8. **Voluntary dispute resolution options.** ~~In addition to offering at least one~~
2.9 ~~conciliation conference,~~ A district must inform a parent of other dispute resolution processes,
2.10 including at least mediation and facilitated team meetings. The fact that an alternative dispute
2.11 resolution process was used is admissible in evidence at any subsequent proceeding.
2.12 State-provided mediators and team meeting facilitators shall not be subpoenaed to testify
2.13 at a due process hearing or civil action under federal special education law nor are any
2.14 records of mediators or state-provided team meeting facilitators accessible to the parties.