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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1635

02/23/2017 Authored by Kresha and Erickson The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; providing for approval of education programs at care and
1.3 treatment facilities; amending Minnesota Statutes 2016, section 125A.515,
1.4 subdivisions 1, 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 125A.515, subdivision 1, is amended to read:

1.7 Subdivision 1. Approval of education programs. (a) The commissioner shall approve
1.8 on-site education programs for placement of children and youth in residential facilities
1.9 including detention centers, before being licensed by the Department of Human Services
1.10 or the Department of Corrections. Education programs in these facilities shall conform to
1.11 state and federal education laws including the Individuals with Disabilities Education Act
1.12 (IDEA). This section applies only to placements in facilities licensed by the Department of
1.13 Human Services or the Department of Corrections. For purposes of this section, "on-site
1.14 education program" means the educational services provided directly on the grounds of the
1.15 care and treatment facility to children and youth placed for care and treatment.

1.16 (b) The commissioner must establish a process to approve education programs operated
1.17 by a care and treatment facility, mental health day treatment program, charter school, or
1.18 other educational institution at a specified facility. An education program approved under
1.19 this paragraph must conform to state and federal education laws including the Individuals
1.20 with Disabilities Education Act (IDEA). The application process must provide an appeal
1.21 process, including a hearing before an administrative law judge under section 14.50.

1.22 EFFECTIVE DATE. This section is effective August 1, 2017.

2.1 Sec. 2. Minnesota Statutes 2016, section 125A.515, subdivision 3, is amended to read:

2.2 Subd. 3. **Responsibilities for providing education.** (a) If the commissioner has approved
2.3 an education program at a specified facility under subdivision 1, paragraph (b), the approved
2.4 program must provide education services to a student placed in the facility, including special
2.5 education if a student is eligible. The care and treatment facility, mental health day treatment
2.6 program, charter school, or other educational institution providing the approved education
2.7 program is the providing district or providing agency for purposes of this chapter.

2.8 (b) If no education program has been approved at a specified facility under subdivision
2.9 1, paragraph (a), the district in which the residential or mental health day treatment facility
2.10 is located must provide education services, including special education if eligible, to all
2.11 students placed in a facility.

2.12 ~~(b)~~ (c) For education programs operated by the Department of Corrections, the providing
2.13 district shall be the Department of Corrections. For students remanded to the commissioner
2.14 of corrections, the providing and resident district shall be the Department of Corrections.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2017.