

113.29 **ARTICLE 5**
113.30 **SPECIAL EDUCATION**

82.1 **ARTICLE 5**
82.2 **SPECIAL PROGRAMS**

S0978-3

113.31 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

114.1 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,
114.2 the following councils and committees do not expire unless federal law no longer requires
114.3 the existence of the council or committee:

114.4 (1) Rehabilitation Council for the Blind, created in section 248.10;

114.5 (2) Juvenile Justice Advisory Committee, created in section 299A.72;

114.6 (3) Governor's Workforce Development Council, created in section 116L.665;

114.7 (4) local workforce councils, created in section 116L.666, subdivision 2;

114.8 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~

114.9 (6) Statewide Independent Living Council, created in section 268A.02, subdivision
114.10 2; ~~and~~

114.11 (7) Interagency Coordinating Council, created in section 125A.28.

114.12 Sec. 2. Minnesota Statutes 2012, section 124D.11, subdivision 5, is amended to read:

114.13 Subd. 5. **Special education aid.** (a) Except as provided in subdivision 2, special
114.14 education aid must be paid to a charter school according to section 125A.76, as though
114.15 it were a school district.

114.16 ~~(b) For fiscal year 2006, the charter school may charge tuition to the district of~~
114.17 ~~residence as follows:~~

114.18 ~~(1) if the charter school does not receive general education revenue on behalf of~~
114.19 ~~the student according to subdivision 1, tuition shall be charged as provided in section~~
114.20 ~~125A.11; or~~

114.21 ~~(2) if the charter school receives general education revenue on behalf of the student~~
114.22 ~~according to subdivision 1, tuition shall be charged as provided in section 127A.47,~~
114.23 ~~subdivision 7, paragraph (d).~~

114.24 ~~(e) (b) For fiscal year 2007 2015 and later, the special education aid paid to the~~
114.25 ~~charter school shall be adjusted as follows:~~

53.22 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

53.23 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,
53.24 the following councils and committees do not expire unless federal law no longer requires
53.25 the existence of the council or committee:

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53.29 (4) local workforce councils, created in section 116L.666, subdivision 2;

53.30 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~

53.31 (6) Statewide Independent Living Council, created in section 268A.02, subdivision
53.32 2; ~~and~~

53.33 (7) Interagency Coordinating Council, created in section 125A.28.

UEH0630-1

82.3 Section 1. Minnesota Statutes 2012, section 124D.11, subdivision 5, is amended to read:

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82.5 education aid must be paid to a charter school according to section 125A.76, as though
82.6 it were a school district.

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82.11 ~~125A.11; or~~

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82.13 ~~according to subdivision 1, tuition shall be charged as provided in section 127A.47,~~
82.14 ~~subdivision 7, paragraph (d).~~

82.15 ~~(e) (b) For fiscal year 2007 2015 and later, the special education aid paid to the~~
82.16 ~~charter school shall be adjusted as follows:~~

114.26 (1) if the charter school does not receive general education revenue on behalf of
 114.27 the student according to subdivision 1, the aid shall be adjusted as provided in section
 114.28 125A.11; or

114.29 (2) if the charter school receives general education revenue on behalf of the student
 114.30 according to subdivision 1, the aid shall be adjusted as provided in section 127A.47,
 114.31 subdivision 7, paragraph ~~(d)~~ (h).

114.32 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

115.1 Sec. 3. Minnesota Statutes 2012, section 125A.0941, is amended to read:

115.2 **125A.0941 DEFINITIONS.**

115.3 (a) The following terms have the meanings given them.

115.4 (b) "Emergency" means a situation where immediate intervention is needed to
 115.5 protect a child or other individual from physical injury ~~or to prevent serious property~~
 115.6 ~~damage.~~ Emergency does not mean circumstances such as: a child who does not respond
 115.7 to a task or request and instead places his or her head on a desk or hides under a desk or
 115.8 table; a child who does not respond to a staff person's request unless failing to respond
 115.9 would result in physical injury to the child or other individual; or an emergency incident
 115.10 has already occurred and no threat of physical injury currently exists.

115.11 (c) "Physical holding" means physical intervention intended to hold a child immobile
 115.12 or limit a child's movement, where body contact is the only source of physical restraint,
 115.13 and where immobilization is used to effectively gain control of a child in order to protect
 115.14 ~~the a~~ a child or other person individual from physical injury. The term physical holding does
 115.15 not mean physical contact that:

115.16 (1) helps a child respond or complete a task;

115.17 (2) assists a child without restricting the child's movement;

115.18 (3) is needed to administer an authorized health-related service or procedure; or

115.19 (4) is needed to physically escort a child when the child does not resist or the child's
 115.20 resistance is minimal.

115.21 (d) "Positive behavioral interventions and supports" means interventions and
 115.22 strategies to improve the school environment and teach children the skills to behave
 115.23 appropriately.

115.24 (e) "Prone restraint" means placing a child in a face down position.

82.17 (1) if the charter school does not receive general education revenue on behalf of
 82.18 the student according to subdivision 1, the aid shall be adjusted as provided in section
 82.19 125A.11; or

82.20 (2) if the charter school receives general education revenue on behalf of the student
 82.21 according to subdivision 1, the aid shall be adjusted as provided in section 127A.47,
 82.22 subdivision 7, ~~paragraph~~ paragraphs (b) to (d).

82.23 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

S0978-3

54.1 Sec. 2. Minnesota Statutes 2012, section 125A.0941, is amended to read:

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 54.7 to a task or request and instead places his or her head on a desk or hides under a desk or
 54.8 table; a child who does not respond to a staff person's request unless failing to respond
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 54.13 and where immobilization is used to effectively gain control of a child in order to protect
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 54.15 not mean physical contact that:

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 54.20 resistance is minimal.

54.21 (d) "Positive behavioral interventions and supports" means interventions and
 54.22 strategies to improve the school environment and teach children the skills to behave
 54.23 appropriately.

54.24 (e) "Prone restraint" means placing a child in a face down position.

115.25 (f) "Restrictive procedures" means the use of physical holding or seclusion in an
 115.26 emergency. Restrictive procedures must not be used to punish or otherwise discipline a
 115.27 child.

115.28 (g) "Seclusion" means confining a child alone in a room from which egress is barred.
 115.29 Egress may be barred by an adult locking or closing the door in the room or preventing the
 115.30 child from leaving the room. Removing a child from an activity to a location where the
 115.31 child cannot participate in or observe the activity is not seclusion.

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

115.33 Sec. 4. Minnesota Statutes 2012, section 125A.0942, is amended to read:
 115.34 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

116.1 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use
 116.2 restrictive procedures shall maintain and make publicly accessible in an electronic format
 116.3 on a school or district Web site or make a paper copy available upon request describing a
 116.4 restrictive procedures plan for children with disabilities that includes at least the following:

116.5 (1) lists the list of restrictive procedures the school intends to use;

116.6 (2) describes how the school will implement a range of positive behavior strategies
 116.7 and provide links to mental health services;

116.8 (3) describes how the school will monitor and review the use of restrictive
 116.9 procedures, including;

116.10 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a),
 116.11 clause (5); and

116.12 (ii) convening an oversight committee to undertake a quarterly review of the use
 116.13 of restrictive procedures based on patterns or problems indicated by similarities in the
 116.14 time of day, day of the week, duration of the use of a procedure, the individuals involved,
 116.15 or other factors associated with the use of restrictive procedures; the number of times a
 116.16 restrictive procedure is used schoolwide and for individual children; the number and types
 116.17 of injuries, if any, resulting from the use of restrictive procedures; whether restrictive
 116.18 procedures are used in nonemergency situations; the need for additional staff training; and
 116.19 proposed actions to minimize the use of restrictive procedures; and

116.20 ~~(3)~~ (4) includes a written description and documentation of the training staff
 116.21 completed under subdivision 5.

116.22 (b) Schools annually must publicly identify oversight committee members who
 116.23 must at least include:

116.24 (1) a mental health professional, school psychologist, or school social worker;

54.25 (f) "Restrictive procedures" means the use of physical holding or seclusion in an
 54.26 emergency. Restrictive procedures must not be used to punish or otherwise discipline a
 54.27 child.

54.28 (g) "Seclusion" means confining a child alone in a room from which egress is barred.
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 55.17 procedures are used in nonemergency situations; the need for additional staff training; and
 55.18 proposed actions to minimize the use of restrictive procedures; and

55.19 ~~(3)~~ (4) includes a written description and documentation of the training staff
 55.20 completed under subdivision 5.

55.21 (b) Schools annually must publicly identify oversight committee members who
 55.22 must at least include:

55.23 (1) a mental health professional, school psychologist, or school social worker;

116.25 (2) an expert in positive behavior strategies;

116.26 (3) a special education administrator; and

116.27 (4) a general education administrator.

116.28 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
 116.29 licensed special education teacher, school social worker, school psychologist, behavior
 116.30 analyst certified by the National Behavior Analyst Certification Board, a person with a
 116.31 master's degree in behavior analysis, other licensed education professional, highly qualified
 116.32 paraprofessional under section 120B.363, or mental health professional under section
 116.33 245.4871, subdivision 27, who has completed the training program under subdivision 5.

116.34 (b) A school shall make reasonable efforts to notify the parent on the same day a
 116.35 restrictive procedure is used on the child, or if the school is unable to provide same-day
 117.1 notice, notice is sent within two days by written or electronic means or as otherwise
 117.2 indicated by the child's parent under paragraph (d).

117.3 (c) ~~When restrictive procedures are used twice in 30 days or when a pattern emerges~~
 117.4 ~~and restrictive procedures are not included in a child's individualized education program~~
 117.5 ~~or behavior intervention plan;~~ The district must hold a meeting of the individualized
 117.6 education program team, conduct or review a functional behavioral analysis, review data,
 117.7 consider developing additional or revised positive behavioral interventions and supports,
 117.8 consider actions to reduce the use of restrictive procedures, and modify the individualized
 117.9 education program or behavior intervention plan as appropriate. The district must hold
 117.10 the meeting: within ten calendar days after district staff use restrictive procedures on two
 117.11 separate school days within 30 calendar days or a pattern of use emerges and the child's
 117.12 individualized education program or behavior intervention plan does not provide for using
 117.13 restrictive procedures in an emergency; or at the request of a parent or the district after
 117.14 restrictive procedures are used. The district must review use of restrictive procedures at a
 117.15 child's annual individualized education program meeting when the child's individualized
 117.16 education program provides for using restrictive procedures in an emergency.

117.17 (d) If the individualized education program team under paragraph (c) determines
 117.18 that existing interventions and supports are ineffective in reducing the use of restrictive
 117.19 procedures or the district uses restrictive procedures on a child on ten or more school days
 117.20 during the same school year, the team, as appropriate, either must consult with other
 117.21 professionals working with the child; consult with experts in behavior analysis, mental
 117.22 health, communication, or autism; consult with culturally competent professionals;
 117.23 review existing evaluations, resources, and successful strategies; or consider whether to
 117.24 reevaluate the child.

55.24 (2) an expert in positive behavior strategies;

55.25 (3) a special education administrator; and

55.26 (4) a general education administrator.

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 56.20 health, communication, or autism; consult with culturally competent professionals;
 56.21 review existing evaluations, resources, and successful strategies; or consider whether to
 56.22 reevaluate the child.

117.25 (e) At the individualized education program meeting under paragraph (c), the team
 117.26 must review any known medical or psychological limitations, including any medical
 117.27 information the parent provides voluntarily, that contraindicate the use of a restrictive
 117.28 procedure, consider whether to prohibit that restrictive procedure, and document any
 117.29 prohibition in the individualized education program or behavior intervention plan.

117.30 ~~(d)~~ (f) An individualized education program team may plan for using restrictive
 117.31 procedures and may include these procedures in a child's individualized education
 117.32 program or behavior intervention plan; however, the restrictive procedures may be used
 117.33 only in response to behavior that constitutes an emergency, consistent with this section.
 117.34 The individualized education program or behavior intervention plan shall indicate how the
 117.35 parent wants to be notified when a restrictive procedure is used.

118.1 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be
 118.2 used only in an emergency. A school that uses physical holding or seclusion shall meet the
 118.3 following requirements:

118.4 (1) ~~the~~ physical holding or seclusion ~~must be~~ is the least intrusive intervention
 118.5 that effectively responds to the emergency;

118.6 (2) physical holding or seclusion is not used to discipline a noncompliant child;

118.7 (3) physical holding or seclusion must end ends when the threat of harm ends and
 118.8 the staff determines ~~that~~ the child can safely return to the classroom or activity;

118.9 ~~(3)~~ (4) staff ~~must~~ directly ~~observe~~ observes the child while physical holding or
 118.10 seclusion is being used;

118.11 ~~(4)~~ (5) each time physical holding or seclusion is used, the staff person who
 118.12 implements or oversees the physical holding or seclusion ~~shall document~~ documents, as
 118.13 soon as possible after the incident concludes, the following information:

118.14 (i) a description of the incident that led to the physical holding or seclusion;

118.15 (ii) why a less restrictive measure failed or was determined by staff to be
 118.16 inappropriate or impractical;

118.17 (iii) the time the physical holding or seclusion began and the time the child was
 118.18 released; and

118.19 (iv) a brief record of the child's behavioral and physical status;

118.20 ~~(5)~~ (6) the room used for seclusion must:

118.21 (i) be at least six feet by five feet;

118.22 (ii) be well lit, well ventilated, adequately heated, and clean;

118.23 (iii) have a window that allows staff to directly observe a child in seclusion;

56.23 (e) At the individualized education program meeting under paragraph (c), the team
 56.24 must review any known medical or psychological limitations, including any medical
 56.25 information the parent provides voluntarily, that contraindicate the use of a restrictive
 56.26 procedure, consider whether to prohibit that restrictive procedure, and document any
 56.27 prohibition in the individualized education program or behavior intervention plan.

56.28 ~~(d)~~ (f) An individualized education program team may plan for using restrictive
 56.29 procedures and may include these procedures in a child's individualized education
 56.30 program or behavior intervention plan; however, the restrictive procedures may be used
 56.31 only in response to behavior that constitutes an emergency, consistent with this section.
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 57.5 the staff determines ~~that~~ the child can safely return to the classroom or activity;

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 57.7 seclusion is being used;

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 57.9 implements or oversees the physical holding or seclusion ~~shall document~~ documents, as
 57.10 soon as possible after the incident concludes, the following information:

57.11 (i) a description of the incident that led to the physical holding or seclusion;

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 57.13 inappropriate or impractical;

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 57.15 released; and

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57.17 ~~(5)~~ (6) the room used for seclusion must:

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57.19 (ii) be well lit, well ventilated, adequately heated, and clean;

57.20 (iii) have a window that allows staff to directly observe a child in seclusion;

118.24 (iv) have tamperproof fixtures, electrical switches located immediately outside the
118.25 door, and secure ceilings;

118.26 (v) have doors that open out and are unlocked, locked with keyless locks that
118.27 have immediate release mechanisms, or locked with locks that have immediate release
118.28 mechanisms connected with a fire and emergency system; and

118.29 (vi) not contain objects that a child may use to injure the child or others;

118.30 ~~(6)~~ (7) before using a room for seclusion, a school must:

118.31 (i) receive written notice from local authorities that the room and the locking
118.32 mechanisms comply with applicable building, fire, and safety codes; and

118.33 (ii) register the room with the commissioner, who may view that room; and

118.34 ~~(7)~~ (8) until August 1, 2013 2015, a school district may use prone restraints with
118.35 children age five or older ~~under the following conditions if:~~

119.1 (i) ~~a the~~ district has provided to the department a list of staff who have had specific
119.2 training on the use of prone restraints;

119.3 (ii) ~~a the~~ district provides information on the type of training that was provided
119.4 and by whom;

119.5 (iii) ~~prone restraints may only be used by staff who have received specific training~~
119.6 ~~use prone restraints;~~

119.7 (iv) each incident of the use of prone restraints is reported to the department within
119.8 five working days on a form provided by the department; and

119.9 (v) ~~a the~~ district, ~~prior to before~~ using prone restraints, must review any known
119.10 medical or psychological limitations that contraindicate the use of prone restraints.

119.11 ~~The department will report back to the chairs and ranking minority members of the~~

119.12 ~~legislative committees with primary jurisdiction over education policy by February~~

119.13 ~~1, 2013, on the use of prone restraints in the schools. Consistent with item (iv); The~~

119.14 ~~department must collect data on districts' use of prone restraints and publish the data in a~~

119.15 ~~readily accessible format on the department's Web site on a quarterly basis.~~

57.21 (iv) have tamperproof fixtures, electrical switches located immediately outside the
57.22 door, and secure ceilings;

57.23 (v) have doors that open out and are unlocked, locked with keyless locks that
57.24 have immediate release mechanisms, or locked with locks that have immediate release
57.25 mechanisms connected with a fire and emergency system; and

57.26 (vi) not contain objects that a child may use to injure the child or others;

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57.34 training on the use of prone restraints;

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57.36 and by whom;

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58.9 ~~1, 2013, on the use of prone restraints in the schools. Consistent with item (iv); The~~

58.10 ~~department must collect data on districts' use of prone restraints and publish the data in a~~

58.11 ~~readily accessible format on the department's Web site on a quarterly basis.~~

119.16 (b) ~~The department must develop a statewide plan by February 1, 2013, to reduce~~
 119.17 ~~districts' use of restrictive procedures that includes By March 1, 2014, stakeholders must~~
 119.18 ~~recommend to the commissioner specific and measurable implementation and outcome~~
 119.19 ~~goals for reducing the use of restrictive procedures and the commissioner must submit to~~
 119.20 ~~the legislature a report on districts' progress in reducing the use of restrictive procedures~~
 119.21 ~~that recommends how to further reduce these procedures and eliminate the use of prone~~
 119.22 ~~restraints. The statewide plan includes the following components: measurable goals; the~~
 119.23 ~~resources, training, technical assistance, mental health services, and collaborative efforts~~
 119.24 ~~needed to significantly reduce districts' use of prone restraints; and recommendations~~
 119.25 ~~to clarify and improve the law governing districts' use of restrictive procedures. The~~
 119.26 ~~department must convene commissioner must consult with interested stakeholders to~~
 119.27 ~~develop the statewide plan and identify the need for technical assistance when preparing~~
 119.28 ~~the report, including representatives of advocacy organizations, special education~~
 119.29 ~~directors, intermediate school districts, school boards, day treatment providers, county~~
 119.30 ~~social services, state human services department staff, mental health professionals, and~~
 119.31 ~~autism experts. To assist the department and stakeholders under this paragraph, school~~
 119.32 ~~districts must report summary data to the department by July 1, 2012, on districts' use of~~
 119.33 ~~restrictive procedures during the 2011-2012 school year, including data on the number~~
 119.34 ~~of incidents involving restrictive procedures, the total number of students on which~~
 119.35 ~~restrictive procedures were used, the number of resulting injuries, relevant demographic~~
 119.36 ~~data on the students and school, and other relevant data collected by the district. By June~~
 120.1 ~~30 each year, districts must report summary data on their use of restrictive procedures to~~
 120.2 ~~the department, in a form and manner determined by the commissioner.~~

120.3 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

120.4 (1) engaging in conduct prohibited under section 121A.58;

120.5 (2) requiring a child to assume and maintain a specified physical position, activity,

120.6 or posture that induces physical pain;

120.7 (3) totally or partially restricting a child's senses as punishment;

120.8 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,

120.9 substance, or spray as punishment;

120.10 (5) denying or restricting a child's access to equipment and devices such as walkers,

120.11 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,

120.12 except when temporarily removing the equipment or device is needed to prevent injury

120.13 to the child or others or serious damage to the equipment or device, in which case the

120.14 equipment or device shall be returned to the child as soon as possible;

120.15 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or

120.16 physical abuse under section 626.556;

120.17 (7) withholding regularly scheduled meals or water;

58.12 (b) ~~The department must develop a statewide plan by February 1, 2013, to reduce~~
 58.13 ~~districts' use of restrictive procedures that includes By March 1, 2014, stakeholders must~~
 58.14 ~~recommend to the commissioner specific and measurable implementation and outcome~~
 58.15 ~~goals for reducing the use of restrictive procedures and the commissioner must submit to~~
 58.16 ~~the legislature a report on districts' progress in reducing the use of restrictive procedures~~
 58.17 ~~that recommends how to further reduce these procedures and eliminate the use of prone~~
 58.18 ~~restraints. The statewide plan includes the following components: measurable goals; the~~
 58.19 ~~resources, training, technical assistance, mental health services, and collaborative efforts~~
 58.20 ~~needed to significantly reduce districts' use of prone restraints; and recommendations~~
 58.21 ~~to clarify and improve the law governing districts' use of restrictive procedures. The~~
 58.22 ~~department must convene commissioner must consult with interested stakeholders to~~
 58.23 ~~develop the statewide plan and identify the need for technical assistance when preparing~~
 58.24 ~~the report, including representatives of advocacy organizations, special education~~
 58.25 ~~directors, intermediate school districts, school boards, day treatment providers, county~~
 58.26 ~~social services, state human services department staff, mental health professionals, and~~
 58.27 ~~autism experts. To assist the department and stakeholders under this paragraph, school~~
 58.28 ~~districts must report summary data to the department by July 1, 2012, on districts' use of~~
 58.29 ~~restrictive procedures during the 2011-2012 school year, including data on the number~~
 58.30 ~~of incidents involving restrictive procedures, the total number of students on which~~
 58.31 ~~restrictive procedures were used, the number of resulting injuries, relevant demographic~~
 58.32 ~~data on the students and school, and other relevant data collected by the district. By June~~
 58.33 ~~30 each year, districts must report summary data on their use of restrictive procedures to~~
 58.34 ~~the department, in a form and manner determined by the commissioner.~~

58.35 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

58.36 (1) engaging in conduct prohibited under section 121A.58;

59.1 (2) requiring a child to assume and maintain a specified physical position, activity,

59.2 or posture that induces physical pain;

59.3 (3) totally or partially restricting a child's senses as punishment;

59.4 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,

59.5 substance, or spray as punishment;

59.6 (5) denying or restricting a child's access to equipment and devices such as walkers,

59.7 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,

59.8 except when temporarily removing the equipment or device is needed to prevent injury

59.9 to the child or others or serious damage to the equipment or device, in which case the

59.10 equipment or device shall be returned to the child as soon as possible;

59.11 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or

59.12 physical abuse under section 626.556;

59.13 (7) withholding regularly scheduled meals or water;

120.18 (8) denying access to bathroom facilities; and

120.19 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or

120.20 impairs a child's ability to communicate distress, places pressure or weight on a child's

120.21 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in

120.22 straddling a child's torso.

120.23 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1,

120.24 staff who use restrictive procedures, including highly qualified paraprofessionals, shall

120.25 complete training in the following skills and knowledge areas:

120.26 (1) positive behavioral interventions;

120.27 (2) communicative intent of behaviors;

120.28 (3) relationship building;

120.29 (4) alternatives to restrictive procedures, including techniques to identify events and

120.30 environmental factors that may escalate behavior;

120.31 (5) de-escalation methods;

120.32 (6) standards for using restrictive procedures only in an emergency;

120.33 (7) obtaining emergency medical assistance;

120.34 (8) the physiological and psychological impact of physical holding and seclusion;

120.35 (9) monitoring and responding to a child's physical signs of distress when physical

120.36 holding is being used; ~~and~~

121.1 (10) recognizing the symptoms of and interventions that may cause positional

121.2 asphyxia when physical holding is used;

121.3 (11) district policies and procedures for timely reporting and documenting each

121.4 incident involving use of a restricted procedure; and

121.5 (12) schoolwide programs on positive behavior strategies.

121.6 (b) The commissioner, after consulting with the commissioner of human services,

121.7 must develop and maintain a list of training programs that satisfy the requirements of

121.8 paragraph (a). The commissioner also must develop and maintain a list of experts to

121.9 help individualized education program teams reduce the use of restrictive procedures.

121.10 The district shall maintain records of staff who have been trained and the organization

121.11 or professional that conducted the training. The district may collaborate with children's

121.12 community mental health providers to coordinate trainings.

59.14 (8) denying access to bathroom facilities; and

59.15 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or

59.16 impairs a child's ability to communicate distress, places pressure or weight on a child's

59.17 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in

59.18 straddling a child's torso.

59.19 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1,

59.20 staff who use restrictive procedures shall complete training in the following skills and

59.21 knowledge areas:

59.22 (1) positive behavioral interventions;

59.23 (2) communicative intent of behaviors;

59.24 (3) relationship building;

59.25 (4) alternatives to restrictive procedures, including techniques to identify events and

59.26 environmental factors that may escalate behavior;

59.27 (5) de-escalation methods;

59.28 (6) standards for using restrictive procedures only in an emergency;

59.29 (7) obtaining emergency medical assistance;

59.30 (8) the physiological and psychological impact of physical holding and seclusion;

59.31 (9) monitoring and responding to a child's physical signs of distress when physical

59.32 holding is being used; ~~and~~

59.33 (10) recognizing the symptoms of and interventions that may cause positional

59.34 asphyxia when physical holding is used;

59.35 (11) district policies and procedures for timely reporting and documentation of each

59.36 incident involving use of a restricted procedure; and

60.1 (12) schoolwide programs on positive behavior strategies.

60.2 (b) The commissioner, after consulting with the commissioner of human services,

60.3 must develop and maintain a list of training programs that satisfy the requirements of

60.4 paragraph (a). The commissioner also must develop and maintain a list of experts to

60.5 help individualized education program teams reduce the use of restrictive procedures.

60.6 The district shall maintain records of staff who have been trained and the organization

60.7 or professional that conducted the training. The district may collaborate with children's

60.8 community mental health providers to coordinate trainings.

121.13 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective
 121.14 schoolwide systems of positive behavior interventions and supports. Nothing in this
 121.15 section or section 125A.0941 precludes the use of reasonable force under sections
 121.16 121A.582; 609.06, subdivision 1; and 609.379.

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

121.18 Sec. 5. Minnesota Statutes 2012, section 125A.11, subdivision 1, is amended to read:

121.19 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006;
 121.20 when a school district provides instruction and services outside the district of residence,
 121.21 board and lodging, and any tuition to be paid, shall be paid by the district of residence.
 121.22 The tuition rate to be charged for any child with a disability, excluding a pupil for whom
 121.23 tuition is calculated according to section 127A.47, subdivision 7, paragraph (d), must be
 121.24 the sum of (1) the actual cost of providing special instruction and services to the child
 121.25 including a proportionate amount for special transportation and unreimbursed building
 121.26 lease and debt service costs for facilities used primarily for special education, plus (2)
 121.27 the amount of general education revenue and referendum aid attributable to the pupil,
 121.28 minus (3) the amount of special education aid for children with a disability received
 121.29 on behalf of that child, minus (4) if the pupil receives special instruction and services
 121.30 outside the regular classroom for more than 60 percent of the school day, the amount of
 121.31 general education revenue and referendum aid, excluding portions attributable to district
 121.32 and school administration, district support services, operations and maintenance, capital
 121.33 expenditures, and pupil transportation, attributable to that pupil for the portion of time
 121.34 the pupil receives special instruction and services outside of the regular classroom. If
 121.35 the boards involved do not agree upon the tuition rate, either board may apply to the
 122.1 commissioner to fix the rate. Notwithstanding chapter 14, the commissioner must then set
 122.2 a date for a hearing or request a written statement from each board, giving each board
 122.3 at least ten days' notice, and after the hearing or review of the written statements the
 122.4 commissioner must make an order fixing the tuition rate, which is binding on both school
 122.5 districts. General education revenue and referendum equalization aid attributable to a
 122.6 pupil must be calculated using the resident district's average general education revenue
 122.7 and referendum equalization aid per adjusted pupil unit.

60.9 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective
 60.10 schoolwide systems of positive behavior interventions and supports. Nothing in this
 60.11 section or section 125A.0941 precludes the use of reasonable force under sections
 60.12 121A.582; 609.06, subdivision 1; and 609.379.

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

UEH0630-1

82.24 Sec. 2. Minnesota Statutes 2012, section 125A.11, subdivision 1, is amended to read:

82.25 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006;
 82.26 when a school district provides instruction and services outside the district of residence,
 82.27 board and lodging, and any tuition to be paid, shall be paid by the district of residence.
 82.28 The tuition rate to be charged for any child with a disability, excluding a pupil for whom
 82.29 tuition is calculated according to section 127A.47, subdivision 7, paragraph (d), must be
 82.30 the sum of (1) the actual cost of providing special instruction and services to the child
 82.31 including a proportionate amount for special transportation and unreimbursed building
 82.32 lease and debt service costs for facilities used primarily for special education, plus (2)
 82.33 the amount of general education revenue and referendum aid attributable to the pupil,
 82.34 minus (3) the amount of special education aid for children with a disability received
 83.1 on behalf of that child, minus (4) if the pupil receives special instruction and services
 83.2 outside the regular classroom for more than 60 percent of the school day, the amount of
 83.3 general education revenue and referendum aid, excluding portions attributable to district
 83.4 and school administration, district support services, operations and maintenance, capital
 83.5 expenditures, and pupil transportation, attributable to that pupil for the portion of time
 83.6 the pupil receives special instruction and services outside of the regular classroom. If
 83.7 the boards involved do not agree upon the tuition rate, either board may apply to the
 83.8 commissioner to fix the rate. Notwithstanding chapter 14, the commissioner must then set
 83.9 a date for a hearing or request a written statement from each board, giving each board
 83.10 at least ten days' notice, and after the hearing or review of the written statements the
 83.11 commissioner must make an order fixing the tuition rate, which is binding on both school
 83.12 districts. General education revenue and referendum equalization aid attributable to a
 83.13 pupil must be calculated using the resident district's average general education revenue
 83.14 and referendum equalization aid per adjusted pupil unit.

122.8 ~~(b)~~ (a) For fiscal year ~~2007~~ 2015 and later, when a school district provides special
 122.9 instruction and services for a pupil with a disability as defined in section 125A.02 outside
 122.10 the district of residence, excluding a pupil for whom an adjustment to special education aid
 122.11 is calculated according to section 127A.47, subdivision 7, ~~paragraph (e)~~ paragraphs (f) to
 122.12 (h), special education aid paid to the resident district must be reduced by an amount equal
 122.13 to (1) the actual cost of providing special instruction and services to the pupil, including
 122.14 a proportionate amount for special transportation and unreimbursed building lease and
 122.15 debt service costs for facilities used primarily for special education, plus (2) the amount
 122.16 of general education revenue and referendum equalization aid attributable to that pupil,
 122.17 calculated using the resident district's average general education revenue and referendum
 122.18 equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity
 122.19 revenue and secondary sparsity revenue, minus (3) the amount of special education aid for
 122.20 children with a disability received on behalf of that child, minus (4) if the pupil receives
 122.21 special instruction and services outside the regular classroom for more than 60 percent
 122.22 of the school day, the amount of general education revenue and referendum equalization
 122.23 aid, excluding portions attributable to district and school administration, district support
 122.24 services, operations and maintenance, capital expenditures, and pupil transportation,
 122.25 attributable to that pupil for the portion of time the pupil receives special instruction
 122.26 and services outside of the regular classroom, calculated using the resident district's
 122.27 average general education revenue and referendum equalization aid per adjusted pupil unit
 122.28 excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue
 122.29 and the serving district's basic skills revenue, elementary sparsity revenue and secondary
 122.30 sparsity revenue per adjusted pupil unit. Notwithstanding clauses (1) and (4), for pupils
 122.31 served by a cooperative unit without a fiscal agent school district, the general education
 122.32 revenue and referendum equalization aid attributable to a pupil must be calculated using
 122.33 the resident district's average general education revenue and referendum equalization aid
 122.34 excluding compensatory revenue, elementary sparsity revenue, and secondary sparsity
 122.35 revenue. Special education aid paid to the district or cooperative providing special
 122.36 instruction and services for the pupil must be increased by the amount of the reduction in
 123.1 the aid paid to the resident district. Amounts paid to cooperatives under this subdivision
 123.2 and section 127A.47, subdivision 7, shall be recognized and reported as revenues and
 123.3 expenditures on the resident school district's books of account under sections 123B.75
 123.4 and 123B.76. If the resident district's special education aid is insufficient to make the full
 123.5 adjustment, the remaining adjustment shall be made to other state aid due to the district.

83.15 ~~(b)~~ (a) For fiscal year ~~2007~~ 2015 and later, when a school district provides special
 83.16 instruction and services for a pupil with a disability as defined in section 125A.02 outside
 83.17 the district of residence, excluding a pupil for whom an adjustment to special education
 83.18 aid is calculated according to section 127A.47, subdivision 7, ~~paragraph (e)~~ paragraphs (b)
 83.19 to (d), special education aid paid to the resident district must be reduced by an amount
 83.20 equal to (1) the actual cost of providing special instruction and services to the pupil,
 83.21 including a proportionate amount for special transportation and unreimbursed building
 83.22 lease and debt service costs for facilities used primarily for special education, plus (2)
 83.23 the amount of general education revenue and referendum equalization aid attributable
 83.24 to that pupil, calculated using the resident district's average general education revenue
 83.25 and referendum equalization aid per adjusted pupil unit excluding basic skills revenue,
 83.26 elementary sparsity revenue and secondary sparsity revenue, minus (3) the amount of
 83.27 special education aid for children with a disability under section 125A.76 received on
 83.28 behalf of that child, minus (4) if the pupil receives special instruction and services outside
 83.29 the regular classroom for more than 60 percent of the school day, the amount of general
 83.30 education revenue and referendum equalization aid, excluding portions attributable to
 83.31 district and school administration, district support services, operations and maintenance,
 83.32 capital expenditures, and pupil transportation, attributable to that pupil for the portion of
 83.33 time the pupil receives special instruction and services outside of the regular classroom,
 83.34 calculated using the resident district's average general education revenue and referendum
 83.35 equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity
 83.36 revenue and secondary sparsity revenue and the serving district's basic skills revenue,
 84.1 elementary sparsity revenue and secondary sparsity revenue per adjusted pupil unit.
 84.2 Notwithstanding clauses (1) and (4), for pupils served by a cooperative unit without a
 84.3 fiscal agent school district, the general education revenue and referendum equalization
 84.4 aid attributable to a pupil must be calculated using the resident district's average general
 84.5 education revenue and referendum equalization aid excluding compensatory revenue,
 84.6 elementary sparsity revenue, and secondary sparsity revenue. Special education aid paid
 84.7 to the district or cooperative providing special instruction and services for the pupil
 84.8 must be increased by the amount of the reduction in the aid paid to the resident district.
 84.9 Amounts paid to cooperatives under this subdivision and section 127A.47, subdivision
 84.10 7, shall be recognized and reported as revenues and expenditures on the resident school
 84.11 district's books of account under sections 123B.75 and 123B.76. If the resident district's
 84.12 special education aid is insufficient to make the full adjustment, the remaining adjustment
 84.13 shall be made to other state aid due to the district.

123.6 ~~(e)~~ (b) Notwithstanding ~~paragraphs paragraph (a) and (b)~~ and section 127A.47, 123.7 subdivision 7, paragraphs ~~(d) and (e)~~ (f) to (h), a charter school where more than 30 123.8 percent of enrolled students receive special education and related services, a site approved 123.9 under section 125A.515, an intermediate district, a special education cooperative, or a 123.10 school district that served as the applicant agency for a group of school districts for federal 123.11 special education aids for fiscal year 2006 may apply to the commissioner for authority to 123.12 charge the resident district an additional amount to recover any remaining unreimbursed 123.13 costs of serving pupils with a disability. The application must include a description of the 123.14 costs and the calculations used to determine the unreimbursed portion to be charged to the 123.15 resident district. Amounts approved by the commissioner under this paragraph must be 123.16 included in the ~~tuition billings or aid adjustments under paragraph (a) or (b)~~, or section 123.17 127A.47, subdivision 7, paragraph ~~(d) or (e)~~ (f) or (g), as applicable.

123.18 ~~(d)~~ (c) For purposes of this subdivision and section 127A.47, subdivision 7, 123.19 paragraphs ~~(d) and (e)~~ (f) and (g), "general education revenue and referendum equalization 123.20 aid" means the sum of the general education revenue according to section 126C.10, 123.21 subdivision 1, excluding alternative teacher compensation revenue, plus the referendum 123.22 equalization aid according to section 126C.17, subdivision 7, as adjusted according to 123.23 section 127A.47, subdivision 7, paragraphs (a) to ~~(e)~~ (d).

123.24 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

123.25 Sec. 6. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

123.26 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for 123.27 ~~early childhood special education~~ infant and toddler intervention services under section 123.28 125A.02 and Minnesota Rules.

123.29 Sec. 7. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

84.14 ~~(e)~~ (b) Notwithstanding ~~paragraphs paragraph (a) and (b)~~ and section 127A.47, 84.15 subdivision 7, paragraphs (b) to (d) ~~and (e)~~, a charter school where more than 30 percent 84.16 of enrolled students receive special education and related services, a site approved under 84.17 section 125A.515, an intermediate district, a special education cooperative, or a school 84.18 district that served as the applicant agency for a group of school districts for federal 84.19 special education aids for fiscal year 2006 may apply to the commissioner for authority to 84.20 charge the resident district an additional amount to recover any remaining unreimbursed 84.21 costs of serving pupils with a disability. The application must include a description of the 84.22 costs and the calculations used to determine the unreimbursed portion to be charged to the 84.23 resident district. Amounts approved by the commissioner under this paragraph must be 84.24 included in the tuition billings or aid adjustments under paragraph (a) ~~or (b)~~, or section 84.25 127A.47, subdivision 7, ~~paragraph (d) or (e)~~ paragraphs (b) to (d), as applicable.

84.26 ~~(d)~~ (c) For purposes of this subdivision and section 127A.47, subdivision 7, 84.27 paragraphs (d) and (e), "general education revenue and referendum equalization aid" 84.28 means the sum of the general education revenue according to section 126C.10, subdivision 84.29 1, ~~excluding alternative teacher compensation revenue~~, plus the referendum equalization 84.30 aid according to section 126C.17, subdivision 7, ~~as adjusted according to section 127A.47~~, 84.31 ~~subdivision 7, paragraphs (a) to (e)~~.

84.32 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

S0978-3

60.14 Sec. 4. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

60.15 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for 60.16 ~~early childhood special education~~ infant and toddler intervention services under section 60.17 125A.02 and Minnesota Rules.

60.18 Sec. 5. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

123.30 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means
 123.31 activities developed on an interagency basis with the involvement of interagency early
 123.32 intervention committees and other relevant community groups, including primary referral
 123.33 sources included in Code of Federal Regulations, title 34, section 303.303(c), using
 123.34 rigorous standards to actively seek out, identify, and refer infants and young children,
 124.1 with, or at risk of, disabilities, and their families, including a child to reduce the need for
 124.2 future services. The interagency child find systems must mandate referrals for a child
 124.3 under the age of three who: (1) is involved in the subject of a substantiated case of abuse
 124.4 or neglect, or (2) is identified as directly affected by illegal substance abuse, or withdrawal
 124.5 symptoms resulting from prenatal drug exposure, to reduce the need for future services.
 124.6 The referral procedures must specify that a referral must occur within seven calendar days
 124.7 from the date of identification.

124.8 Sec. 8. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

124.9 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~
 124.10 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal
 124.11 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with
 124.12 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,
 124.13 section 1439(a)(5).

124.14 Sec. 9. Minnesota Statutes 2012, section 125A.28, is amended to read:

124.15 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

124.16 An Interagency Coordinating Council of at least 17, but not more than 25 members
 124.17 is established, in compliance with Public Law 108-446, section 641. The members must
 124.18 be appointed by the governor and reasonably represent the population of Minnesota.
 124.19 Council members must elect the council chair, who may not be a representative of the
 124.20 Department of Education. The representative of the commissioner may not serve as the
 124.21 chair. The council must be composed of at least five parents, including persons of color,
 124.22 of children with disabilities under age 12, including at least three parents of a child
 124.23 with a disability under age seven, five representatives of public or private providers
 124.24 of services for children with disabilities under age five, including a special education
 124.25 director, county social service director, local Head Start director, and a community health
 124.26 services or public health nursing administrator, one member of the senate, one member of
 124.27 the house of representatives, one representative of teacher preparation programs in early
 124.28 childhood-special education or other preparation programs in early childhood intervention,
 124.29 at least one representative of advocacy organizations for children with disabilities under
 124.30 age five, one physician who cares for young children with special health care needs, one
 124.31 representative each from the commissioners of commerce, education, health, human
 124.32 services, a representative from the state agency responsible for child care, foster care,
 124.33 mental health, homeless coordinator of education of homeless children and youth, and a
 125.1 representative from Indian health services or a tribal council. Section 15.059, subdivisions
 125.2 2 to 5, apply to the council. The council must meet at least quarterly.

60.19 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means
 60.20 activities developed on an interagency basis with the involvement of interagency early
 60.21 intervention committees and other relevant community groups, including primary referral
 60.22 sources included in Code of Federal Regulations, title 34, section 303.303(c), using
 60.23 rigorous standards to actively seek out, identify, and refer infants and young children,
 60.24 with, or at risk of, disabilities, and their families, including a child to reduce the need for
 60.25 future services. The child find system must mandate referrals for a child under the age of
 60.26 three who: (1) is involved in the subject of a substantiated case of abuse or neglect, or
 60.27 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
 60.28 resulting from prenatal drug exposure, to reduce the need for future services. The referral
 60.29 procedures must specify that a referral must occur within seven calendar days from the
 60.30 date of identification.

60.31 Sec. 6. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

60.32 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~
 60.33 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal
 61.1 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with
 61.2 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,
 61.3 section 1439(a)(5).

61.4 Sec. 7. Minnesota Statutes 2012, section 125A.28, is amended to read:

61.5 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

61.6 An Interagency Coordinating Council of at least 17, but not more than 25 members
 61.7 is established, in compliance with Public Law 108-446, section 641. The members must
 61.8 be appointed by the governor and reasonably represent the population of Minnesota.
 61.9 Council members must elect the council chair, who may not be a representative of the
 61.10 Department of Education. The representative of the commissioner may not serve as the
 61.11 chair. The council must be composed of at least five parents, including persons of color,
 61.12 of children with disabilities under age 12, including at least three parents of a child
 61.13 with a disability under age seven, five representatives of public or private providers
 61.14 of services for children with disabilities under age five, including a special education
 61.15 director, county social service director, local Head Start director, and a community health
 61.16 services or public health nursing administrator, one member of the senate, one member of
 61.17 the house of representatives, one representative of teacher preparation programs in early
 61.18 childhood-special education or other preparation programs in early childhood intervention,
 61.19 at least one representative of advocacy organizations for children with disabilities under
 61.20 age five, one physician who cares for young children with special health care needs, one
 61.21 representative each from the commissioners of commerce, education, health, human
 61.22 services, a representative from the state agency responsible for child care, foster care,
 61.23 mental health, homeless coordinator of education of homeless children and youth, and a
 61.24 representative from Indian health services or a tribal council. Section 15.059, subdivisions
 61.25 2 to 5, apply to the council. The council must meet at least quarterly.

125.3 The council must address methods of implementing the state policy of developing
 125.4 and implementing comprehensive, coordinated, multidisciplinary interagency programs of
 125.5 early intervention services for children with disabilities and their families.

125.6 The duties of the council include recommending policies to ensure a comprehensive
 125.7 and coordinated system of all state and local agency services for children under age five
 125.8 with disabilities and their families. The policies must address how to incorporate each
 125.9 agency's services into a unified state and local system of multidisciplinary assessment
 125.10 practices, individual intervention plans, comprehensive systems to find children in need of
 125.11 services, methods to improve public awareness, and assistance in determining the role of
 125.12 interagency early intervention committees.

125.13 On the date that Minnesota Part C Annual Performance Report is submitted to the
 125.14 federal Office of Special Education, the council must recommend to the governor and the
 125.15 commissioners of education, health, human services, commerce, and employment and
 125.16 economic development policies for a comprehensive and coordinated system.

125.17 Annually, the council must prepare and submit a report to the governor and the
 125.18 secretary of the federal Department of Education on the status of early intervention
 125.19 services and programs for infants and toddlers with disabilities and their families under
 125.20 the Individuals with Disabilities Education Act, United States Code, title 20, sections
 125.21 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota
 125.22 Part C annual performance report may serve as the report.

125.23 Notwithstanding any other law to the contrary, the State Interagency Coordinating
 125.24 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires
 125.25 the existence of the council or committee.

125.26 Sec. 10. Minnesota Statutes 2012, section 125A.29, is amended to read:

125.27 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 125.28 **BOARDS.**

125.29 (a) It is the joint responsibility of county boards and school boards to coordinate,
 125.30 provide, and pay for appropriate services, and to facilitate payment for services from public
 125.31 and private sources. Appropriate services for children eligible under section 125A.02 must
 125.32 be determined in consultation with parents, physicians, and other educational, medical,
 125.33 health, and human services providers. The services provided must be in conformity with:

125.34 (1) an IFSP for each eligible infant and toddler from birth through age two and
 125.35 the infant's or toddler's family including:

126.1 (i) American Indian infants and toddlers with disabilities and their families residing
 126.2 on a reservation geographically located in the state;

126.3 (ii) infants and toddlers with disabilities who are homeless children and their
 126.4 families; and

126.5 (iii) infants and toddlers with disabilities who are wards of the state; or

61.26 The council must address methods of implementing the state policy of developing
 61.27 and implementing comprehensive, coordinated, multidisciplinary interagency programs of
 61.28 early intervention services for children with disabilities and their families.

61.29 The duties of the council include recommending policies to ensure a comprehensive
 61.30 and coordinated system of all state and local agency services for children under age five
 61.31 with disabilities and their families. The policies must address how to incorporate each
 61.32 agency's services into a unified state and local system of multidisciplinary assessment
 61.33 practices, individual intervention plans, comprehensive systems to find children in need of
 61.34 services, methods to improve public awareness, and assistance in determining the role of
 61.35 interagency early intervention committees.

62.1 On the date that Minnesota Part C Annual Performance Report is submitted to the
 62.2 federal Office of Special Education, the council must recommend to the governor and the
 62.3 commissioners of education, health, human services, commerce, and employment and
 62.4 economic development policies for a comprehensive and coordinated system.

62.5 On an annual basis, the council must prepare and submit an annual report to the
 62.6 governor and the secretary of the federal Department of Education on the status of early
 62.7 intervention services and programs for infants and toddlers with disabilities and their
 62.8 families under the Individuals with Disabilities Education Act, United States Code, title
 62.9 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The
 62.10 Minnesota Part C annual performance report may serve as the report.

62.11 Notwithstanding any other law to the contrary, the State Interagency Coordinating
 62.12 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires
 62.13 the existence of the council or committee.

62.14 Sec. 8. Minnesota Statutes 2012, section 125A.29, is amended to read:

62.15 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 62.16 **BOARDS.**

62.17 (a) It is the joint responsibility of county boards and school boards to coordinate,
 62.18 provide, and pay for appropriate services, and to facilitate payment for services from public
 62.19 and private sources. Appropriate services for children eligible under section 125A.02 must
 62.20 be determined in consultation with parents, physicians, and other educational, medical,
 62.21 health, and human services providers. The services provided must be in conformity with:

62.22 (1) an IFSP for each eligible infant and toddler from birth through age two and
 62.23 the infant's or toddler's family including:

62.24 (i) American Indian infants and toddlers with disabilities and their families residing
 62.25 on a reservation geographically located in the state;

62.26 (ii) infants and toddlers with disabilities who are homeless children and their
 62.27 families; and

62.28 (iii) infants and toddlers with disabilities who are wards of the state; or

126.6 (2) an individualized education program (IEP) or individual service plan (ISP) for
126.7 each eligible child ages three through four.

126.8 (b) Appropriate early intervention services include family education and
126.9 counseling, home visits, occupational and physical therapy, speech pathology, audiology,
126.10 psychological services, special instruction, nursing, respite, nutrition, assistive technology,
126.11 transportation and related costs, social work, vision services, case management services
126.12 provided in conformity with an IFSP that are designed to meet the special developmental
126.13 needs of an eligible child and the needs of the child's family related to enhancing the
126.14 child's development and that are selected in collaboration with the parent. These services
126.15 include core early intervention services and additional early intervention services listed in
126.16 this section and infant and toddler intervention services defined under United States Code,
126.17 title 20, sections 1431 to 1444, and Code of Federal Regulations, title 34, section 303,
126.18 including service coordination under section 125A.33, medical services for diagnostic and
126.19 evaluation purposes, early identification, and screening, assessment, and health services
126.20 necessary to enable children with disabilities to benefit from early intervention services.

126.21 (c) School and county boards shall coordinate early intervention services. In the
126.22 absence of agreements established according to section 125A.39, service responsibilities
126.23 for children birth through age two are as follows:

126.24 (1) school boards must provide, pay for, and facilitate payment for special education
126.25 and related services required under sections 125A.03 and 125A.06;

126.26 (2) county boards must provide, pay for, and facilitate payment for noneducational
126.27 services of social work, psychology, transportation and related costs, nursing, respite, and
126.28 nutrition services not required under clause (1).

126.29 (d) School and county boards may develop an interagency agreement according
126.30 to section 125A.39 to establish agency responsibility that assures early intervention
126.31 services are coordinated, provided, paid for, and that payment is facilitated from public
126.32 and private sources.

126.33 (e) County and school boards must jointly determine the primary agency in this
126.34 cooperative effort and must notify the commissioner of the state lead agency of their
126.35 decision.

127.1 Sec. 11. Minnesota Statutes 2012, section 125A.30, is amended to read:

127.2 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

62.29 (2) an individualized education program (IEP) or individual service plan (ISP) for
62.30 each eligible child ages three through four.

62.31 (b) Appropriate early intervention services include family education and
62.32 counseling, home visits, occupational and physical therapy, speech pathology, audiology,
62.33 psychological services, special instruction, nursing, respite, nutrition, assistive technology,
62.34 transportation and related costs, social work, vision services, case management services
62.35 provided in conformity with an IFSP that are designed to meet the special developmental
63.1 needs of an eligible child and the needs of the child's family related to enhancing the
63.2 child's development and that are selected in collaboration with the parent. These services
63.3 include core early intervention services and additional early intervention services listed in
63.4 this section and infant and toddler intervention services defined under United States Code,
63.5 title 20, sections 1431 to 1444, and Code of Federal Regulations, title 34, section 303,
63.6 including service coordination under section 125A.33, medical services for diagnostic and
63.7 evaluation purposes, early identification, and screening, assessment, and health services
63.8 necessary to enable children with disabilities to benefit from early intervention services.

63.9 (c) School and county boards shall coordinate early intervention services. In the
63.10 absence of agreements established according to section 125A.39, service responsibilities
63.11 for children birth through age two are as follows:

63.12 (1) school boards must provide, pay for, and facilitate payment for special education
63.13 and related services required under sections 125A.03 and 125A.06;

63.14 (2) county boards must provide, pay for, and facilitate payment for noneducational
63.15 services of social work, psychology, transportation and related costs, nursing, respite, and
63.16 nutrition services not required under clause (1).

63.17 (d) School and county boards may develop an interagency agreement according
63.18 to section 125A.39 to establish agency responsibility that assures early intervention
63.19 services are coordinated, provided, paid for, and that payment is facilitated from public
63.20 and private sources.

63.21 (e) County and school boards must jointly determine the primary agency in this
63.22 cooperative effort and must notify the commissioner of the state lead agency of their
63.23 decision.

63.24 Sec. 9. Minnesota Statutes 2012, section 125A.30, is amended to read:

63.25 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

127.3 (a) A school district, group of districts, or special education cooperative, in
 127.4 cooperation with the health and human service agencies located in the county or counties
 127.5 in which the district or cooperative is located, must establish an Interagency Early
 127.6 Intervention Committee for children with disabilities under age five and their families
 127.7 under this section, and for children with disabilities ages three to 22 consistent with
 127.8 the requirements under sections 125A.023 and 125A.027. Committees must include
 127.9 representatives of local health, education, and county human service agencies, county
 127.10 boards, school boards, early childhood family education programs, Head Start, parents of
 127.11 young children with disabilities under age 12, child care resource and referral agencies,
 127.12 school readiness programs, current service providers, and may also include representatives
 127.13 from other private or public agencies and school nurses. The committee must elect a chair
 127.14 from among its members and must meet at least quarterly.

127.15 (b) The committee must develop and implement interagency policies and procedures
 127.16 concerning the following ongoing duties:

127.17 (1) develop public awareness systems designed to inform potential recipient families,
 127.18 especially parents with premature infants, or infants with other physical risk factors
 127.19 associated with learning or development complications, of available programs and
 services;

127.20 (2) to reduce families' need for future services, and especially parents with premature
 127.21 infants, or infants with other physical risk factors associated with learning or development
 127.22 complications, implement interagency child find systems designed to actively seek out,
 127.23 identify, and refer infants and young children with, or at risk of, disabilities, including
 127.24 a child under the age of three who: (i) is ~~involved in the subject of~~ a substantiated case
 127.25 of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or
 127.26 withdrawal symptoms resulting from prenatal drug exposure;

127.27 (3) establish and evaluate the identification, referral, ~~child screening, evaluation,~~
 127.28 child- and family-directed assessment systems, procedural safeguard process,
 127.29 and community learning systems to recommend, where necessary, alterations and
 127.30 improvements;

127.31 (4) assure the development of individualized family service plans for all eligible
 127.32 infants and toddlers with disabilities from birth through age two, and their families,
 127.33 and individualized education programs and individual service plans when necessary to
 127.34 appropriately serve children with disabilities, age three and older, and their families and
 127.35 recommend assignment of financial responsibilities to the appropriate agencies;

128.1 (5) implement a process for assuring that services involve cooperating agencies at all
 128.2 steps leading to individualized programs;

63.26 (a) A school district, group of districts, or special education cooperative, in
 63.27 cooperation with the health and human service agencies located in the county or counties
 63.28 in which the district or cooperative is located, must establish an Interagency Early
 63.29 Intervention Committee for children with disabilities under age five and their families
 63.30 under this section, and for children with disabilities ages three to 22 consistent with
 63.31 the requirements under sections 125A.023 and 125A.027. Committees must include
 63.32 representatives of local health, education, and county human service agencies, county
 63.33 boards, school boards, early childhood family education programs, Head Start, parents of
 63.34 young children with disabilities under age 12, child care resource and referral agencies,
 63.35 school readiness programs, current service providers, and agencies that serve families
 64.1 experiencing homelessness, and may also include representatives from other private or
 64.2 public agencies and school nurses. The committee must elect a chair from among its
 64.3 members and must meet at least quarterly.

64.4 (b) The committee must develop and implement interagency policies and procedures
 64.5 concerning the following ongoing duties:

64.6 (1) develop public awareness systems designed to inform potential recipient families,
 64.7 especially parents with premature infants, or infants with other physical risk factors
 64.8 associated with learning or development complications, of available programs and services;

64.9 (2) to reduce families' need for future services, and especially parents with premature
 64.10 infants, or infants with other physical risk factors associated with learning or development
 64.11 complications, implement interagency child find systems designed to actively seek out,
 64.12 identify, and refer infants and young children with, or at risk of, disabilities, including
 64.13 a child under the age of three who: (i) is ~~involved in the subject of~~ a substantiated case
 64.14 of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or
 64.15 withdrawal symptoms resulting from prenatal drug exposure;

64.16 (3) establish and evaluate the identification, referral, ~~child screening, evaluation,~~
 64.17 child- and family-directed assessment systems, procedural safeguard process,
 64.18 and community learning systems to recommend, where necessary, alterations and
 64.19 improvements;

64.20 (4) assure the development of individualized family service plans for all eligible
 64.21 infants and toddlers with disabilities from birth through age two, and their families,
 64.22 and individualized education programs and individual service plans when necessary to
 64.23 appropriately serve children with disabilities, age three and older, and their families and
 64.24 recommend assignment of financial responsibilities to the appropriate agencies;

64.25 (5) implement a process for assuring that services involve cooperating agencies at all
 64.26 steps leading to individualized programs;

128.3 (6) facilitate the development of a ~~transitional~~ transition plan if a service provider is
 128.4 ~~not recommended to continue to provide services in the individual family service plan by~~
 128.5 ~~the time a child is two years and nine months old;~~

128.6 (7) identify the current services and funding being provided within the community
 128.7 for children with disabilities under age five and their families;

128.8 (8) develop a plan for the allocation and expenditure of ~~additional state and federal~~
 128.9 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,
 128.10 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,
 128.11 Public Law 89-313); and

128.12 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal
 128.13 law to enable a member of an interagency early intervention committee to allow another
 128.14 member access to data classified as not public.

128.15 (c) The local committee shall also:

128.16 ~~(+)~~ participate in needs assessments and program planning activities conducted by
 128.17 local social service, health and education agencies for young children with disabilities
 128.18 and their families; ~~and.~~

128.19 ~~(2) review and comment on the early intervention section of the total special~~
 128.20 ~~education system for the district, the county social service plan, the section or sections of~~
 128.21 ~~the community health services plan that address needs of and service activities targeted~~
 128.22 ~~to children with special health care needs, the section on children with special needs in~~
 128.23 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~
 128.24 ~~services for children with special needs, any relevant portions of early childhood education~~
 128.25 ~~plans, such as early childhood family education or school readiness, or other applicable~~
 128.26 ~~coordinated school and community plans for early childhood programs and services, and~~
 128.27 ~~the section of the maternal and child health special project grants that address needs of and~~
 128.28 ~~service activities targeted to children with chronic illness and disabilities.~~

128.29 Sec. 12. Minnesota Statutes 2012, section 125A.32, is amended to read:
 128.30 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

128.31 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 128.32 include:

128.33 (1) a parent or parents of the child, as defined in Code of Federal Regulations,
 128.34 title 34, section 303.27;

128.35 (2) other family members, as requested by the parent, if feasible to do so;

129.1 (3) an advocate or person outside of the family, if the parent requests that the
 129.2 person participate;

64.27 (6) facilitate the development of a ~~transitional~~ transition plan if a service provider is
 64.28 ~~not recommended to continue to provide services in the individual family service plan by~~
 64.29 ~~the time a child is two years and nine months old;~~

64.30 (7) identify the current services and funding being provided within the community
 64.31 for children with disabilities under age five and their families;

64.32 (8) develop a plan for the allocation and expenditure of ~~additional state and federal~~
 64.33 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,
 64.34 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,
 64.35 Public Law 89-313); and

65.1 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal
 65.2 law to enable a member of an interagency early intervention committee to allow another
 65.3 member access to data classified as not public.

65.4 (c) The local committee shall also:

65.5 ~~(+)~~ participate in needs assessments and program planning activities conducted by
 65.6 local social service, health and education agencies for young children with disabilities
 65.7 and their families; ~~and.~~

65.8 ~~(2) review and comment on the early intervention section of the total special~~
 65.9 ~~education system for the district, the county social service plan, the section or sections of~~
 65.10 ~~the community health services plan that address needs of and service activities targeted~~
 65.11 ~~to children with special health care needs, the section on children with special needs in~~
 65.12 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~
 65.13 ~~services for children with special needs, any relevant portions of early childhood education~~
 65.14 ~~plans, such as early childhood family education or school readiness, or other applicable~~
 65.15 ~~coordinated school and community plans for early childhood programs and services, and~~
 65.16 ~~the section of the maternal and child health special project grants that address needs of and~~
 65.17 ~~service activities targeted to children with chronic illness and disabilities.~~

65.18 Sec. 10. Minnesota Statutes 2012, section 125A.32, is amended to read:
 65.19 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

65.20 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 65.21 include:

65.22 (1) a parent or parents of the child, as defined in Code of Federal Regulations,
 65.23 title 34, section 303.27;

65.24 (2) other family members, as requested by the parent, if feasible to do so;

65.25 (3) an advocate or person outside of the family, if the parent requests that the
 65.26 person participate;

129.3 (4) the service coordinator who has been working with the family since the
 129.4 initial referral, or who has been designated by the public agency to be responsible for
 129.5 implementation of the IFSP and coordination with other agencies including transition
 129.6 services; ~~and~~

129.7 (5) a person or persons involved in conducting evaluations and assessments; and
 129.8 (6) as appropriate, persons who will be providing early intervention services under
 129.9 the plan to the child or family.

129.10 (b) The IFSP must include:

129.11 (1) information about the child's developmental status;

129.12 (2) family information, with the consent of the family;

129.13 (3) measurable results or major outcomes expected to be achieved by the child with
 129.14 the family's assistance, that include developmentally appropriate preliteracy and language
 129.15 skills for the child, and the criteria, procedures, and timelines;

129.16 (4) specific early intervention services based on peer-reviewed research, to the
 129.17 extent practicable, necessary to meet the unique needs of the child and the family to
 129.18 achieve the outcomes;

129.19 (5) payment arrangements, if any;

129.20 (6) medical and other services that the child needs, but that are not required under
 129.21 the Individual with Disabilities Education Act, United States Code, title 20, section 1471
 129.22 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for
 129.23 those services and the steps that will be taken to secure those services through public
 129.24 or private sources;

129.25 (7) dates and duration of early intervention services;

129.26 (8) name of the service coordinator;

129.27 (9) steps to be taken to support a child's transition from ~~early infant and toddler~~
 129.28 intervention services to other appropriate services, including convening a transition
 129.29 conference at least 90 days or, at the discretion of all parties, not more than nine months
 129.30 before the child is eligible for preschool services; and

129.31 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible
 129.32 for providing, paying for, or facilitating payment, or any combination of these, for ~~early~~
 129.33 infant and toddler intervention services.

129.34 Sec. 13. Minnesota Statutes 2012, section 125A.33, is amended to read:
 129.35 **125A.33 SERVICE COORDINATION.**

65.27 (4) the service coordinator who has been working with the family since the
 65.28 initial referral, or who has been designated by the public agency to be responsible for
 65.29 implementation of the IFSP and coordination with other agencies including transition
 65.30 services; ~~and~~

65.31 (5) a person or persons involved in conducting evaluations and assessments; and
 65.32 (6) as appropriate, persons who will be providing early intervention services under
 65.33 the plan to the child or family.

65.34 (b) The IFSP must include:

65.35 (1) information about the child's developmental status;

66.1 (2) family information, with the consent of the family;

66.2 (3) measurable results or major outcomes expected to be achieved by the child with
 66.3 the family's assistance, that include developmentally appropriate preliteracy and language
 66.4 skills for the child, and the criteria, procedures, and timelines;

66.5 (4) specific early intervention services based on peer-reviewed research, to the
 66.6 extent practicable, necessary to meet the unique needs of the child and the family to
 66.7 achieve the outcomes;

66.8 (5) payment arrangements, if any;

66.9 (6) medical and other services that the child needs, but that are not required under
 66.10 the Individual with Disabilities Education Act, United States Code, title 20, section 1471
 66.11 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for
 66.12 those services and the steps that will be taken to secure those services through public
 66.13 or private sources;

66.14 (7) dates and duration of early intervention services;

66.15 (8) name of the service coordinator;

66.16 (9) steps to be taken to support a child's transition from ~~early infant and toddler~~
 66.17 intervention services to other appropriate services, including convening a transition
 66.18 conference at least 90 days or, at the discretion of all parties, not more than nine months
 66.19 before the child is eligible for preschool services; and

66.20 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible
 66.21 for providing, paying for, or facilitating payment, or any combination of these, for ~~early~~
 66.22 infant and toddler intervention services.

66.23 Sec. 11. Minnesota Statutes 2012, section 125A.33, is amended to read:
 66.24 **125A.33 SERVICE COORDINATION.**

130.1 (a) The team responsible for the initial evaluation and the child- and family-directed
 130.2 assessment and for developing the IFSP under section 125A.32, if appropriate, must
 130.3 select a service coordinator to carry out service coordination activities on an interagency
 130.4 basis. Service coordination must actively promote a family's capacity and competency
 130.5 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the
 130.6 family's needs. Service coordination activities include:

130.7 (1) coordinating the performance of evaluations and assessments;

130.8 (2) facilitating and participating in the development, review, and evaluation of
 130.9 individualized family service plans;

130.10 (3) assisting families in identifying available service providers;

130.11 (4) coordinating and monitoring the delivery of available services;

130.12 (5) informing families of the availability of advocacy services;

130.13 (6) coordinating with medical, health, and other service providers;

130.14 (7) facilitating the development of a transition plan to preschool, school, or if
 130.15 appropriate, to other services, at least 90 days before the time the child is no longer
 130.16 eligible for early infant and toddler intervention services or, at the discretion of all parties,
 130.17 not more than nine months prior to the child's eligibility for preschool services third
 130.18 birthday, if appropriate;

130.19 (8) managing the early intervention record and submitting additional information to
 130.20 the local primary agency at the time of periodic review and annual evaluations; and

130.21 (9) notifying a local primary agency when disputes between agencies impact service
 130.22 delivery required by an IFSP.

130.23 (b) A service coordinator must be knowledgeable about children and families
 130.24 receiving services under this section, requirements of state and federal law, and services
 130.25 available in the interagency early childhood intervention system. The IFSP must include
 130.26 the name of the services coordinator from the profession most relevant to the child's or
 130.27 family's needs or who is otherwise qualified to carry out all applicable responsibilities
 130.28 under the Individuals with Disabilities Education Act, United States Code, title 20,
 130.29 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for
 130.30 implementing the early intervention services identified in the child's IFSP, including
 130.31 transition services and coordination with other agencies and persons.

130.32 Sec. 14. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

66.25 (a) The team responsible for the initial evaluation and the child- and family-directed
 66.26 assessment and for developing the IFSP under section 125A.32, if appropriate, must
 66.27 select a service coordinator to carry out service coordination activities on an interagency
 66.28 basis. Service coordination must actively promote a family's capacity and competency
 66.29 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the
 66.30 family's needs. Service coordination activities include:

66.31 (1) coordinating the performance of evaluations and assessments;

66.32 (2) facilitating and participating in the development, review, and evaluation of
 66.33 individualized family service plans;

66.34 (3) assisting families in identifying available service providers;

66.35 (4) coordinating and monitoring the delivery of available services;

67.1 (5) informing families of the availability of advocacy services;

67.2 (6) coordinating with medical, health, and other service providers;

67.3 (7) facilitating the development of a transition plan to preschool, school, or if
 67.4 appropriate, to other services, at least 90 days before the time the child is no longer
 67.5 eligible for early infant and toddler intervention services or, at the discretion of all parties,
 67.6 not more than nine months prior to the child's eligibility for preschool services third
 67.7 birthday, if appropriate;

67.8 (8) managing the early intervention record and submitting additional information to
 67.9 the local primary agency at the time of periodic review and annual evaluations; and

67.10 (9) notifying a local primary agency when disputes between agencies impact service
 67.11 delivery required by an IFSP.

67.12 (b) A service coordinator must be knowledgeable about children and families
 67.13 receiving services under this section, requirements of state and federal law, and services
 67.14 available in the interagency early childhood intervention system. The IFSP must include
 67.15 the name of the services coordinator from the profession most relevant to the child's or
 67.16 family's needs or who is otherwise qualified to carry out all applicable responsibilities
 67.17 under the Individuals with Disabilities Education Act, United States Code, title 20,
 67.18 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for
 67.19 implementing the early intervention services identified in the child's IFSP, including
 67.20 transition services, and coordination with other agencies and persons.

67.21 Sec. 12. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

130.33 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must
 130.34 administer the early intervention account that consists of federal allocations. The Part C
 130.35 state plan must state the amount of federal resources in the early intervention account
 131.1 available for use by local agencies. The state lead agency must distribute the funds to the
 131.2 local primary agency designated by an Interagency Early Intervention Committee based
 131.3 on a formula that includes a December 1 count of the prior year of Part C eligible children
 131.4 for the following purposes:

131.5 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to
 131.6 arrange for payment for early intervention services not elsewhere available, or to pay for
 131.7 services during the pendency of a conflict procedure, including mediation, complaints, due
 131.8 process hearings, and interagency disputes; and

131.9 (2) to support interagency child find system activities.

131.10 Sec. 15. Minnesota Statutes 2012, section 125A.36, is amended to read:

131.11 **125A.36 PAYMENT FOR SERVICES.**

131.12 Core early intervention services must be provided at public expense with no cost to
 131.13 parents. Parents must be requested to assist in the cost of additional early intervention
 131.14 services by using third-party payment sources ~~and applying for available resources.~~
 131.15 Payment structures permitted under state law must be used to pay for additional early
 131.16 intervention services. Parental financial responsibility must be clearly defined in the
 131.17 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early
 131.18 intervention services.

131.19 Sec. 16. Minnesota Statutes 2012, section 125A.43, is amended to read:

131.20 **125A.43 MEDIATION PROCEDURE.**

131.21 (a) The commissioner, or the commissioner's designee, of the state lead agency must
 131.22 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

131.23 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph
 131.24 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be
 131.25 voluntary on the part of the parties. The parent and the public agencies must complete the
 131.26 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~
 131.27 Department of Education receives a parent's written request for mediation ~~unless the~~
 131.28 district declines mediation. The mediation process may not be used to delay a parent's
 131.29 right to a due process hearing. ~~The resolution of the written, signed mediation agreement~~
 131.30 ~~is not binding on any party both parties and is enforceable in any state court of competent~~
 131.31 jurisdiction or in a district court of the United States.

131.32 (c) Resolution of a dispute through mediation, or other form of alternative dispute
 131.33 resolution, is not limited to formal disputes arising from the objection of a parent or
 131.34 guardian and is not limited to the period following a request for a due process hearing.

67.22 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must
 67.23 administer the early intervention account that consists of federal allocations. The Part C
 67.24 state plan must state the amount of federal resources in the early intervention account
 67.25 available for use by local agencies. The state lead agency must distribute the funds to the
 67.26 local primary agency designated by an Interagency Early Intervention Committee based
 67.27 on a formula that includes a December 1 count of the prior year of Part C eligible children
 67.28 for the following purposes:

67.29 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to
 67.30 arrange for payment for early intervention services not elsewhere available, or to pay for
 67.31 services during the pendency of a conflict procedure, including mediation, complaints, due
 67.32 process hearings, and interagency disputes; and

67.33 (2) to support interagency child find system activities.

68.1 Sec. 13. Minnesota Statutes 2012, section 125A.36, is amended to read:

68.2 **125A.36 PAYMENT FOR SERVICES.**

68.3 Core early intervention services must be provided at public expense with no cost to
 68.4 parents. Parents must be requested to assist in the cost of additional early intervention
 68.5 services by using third-party payment sources ~~and applying for available resources.~~
 68.6 Payment structures permitted under state law must be used to pay for additional early
 68.7 intervention services. Parental financial responsibility must be clearly defined in the
 68.8 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early
 68.9 intervention services.

68.10 Sec. 14. Minnesota Statutes 2012, section 125A.43, is amended to read:

68.11 **125A.43 MEDIATION PROCEDURE.**

68.12 (a) The commissioner, or the commissioner's designee, of the state lead agency must
 68.13 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

68.14 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph
 68.15 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be
 68.16 voluntary on the part of the parties. The parent and the public agencies must complete the
 68.17 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~
 68.18 Department of Education receives a parent's written request for mediation ~~unless a district~~
 68.19 declines mediation. The mediation process may not be used to delay a parent's right
 68.20 to a due process hearing. ~~The resolution of the written, signed mediation agreement is~~
 68.21 ~~not binding on any party both parties and is enforceable in any state court of competent~~
 68.22 jurisdiction or in a district court of the United States.

68.23 (c) Resolution of a dispute through mediation, or other form of alternative dispute
 68.24 resolution, is not limited to formal disputes arising from the objection of a parent or
 68.25 guardian and is not limited to the period following a request for a due process hearing.

132.1 (d) The commissioner shall provide training and resources to school districts to
 132.2 facilitate early identification of disputes and access to mediation.

132.3 (e) The local primary agency may request mediation on behalf of involved agencies
 132.4 when there are disputes between agencies regarding responsibilities to coordinate, provide,
 132.5 pay for, or facilitate payment for early intervention services.

132.6 Sec. 17. Minnesota Statutes 2012, section 125A.76, subdivision 1, is amended to read:

132.7 Subdivision 1. **Definitions.** (a) For the purposes of this section and section 125A.79,
 132.8 the definitions in this subdivision apply.

132.9 (a) ~~"Basic revenue" has the meaning given it in section 126C.10, subdivision 2.~~
 132.10 ~~For the purposes of computing basic revenue pursuant to this section, each child with a~~
 132.11 ~~disability shall be counted as prescribed in section 126C.05, subdivision 1.~~

132.12 (b) ~~"Essential personnel" means teachers, cultural liaisons, related services, and~~
 132.13 ~~support services staff providing services to students. Essential personnel may also include~~
 132.14 ~~special education paraprofessionals or clericals providing support to teachers and students~~
 132.15 ~~by preparing paperwork and making arrangements related to special education compliance~~
 132.16 ~~requirements, including parent meetings and individualized education programs. Essential~~
 132.17 ~~personnel does not include administrators and supervisors.~~

132.18 (e) ~~"Average daily membership" has the meaning given it in section 126C.05.~~

132.19 (d) (b) "Program growth factor" means 1.046 for fiscal year 2012 through 2015,
 132.20 1.0 for fiscal year 2016, and the product of 1.025 and the program growth factor for the
 132.21 previous year for 2017 and later.

132.22 (c) "Nonfederal special education expenditure" means all direct expenditures that
 132.23 are necessary and essential to meet the district's obligation to provide special instruction
 132.24 and services to children with a disability according to sections 124D.454, 125A.03 to
 132.25 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by
 132.26 the department under section 125A.75, subdivision 4, excluding expenditures:

132.27 (1) reimbursed with federal funds;

132.28 (2) reimbursed with other state aids under this chapter;

132.29 (3) for general education costs of serving students with a disability;

132.30 (4) for facilities;

132.31 (5) for pupil transportation; and

132.32 (6) for postemployment benefits.

132.33 (d) "Old formula special education expenditures" means expenditures eligible for
 132.34 revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

68.26 (d) The commissioner shall provide training and resources to school districts to
 68.27 facilitate early identification of disputes and access to mediation.

68.28 (e) The local primary agency may request mediation on behalf of involved agencies
 68.29 when there are disputes between agencies regarding responsibilities to coordinate, provide,
 68.30 pay for, or facilitate payment for early intervention services.

133.1 For the Minnesota State Academy for the Deaf and the Minnesota State Academy for the
133.2 Blind, expenditures are limited to the salary and fringe benefits of one-to-one instructional
133.3 and behavior management aides assigned to a child attending the academy, if the aides are
133.4 required by the child's individualized education program.

133.5 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

133.6 Sec. 18. Minnesota Statutes 2012, section 125A.76, is amended by adding a
133.7 subdivision to read:

133.8 Subd. 2a. **Special education initial aid.** For fiscal year 2016 and later, a district's
133.9 special education initial aid equals the sum of:

133.10 (1) the lesser of 56 percent of the district's old formula special education
133.11 expenditures for the prior fiscal year, 48 percent of the district's nonfederal special
133.12 education expenditures for the prior year, or 50 percent of the product of the sum of the
133.13 following amounts, computed using prior fiscal year data, and the program growth factor:

133.14 (i) the product of the district's average daily membership served and the sum of:

133.15 (A) \$438; plus

133.16 (B) \$360 times the ratio of the sum of the number of pupils enrolled on October 1
133.17 who are eligible to receive free lunch plus one-half of the pupils enrolled on October 1
133.18 who are eligible to receive reduced-price lunch to the total October 1 enrollment; plus

133.19 (C) .007 times the district's average daily membership served; plus

133.20 (ii) \$10,400 times the December 1 child count for the primary disability areas of
133.21 autism spectrum disorders, developmental delay, and severely multiply impaired; plus

133.22 (iii) \$18,000 times the December 1 child count for the primary disability areas of
133.23 deaf and hard-of-hearing and emotional or behavioral disorders; plus

133.24 (iv) \$27,000 times the December 1 child count for the primary disability areas of
133.25 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,
133.26 physically impaired, visually impaired, and deafblind; plus

133.27 (2) the cost of providing transportation services for children with disabilities under
133.28 section 123B.92, subdivision 1, paragraph (b), clause (4).

133.29 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

133.30 Sec. 19. Minnesota Statutes 2012, section 125A.76, is amended by adding a
133.31 subdivision to read:

- 134.1 Subd. 2b. **Special education aid.** (a) For fiscal year 2016 and later, a district's
- 134.2 special education aid equals the sum of the district's special education initial aid under
- 134.3 subdivision 2a and the district's excess cost aid under section 125A.79, subdivision 5.
- 134.4 (b) Notwithstanding paragraph (a), the special education aid for a school district, not
- 134.5 including a charter school, must not be less than the lesser of (1) the district's nonfederal
- 134.6 special education expenditures for that fiscal year or (2) the product of the sum of the
- 134.7 special education aid the district would have received for fiscal year 2016 under Minnesota
- 134.8 Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to sections 125A.11
- 134.9 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the
- 134.10 current fiscal year to the district's average daily membership for fiscal year 2016, and the
- 134.11 program growth factor.
- 134.12 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.
- 134.13 Sec. 20. Minnesota Statutes 2012, section 125A.76, is amended by adding a
- 134.14 subdivision to read:
- 134.15 Subd. 2c. **Statewide average expenditure.** By January 15 of each year, the
- 134.16 department must calculate the statewide average special education expenditure per
- 134.17 December 1 child count for the prior fiscal year by primary disability area and provide that
- 134.18 information to all districts. By January 15 of each odd-numbered year, the commissioner
- 134.19 must identify options for aligning the assignment of disability areas to the categories and
- 134.20 the rates for each category in subdivision 2a, clause (1), with the latest expenditure data and
- 134.21 submit these options to the legislative committees with jurisdiction over education finance.
- 134.22 **EFFECTIVE DATE.** This section is effective July 1, 2015.

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- 84.33 Sec. 3. Minnesota Statutes 2012, section 125A.76, subdivision 4, is amended to read:
- 84.34 Subd. 4. **State total special education aid.** The state total special education aid
- 84.35 equals \$529,247,000 for fiscal year 2007, \$694,063,000 for fiscal year 2008, \$719,470,000
- 85.1 for fiscal year 2009, \$735,693,000 for fiscal year 2010, and \$786,586,000 for fiscal year
- 85.2 ~~2011~~ \$869,357,000 for fiscal year 2013, \$916,575,000 for fiscal year 2014, \$976,895,000
- 85.3 for fiscal year 2015, \$1,037,655,000 for fiscal year 2016, and \$1,100,577,000 for fiscal
- 85.4 year 2017. The state total special education aid for later fiscal years equals:
- 85.5 (1) the state total special education aid for the preceding fiscal year; times
- 85.6 (2) the program growth factor; times

85.7 (3) the greater of one, or the ratio of the state total average daily membership for the
85.8 current fiscal year to the state total average daily membership for the preceding fiscal year.

134.23 Sec. 21. Minnesota Statutes 2012, section 125A.76, subdivision 4a, is amended to read:

134.24 Subd. 4a. **Adjustments for tuition reciprocity with adjoining states.** (a) If an
134.25 agreement is reached between the state of Minnesota and an adjoining state pursuant to
134.26 section 124D.041 that requires a special education tuition payment from the state of
134.27 Minnesota to the adjoining state, the tuition payment shall be made from the special
134.28 education aid appropriation for that year, ~~and the state total special education aid under~~
134.29 ~~subdivision 4 shall be reduced by the amount of the payment.~~

134.30 ~~(b) If an agreement is reached between the state of Minnesota and an adjoining state~~
134.31 ~~pursuant to section 124D.041 that requires a special education tuition payment from~~
134.32 ~~an adjoining state to the state of Minnesota, the special education aid appropriation for~~
135.1 ~~that year and the state total special education aid under subdivision 4 shall be increased~~
135.2 ~~by the amount of the payment.~~

135.3 ~~(e)~~ (b) If an agreement is reached between the state of Minnesota and an adjoining
135.4 state pursuant to section 124D.041 that requires special education tuition payments to
135.5 be made between the two states and not between districts in the two states, the special
135.6 education aid for a Minnesota school district serving a student with a disability from the
135.7 adjoining state shall be calculated according to section 127A.47, subdivision 7, except that
135.8 no reduction shall be made in the special education aid paid to the resident district.

135.9 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

135.10 Sec. 22. Minnesota Statutes 2012, section 125A.76, subdivision 8, is amended to read:

135.11 Subd. 8. **Special education forecast maintenance of effort.** (a) If, on the basis of
135.12 a forecast of general fund revenues and expenditures under section 16A.103, the state's
135.13 expenditures for special education and related services for children with disabilities from
135.14 nonfederal sources for a fiscal year, including special education aid under ~~section 125A.76;~~
135.15 ~~special education excess cost aid under section 125A.76, subdivision 7~~ subdivision 2b;
135.16 travel for home-based services under section 125A.75, subdivision 1; aid for students with
135.17 disabilities under section 125A.75, subdivision 3; court-placed special education under
135.18 section 125A.79, subdivision 4; out-of-state tuition under section 125A.79, subdivision 8;
135.19 and direct expenditures by state agencies are projected to be less than the amount required
135.20 to meet federal special education maintenance of effort, the reimbursement percentages
135.21 for excess cost aid under section 125A.79, subdivision 5, must be increased as required to
135.22 ensure that the additional amount required to meet federal special education maintenance of
135.23 effort is added to the state total special education aid in ~~section 125A.76, subdivision 4~~ 2b.

135.24 (b) If, on the basis of a forecast of general fund revenues and expenditures under
 135.25 section 16A.103, expenditures in the programs in paragraph (a) are projected to be greater
 135.26 than previously forecast for an enacted budget, and an addition to state total special
 135.27 education aid has been made under paragraph (a), the state total special education aid
 135.28 must be reduced by the lesser of the amount of the expenditure increase or the amount
 135.29 previously added to state total special education aid in ~~section 125A.76~~, subdivision 4 2b.

135.30 (c) For the purpose of this section, "previously forecast for an enacted budget" means
 135.31 the allocation of funding for these programs in the most recent forecast of general fund
 135.32 revenues and expenditures or the act appropriating money for these programs, whichever
 135.33 occurred most recently. It does not include planning estimates for a future biennium.

135.34 (d) If the amount of special education aid is adjusted in accordance with this
 135.35 subdivision, the commissioner of education shall notify the chairs of the legislative
 136.1 committees having jurisdiction over kindergarten through grade 12 education regarding
 136.2 the amount of the adjustment and provide an explanation of the federal maintenance of
 136.3 effort requirements.

136.4 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

136.5 Sec. 23. Minnesota Statutes 2012, section 125A.78, subdivision 2, is amended to read:

136.6 Subd. 2. **Initial aid adjustment.** For the fiscal year after approval of a district's
 136.7 application, and thereafter, the special education ~~initial aid~~ under section 125A.76;
 136.8 ~~subdivision 1~~; must be computed based on activities defined as reimbursable under
 136.9 Department of Education rules for special education and nonspecial education students,
 136.10 and additional activities as detailed and approved by the commissioner.

136.11 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

136.12 Sec. 24. Minnesota Statutes 2012, section 125A.79, subdivision 1, is amended to read:

136.13 Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this
 136.14 subdivision apply.

136.15 (a) "Unreimbursed ~~old formula special education cost~~ expenditures" means ~~the~~
 136.16 sum of the following:

136.17 (1) ~~old formula special education expenditures for teachers' salaries, contracted~~
 136.18 ~~services, supplies, equipment, and transportation services eligible for revenue under~~
 136.19 ~~section 125A.76 for the prior fiscal year; plus minus~~

136.20 (2) ~~expenditures for tuition bills received under sections 125A.03 to 125A.24 and~~
 136.21 ~~125A.65 for services eligible for revenue under section 125A.76, subdivision 2; minus~~

85.9 Sec. 4. Minnesota Statutes 2012, section 125A.79, subdivision 1, is amended to read:

85.10 Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this
 85.11 subdivision apply.

85.12 (a) "Unreimbursed special education cost" means the sum of the following:

85.13 (1) expenditures for teachers' salaries, contracted services, supplies, equipment, and
 85.14 transportation services eligible for revenue under section 125A.76; plus

85.15 (2) expenditures for tuition bills received under sections 125A.03 to 125A.24 and
 85.16 125A.65 for services eligible for revenue under section 125A.76, subdivision 2; minus

136.22 ~~(3) revenue for teachers' salaries, contracted services, supplies, equipment, and~~
 136.23 ~~transportation services special education initial aid under section 125A.76; minus,~~
 136.24 ~~subdivision 2a; minus~~

136.25 (3) the amount of general education revenue and referendum equalization aid for the
 136.26 prior fiscal year attributable to pupils receiving special instruction and services outside the
 136.27 regular classroom for more than 60 percent of the school day for the portion of time the
 136.28 pupils receive special instruction and services outside the regular classroom, excluding
 136.29 portions attributable to district and school administration, district support services,
 136.30 operations and maintenance, capital expenditures, and pupil transportation.

136.31 (4) tuition receipts under sections 125A.03 to 125A.24 and 125A.65 for services
 136.32 eligible for revenue under section 125A.76, subdivision 2.

136.33 (b) "Unreimbursed nonfederal special education expenditures" means:

137.1 (1) nonfederal special education expenditures for the prior fiscal year; minus

137.2 (2) special education initial aid under section 125A.76, subdivision 2a; minus

137.3 (3) the amount of general education revenue and referendum equalization aid for the
 137.4 prior fiscal year attributable to pupils receiving special instruction and services outside the
 137.5 regular classroom for more than 60 percent of the school day for the portion of time the
 137.6 pupils receive special instruction and services outside of the regular classroom, excluding
 137.7 portions attributable to district and school administration, district support services,
 137.8 operations and maintenance, capital expenditures, and pupil transportation.

137.9 (c) "General revenue" for a school district means the sum of the general education
 137.10 revenue according to section 126C.10, subdivision 1, excluding alternative teacher
 137.11 compensation revenue, minus transportation sparsity revenue minus total operating
 137.12 capital revenue. "General revenue" for a charter school means the sum of the general
 137.13 education revenue according to section 124D.11, subdivision 1, and transportation revenue
 137.14 according to section 124D.11, subdivision 2, excluding alternative teacher compensation
 137.15 revenue, minus referendum equalization aid minus transportation sparsity revenue minus
 137.16 operating capital revenue.

137.17 (e) "Average daily membership" has the meaning given it in section 126C.05.

137.18 (d) "Program growth factor" means 1.02 for fiscal year 2012 and later.

137.19 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

137.20 Sec. 25. Minnesota Statutes 2012, section 125A.79, subdivision 5, is amended to read:

137.21 Subd. 5. **Initial excess cost aid.** For fiscal years ~~2008~~ 2016 and later, a district's

137.22 initial excess cost aid equals the greater of:

85.17 (3) revenue for teachers' salaries, contracted services, supplies, equipment, and
 85.18 transportation services under section 125A.76; minus

85.19 (4) tuition receipts under sections 125A.03 to 125A.24 and 125A.65 for services
 85.20 eligible for revenue under section 125A.76, subdivision 2.

85.21 (b) "General revenue" for a school district means the sum of the general education
 85.22 revenue according to section 126C.10, subdivision 1, ~~excluding alternative teacher~~
 85.23 ~~compensation revenue~~, minus transportation sparsity revenue minus total operating
 85.24 capital revenue. "General revenue" for a charter school means the sum of the general
 85.25 education revenue according to section 124D.11, subdivision 1, and transportation revenue
 85.26 according to section 124D.11, subdivision 2, ~~excluding alternative teacher compensation~~
 85.27 ~~revenue~~, minus referendum equalization aid minus transportation sparsity revenue minus
 85.28 operating capital revenue.

85.29 (c) "Average daily membership" has the meaning given it in section 126C.05.

85.30 (d) "Program growth factor" means 1.02 for fiscal year 2012 and later.

85.31 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

137.23 (1) ~~75~~ 50 percent of the difference between (i) the district's unreimbursed nonfederal
 137.24 special education cost expenditures and (ii) ~~4.36~~ 6.0 percent of the district's general
 137.25 revenue; or

137.26 (2) 60 percent of the difference between (i) the district's unreimbursed old formula
 137.27 special education expenditures and (ii) 3.0 percent of the district's general revenue; or

137.28 ~~(2)~~ (3) zero.

137.29 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

85.32 Sec. 5. Minnesota Statutes 2012, section 125A.79, subdivision 8, is amended to read:

85.33 Subd. 8. **Out-of-state tuition.** For children who are residents of the state, receive
 85.34 services under section 125A.76, subdivisions 1 and 2, and are placed in a care and
 86.1 treatment facility by court action in a state that does not have a reciprocity agreement with
 86.2 the commissioner under section 125A.155, the resident school district shall submit the
 86.3 balance of the tuition bills, minus the general education revenue, excluding basic skills
 86.4 revenue and ~~alternative teacher compensation revenue~~, and referendum equalization aid
 86.5 attributable to the pupil, calculated using the resident district's average general education
 86.6 revenue and referendum equalization aid per adjusted pupil unit minus the special
 86.7 education contracted services initial revenue attributable to the pupil.

86.8 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

137.30 Sec. 26. **SPECIAL EDUCATION CASE LOADS TASK FORCE.**

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

138.3 Subd. 2. **Duties.** The special education case loads task force shall develop
 138.4 recommendations for the appropriate numbers of students with disabilities that may be
 138.5 assigned to a teacher both with and without paraprofessional support in the classroom and
 138.6 for cost-effective and efficient strategies and structures for improving student outcomes.
 138.7 The task force also must identify the special education requirements in state statute and
 138.8 rule that exceed federal requirements for special education and analyze the educational
 138.9 benefits and the cost of those requirements.

138.10 Subd. 3. **Report.** The task force must submit a report by February 15, 2014, to the
 138.11 education policy and finance committees of the legislature: recommending appropriate
 138.12 case loads for teachers of school-age children in all federal settings, including educational
 138.13 service alternatives; and analyzing the educational benefits and costs of the state special
 138.14 education statutes and rules that exceed federal requirements, and for early childhood
 138.15 special education and program alternatives.
 138.16 Subd. 4. **Expiration.** The task force expires February 16, 2014.

138.17 Sec. 27. **RULEMAKING AUTHORITY.**

138.18 The commissioner of education shall use the expedited rulemaking process in
 138.19 Minnesota Statutes, section 14.389, to amend Minnesota Rules related to providing
 138.20 special education under Part C of the Individuals with Disabilities Education Act. The
 138.21 commissioner shall amend the rules to conform to new federal regulations in Code
 138.22 of Federal Regulations, title 34, part 303, including definitions of and procedures for
 138.23 evaluation and assessment, including assessment of the child and family, initial evaluation
 138.24 and assessment, the use of native language, the use of informed clinical opinion as an
 138.25 independent basis to establish eligibility, and transition of a toddler from Part C consistent
 138.26 with Code of Federal Regulations, title 34, sections 303.24, 303.25, and 303.321, only
 138.27 to the extent necessary to avoid loss of federal funds. The authority to use the expedited
 138.28 process to amend rules specified in this section expires July 1, 2014. Rule amendments
 138.29 adopted under the expedited process before that date remain in effect unless further
 138.30 amended under the rulemaking procedures in Minnesota Statutes, chapter 14.

138.31 Sec. 28. **APPROPRIATIONS.**

138.32 Subdivision 1. **Department of Education.** The sums indicated in this section are
 138.33 appropriated from the general fund to the Department of Education for the fiscal years
 138.34 designated.

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68.31 Sec. 15. **RULEMAKING AUTHORITY.**

68.32 The commissioner of education shall amend Minnesota Rules related to the
 68.33 provision of special education under Part C of the Individuals with Disabilities Education
 68.34 Act using the expedited rulemaking process in Minnesota Statutes, section 14.389. The
 69.1 commissioner shall amend rules in response to new federal regulations in Code of
 69.2 Federal Regulations, title 34, part 303, including definitions of and procedures related to
 69.3 evaluation and assessment, including assessment of the child and family, initial evaluation
 69.4 and assessment, native language, the use of informed clinical opinion as an independent
 69.5 basis to establish eligibility, and transition of a toddler from Part C consistent with Code
 69.6 of Federal Regulations, title 34, sections 303.24, 303.25, and 303.321.

69.7 Sec. 16. **REPORT ON HOMELESS CHILDREN SERVED.**

69.8 The commissioner of education must collect statistics on the number of homeless
 69.9 children who have received Part C services and must annually report those results to
 69.10 the legislature by July 1.

69.11 **EFFECTIVE DATE.** This section is effective July 1, 2013.

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86.9 Sec. 6. **APPROPRIATIONS.**

86.10 Subdivision 1. **Department of Education.** The sums indicated in this section are
 86.11 appropriated from the general fund to the Department of Education for the fiscal years
 86.12 designated.

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139.1 Subd. 2. **Special education; regular.** For special education aid under Minnesota
 139.2 Statutes, section 125A.75:

139.3 \$ 910,153,000 2014

139.4 \$ 959,018,000 2015

139.5 The 2014 appropriation includes \$118,232,000 for 2013 and \$791,921,000 for 2014.

139.6 The 2015 appropriation includes \$124,654,000 for 2014 and \$834,364,000 for 2015.

139.7 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes,
 139.8 section 125A.75, subdivision 3, for children with disabilities placed in residential facilities
 139.9 within the district boundaries for whom no district of residence can be determined:

139.10 \$ 1,655,000 2014

139.11 \$ 1,752,000 2015

139.12 If the appropriation for either year is insufficient, the appropriation for the other
 139.13 year is available.

139.14 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based
 139.15 services under Minnesota Statutes, section 125A.75, subdivision 1:

139.16 \$ 345,000 2014

139.17 \$ 355,000 2015

139.18 The 2014 appropriation includes \$45,000 for 2013 and \$300,000 for 2014.

139.19 The 2015 appropriation includes \$47,000 for 2014 and \$308,000 for 2015.

139.20 Subd. 5. **Special education; excess costs.** For excess cost aid under Minnesota
 139.21 Statutes, section 125A.79, subdivision 7:

86.13 Subd. 2. **Special education; regular.** For special education aid under Minnesota
 86.14 Statutes, section 125A.75:

86.15 \$ 901,904,000 2014

86.16 \$ 968,149,000 2015

86.17 The 2014 appropriation includes \$118,232,000 for 2013 and \$783,672,000 for 2014.

86.18 The 2015 appropriation includes \$132,903,000 for 2014 and \$835,246,000 for 2015.

86.19 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes,
 86.20 section 125A.75, subdivision 3, for children with disabilities placed in residential facilities
 86.21 within the district boundaries for whom no district of residence can be determined:

86.22 \$ 1,655,000 2014

86.23 \$ 1,752,000 2015

86.24 If the appropriation for either year is insufficient, the appropriation for the other
 86.25 year is available.

86.26 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based
 86.27 services under Minnesota Statutes, section 125A.75, subdivision 1:

86.28 \$ 342,000 2014

86.29 \$ 355,000 2015

86.30 The 2014 appropriation includes \$45,000 for 2013 and \$297,000 for 2014.

86.31 The 2015 appropriation includes \$50,000 for 2014 and \$305,000 for 2015.

87.1 Subd. 5. **Special education; excess costs.** For excess cost aid under Minnesota
 87.2 Statutes, section 125A.79, subdivision 7:

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139.22 \$ 118,639,000 2014

139.23 \$ 121,919,000 2015

139.24 The 2014 appropriation includes \$42,030,000 for 2013 and \$76,609,000 for 2014.

139.25 The 2015 appropriation includes \$43,211,000 for 2014 and \$78,708,000 for 2015.

139.26 Subd. 6. **Court-placed special education revenue.** For reimbursing serving school

139.27 districts for unreimbursed eligible expenditures attributable to children placed in the serving

139.28 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

139.29 \$ 54,000 2014

139.30 \$ 55,000 2015

139.31 Subd. 7. **Special education out-of-state tuition.** For special education out-of-state

139.32 tuition according to Minnesota Statutes, section 125A.79, subdivision 8:

140.1 \$ 250,000 2014

140.2 \$ 250,000 2015

140.3 Sec. 29. **REPEALER.**

140.4 Minnesota Statutes 2012, sections 124D.454, subdivisions 3, 10, and 11; 125A.35,

140.5 subdivisions 4 and 5; 125A.76, subdivisions 2, 4, 5, and 7; and 125A.79, subdivisions 6

140.6 and 7, are repealed for fiscal year 2016 and later.

87.3 \$ 117,841,000 2014

87.4 \$ 121,897,000 2015

87.5 The 2014 appropriation includes \$42,030,000 for 2013 and \$75,811,000 for 2014.

87.6 The 2015 appropriation includes \$44,009,000 for 2014 and \$77,888,000 for 2015.

87.7 Subd. 6. **Court-placed special education revenue.** For reimbursing serving school

87.8 districts for unreimbursed eligible expenditures attributable to children placed in the serving

87.9 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

87.10 \$ 54,000 2014

87.11 \$ 55,000 2015

87.12 Subd. 7. **Special education out-of-state tuition.** For special education out-of-state

87.13 tuition according to Minnesota Statutes, section 125A.79, subdivision 8:

87.14 \$ 250,000 2014

87.15 \$ 250,000 2015

87.16 Sec. 7. **REPEALER.**

87.17 Minnesota Statutes 2012, sections 124D.454, subdivisions 10 and 11; and 125A.76,

87.18 subdivision 7, are repealed.

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69.12 Sec. 17. **REPEALER.**

69.13 Minnesota Statutes 2012, section 125A.35, subdivisions 4 and 5, are repealed.