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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 967

02/10/2021 Authored by Edelson and Baker
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying capacity provisions for certain special education
1.3 programs; amending Minnesota Statutes 2020, section 124D.03, subdivisions 2,
1.4 6.

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

1.6 Section 1. Minnesota Statutes 2020, section 124D.03, subdivision 2, is amended to read:

1.7 Subd. 2. Limited enrollment of nonresident pupils. (a) A board may, by resolution,
1.8 limit the enrollment of nonresident pupils in its schools or programs, including early
1.9 childhood special education programs and special education secondary transition programs
1.10 for students with disabilities ages 18 to 21, according to this section to a number not less
1.11 than the lesser of:

- 1.12 (1) one percent of the total enrollment at each grade level in the district; or
1.13 (2) the number of district residents at that grade level enrolled in a nonresident district
1.14 according to this section.

1.15 (b) A district that limits enrollment of nonresident pupils under paragraph (a) shall report
1.16 to the commissioner by July 15 on the number of nonresident pupils denied admission due
1.17 to the limitations on the enrollment of nonresident pupils.

1.18 EFFECTIVE DATE. This section is effective July 1, 2021.

1.19 Sec. 2. Minnesota Statutes 2020, section 124D.03, subdivision 6, is amended to read:

1.20 Subd. 6. Basis for decisions. (a) The board must adopt, by resolution, specific standards
1.21 for acceptance and rejection of applications. Standards may include the capacity of:

2.1 (1) a program for students in kindergarten through grade 12, excluding special education  
2.2 services;

2.3 (2) an early childhood special education program;

2.4 (3) a special education transition program;

2.5 (4) a class; or

2.6 (5) a school building.

2.7 (b) The school board may not reject applications for enrollment in a particular grade  
2.8 level if the nonresident enrollment at that grade level does not exceed the limit set by the  
2.9 board under subdivision 2. Standards may not include previous academic achievement,  
2.10 athletic or other extracurricular ability, disabling conditions, proficiency in the English  
2.11 language, previous disciplinary proceedings, or the student's district of residence, except  
2.12 where the district of residence is directly included in an enrollment options strategy included  
2.13 in an approved achievement and integration program.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2021.