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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 965

02/10/2021 Authored by Edelson, Bierman, Huot, Moller, Christensen and others
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; requiring special education recovery services and support
1.3 plans for students with disabilities; appropriating money.

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

1.5 Section 1. SPECIAL EDUCATION RECOVERY SERVICES AND SUPPORT
1.6 PLANS.

1.7 Subdivision 1. Special education recovery services and support plans. The
1.8 commissioner of education, school districts, and charter schools must collaborate with
1.9 families of students with disabilities as provided in this section to address the impact of
1.10 disruptions to on-site instruction due to COVID-19 on students' progress toward goals
1.11 outlined in students' individualized education programs. Services provided under this section
1.12 are in addition to the special education and related services necessary to provide students
1.13 a free and appropriate public education as documented in students' individualized education
1.14 programs and may be provided through June 30, 2023.

1.15 Subd. 2. District plan. (a) A school district or charter school that serves one or more
1.16 students with disabilities must develop a plan to address progress or skills lost due to
1.17 disruptions to on-site instruction. The district or school plan must be implemented as soon
1.18 as practicable and may continue in effect until June 30, 2023. The district or school plan
1.19 must include:

1.20 (1) opportunities for each individualized education program team to meet in accordance
1.21 with subdivision 3 and develop a written individualized recovery plan that describes
1.22 additional services and supports the student needs to address learning and skill loss caused
1.23 by disruptions related to COVID-19. The team must address academic, behavioral, adaptive,

2.1 communication, and other goal areas in individualized education programs. The services
2.2 and supports may be provided by the district, school, or other providers as determined by
2.3 the individualized education program team;

2.4 (2) a list of data that each individualized education program team may review to develop
2.5 an individualized recovery plan for a student. Data may include information related to
2.6 distance instruction, student progress toward individualized education program goals,
2.7 including a comparison of progress before and during the disruption related to COVID-19,
2.8 related service information, parent surveys and other information from parents or guardians,
2.9 screenings, student observations, and other relevant data;

2.10 (3) a plan to provide notice to parents of students with disabilities of the opportunity for
2.11 a student to receive recovery services and supports, and the opportunity for parents to
2.12 participate in developing an individualized recovery plan;

2.13 (4) options for parents to choose services and supports delivered outside of the regular
2.14 school day or year; and

2.15 (5) a process to contract with private parties selected by parents from a list of approved
2.16 parties issued by a district or school, the commissioner of education, or another appropriate
2.17 party agreed upon by the individualized education program team.

2.18 (b) A district or charter school must report to the commissioner, in the form and manner
2.19 determined by the commissioner, the services and supports provided to students with
2.20 disabilities under this section, including the cost of providing the services and supports.

2.21 Subd. 3. **Individualized education recovery plan.** (a) A school district or charter school
2.22 must invite the parent of a student with a disability to an individualized education program
2.23 team meeting to develop a written individualized recovery plan to address potential loss of
2.24 progress toward individualized education program goals during disruptions to on-site
2.25 instruction due to COVID-19. At the meeting, the individualized education program team
2.26 must determine:

2.27 (1) whether the student is eligible for recovery services and supports based on the effect
2.28 of disruptions related to COVID-19 on the student's progress, learning loss, or skill loss;

2.29 (2) the services and supports appropriate to address the student's lack of progress or
2.30 learning loss or skill loss; and

2.31 (3) how services and supports will be provided, whether by the district, charter school,
2.32 or other providers that the family may seek at district cost.

3.1 (b) Individualized education program team meetings to develop individualized recovery
3.2 plans may occur during annual or other individualized education program meetings but
3.3 must in all cases be offered to parents before September 1, 2021. A parent may request an
3.4 individualized education program team meeting to discuss a student's individualized recovery
3.5 plan at any time through June 30, 2023.

3.6 (c) When considering whether a student is eligible for recovery services and supports,
3.7 and which supplemental services and supports would be appropriate for the student, the
3.8 individualized education program team must consider:

3.9 (1) services and supports provided to the student before the disruptions to on-site
3.10 instruction due to COVID-19;

3.11 (2) the ability of the student to access services and supports;

3.12 (3) the student's progress toward individualized education program goals, including the
3.13 goals in the individualized education program in effect before disruptions to on-site
3.14 instruction related to COVID-19, and progress in the general education curriculum during
3.15 the disruptions;

3.16 (4) the student's regression or lost skills during the disruptions to on-site instruction;

3.17 (5) other significant impacts on the student's ability to participate in and benefit from
3.18 instruction as a result of COVID-19, including family loss, changed family circumstances,
3.19 and illness; and

3.20 (6) the types of services and supports that would benefit the student and improve the
3.21 student's ability to benefit from school, including academic supports, behavioral supports,
3.22 mental health supports, related services, and other services and supports.

3.23 (d) When considering how services and supports will be provided, the individualized
3.24 education program team must consider the student's response to services and supports, the
3.25 availability of staff to provide services and supports, and the availability of other providers
3.26 to provide services and supports. The district or school plan may require a team to consider
3.27 a list of providers approved by the district, school, or the commissioner of education but
3.28 may not prohibit the team from determining that a provider not on the list may provide
3.29 appropriate services to the student.

3.30 Subd. 4. **Commissioner duties.** (a) The commissioner of education must issue guidance
3.31 to school districts and charter schools on services and supports that may be provided to
3.32 students with disabilities under this section. The guidance must include:

4.1 (1) services that a supplemental plan may include, including small group or individual
4.2 tutoring, additional time at an out-of-district placement, additional related services such as
4.3 speech therapy or occupational therapy, mental health supports, additional opportunities
4.4 for peer interaction, career or transition planning supports, and increased individualized
4.5 supports; and

4.6 (2) guidelines for district and charter school staff to provide services and support at the
4.7 student's home.

4.8 (b) The commissioner must establish relevant qualifications for providers of various
4.9 types of services and supports, and must develop guidance for districts and charter schools
4.10 on identifying qualified providers. The commissioner may issue a list of approved providers
4.11 in accordance with a special education recovery services and support plan.

4.12 (c) The commissioner must use the district and charter school reports under subdivision
4.13 2 to reimburse districts for recovery supports and services provided by private parties.

4.14 Subd. 5. **Appropriations.** \$..... in fiscal year 2021 is appropriated from the general
4.15 fund to the commissioner of education to reimburse school districts and charter schools for
4.16 services and supports provided to students with disabilities by private parties under this
4.17 section. Funds appropriated under this subdivision are available until June 30, 2022.

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