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ARTICLE 5  
SPECIAL EDUCATION

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ARTICLE 4  
SPECIAL EDUCATION  
Section 1. Minnesota Statutes 2020, section 121A.21, is amended to read:  
**121A.21 SCHOOL HEALTH SERVICES.**  
Subdivision 1. **Requirements.** (a) Every school board must provide services to promote the health of its pupils.  
(b) The board of a district with 1,000 pupils or more in average daily membership in early childhood family education, preschool disabled, elementary, and secondary programs must comply with the requirements of this paragraph. It may use one or a combination of the following methods:  
(1) employ personnel, including at least one full-time equivalent licensed school nurse;  
(2) contract with a public or private health organization or another public agency for personnel during the regular school year, determined appropriate by the board, who are currently licensed under chapter 148 and who are certified public health nurses; or  
(3) enter into another arrangement approved by the commissioner.  
Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.  
(b) "Clinical nursing provider" means an agency or nurse that renders clinical nursing services or their designee.  
(c) "Clinical nursing services" means specific health care services, based on a physician's or advanced practice nurse's orders, as provided by a registered nurse or licensed practical nurse with specialized pediatric training who either attends to the pupil directly or supervises the work of their designee.  
(d) "Pupil who is medically fragile" means a school-aged child who has a life-threatening medical condition, and as a result of such condition, requires individualized and continuous clinical nursing services.  
Subd. 3. **Clinical nursing services at school.** (a) Maintaining a continuity of care for students who are medically fragile is necessary for those pupils' safety, creates a safer environment at school and during transportation, and fosters learning and inclusion.  
(b) A pupil who is medically fragile who requires clinical nursing services must receive services and care needed to meet the child's clinical nursing service needs while attending school or during transportation to and from school. The school and the parent or legal guardian are encouraged to consult and collaborate with the pupil's treating or ordering provider about services and care needed to meet the pupil's clinical nursing service needs in the school. If the school and the parent or legal guardian do not agree about the service

79.26 and care needed to meet the child's clinical nursing service needs while attending school or  
 79.27 during transportation to and from school, the school and the parent or legal guardian must  
 79.28 contact the pupil's licensed care provider to attempt to mutually consult and clarify the  
 79.29 medical orders outlined in the plan of care. The objective of the consultation is to review  
 79.30 and revise, as necessary, the services proposed by the school to ensure the proposed services  
 79.31 are sufficient to meet the student's needs.

79.32 (c) If a pupil who is medically fragile requires clinical nursing services care at school  
 79.33 or during transportation to and from school, the school and the parent or legal guardian must  
 80.1 meet to discuss options for arranging for clinical nursing services during school. Options  
 80.2 may include but are not limited to:

80.3 (1) the pupil's clinical nursing provider in the home provides clinical nursing services  
 80.4 to the pupil at school and during transportation to and from school;

80.5 (2) the school contracts with the pupil's existing clinical nursing provider to provide  
 80.6 clinical nursing services to the pupil at school and during transportation to and from school;  
 80.7 and

80.8 (3) the school arranges for clinical nursing services for the pupil at school and during  
 80.9 transportation to and from school, either by school staff or a contract with another clinical  
 80.10 nursing services provider.

80.11 (d) When considering options for arranging for clinical nursing services, the school and  
 80.12 the parents or legal guardians shall take into account the following factors:

80.13 (1) the ability of a clinical nursing provider to provide the specific clinical nursing  
 80.14 services the pupil requires;

80.15 (2) the familiarity of the clinical nursing provider with the pupil's specific clinical nursing  
 80.16 services needs and any training that may be required; and

80.17 (3) the impact of the selection of a clinical nursing provider on the availability of clinical  
 80.18 nursing services to the pupil at home.

80.19 The meeting and decision between the school and parents or legal guardians may take place  
 80.20 during individualized education plan team meetings under the Individuals with Disabilities  
 80.21 in Education Act or meetings required by Section 504 of the Rehabilitation Act, if applicable,  
 80.22 and, if applicable, the dispute resolution processes available under either act are available  
 80.23 to the school and to the parents or legal guardian.

80.24 (e) For the purposes of this subdivision, the school district and nurse or clinical nursing  
 80.25 service provider must enter into agreements as necessary to establish mutual expectations  
 80.26 of the nurse's or provider's conduct in the school environment, including confidentiality  
 80.27 agreements, who they are designated to report to in the school environment, supervision,  
 80.28 and the nurse's or provider's authority within the school environment.

171.3 Section 1. Minnesota Statutes 2020, section 124E.21, subdivision 1, is amended to read:

171.4 Subdivision 1. **Special education aid.** (a) Except as provided in section 124E.23, special  
171.5 education aid, excluding cross subsidy reduction aid under section 125A.76, subdivision  
171.6 2e, must be paid to a charter school according to section 125A.76, as though it were a school  
171.7 district.

171.8 (b) ~~For fiscal year 2020 and later,~~ The special education aid paid to the charter school  
171.9 shall be adjusted as follows:

171.10 (1) if the charter school does not receive general education revenue on behalf of the  
171.11 student according to section 124E.20, the aid shall be adjusted as provided in section  
171.12 125A.11; or

171.13 (2) if the charter school receives general education revenue on behalf of the student  
171.14 according to section 124E.20, the aid shall be adjusted as provided in section 127A.47,  
171.15 subdivision 7, paragraphs (b) to (e), and if the tuition adjustment is computed under section  
171.16 127A.47, subdivision 7, paragraph (c), it shall also receive an adjustment equal to ~~five~~  
171.17 ~~percent for fiscal year 2020 or~~ ten percent for fiscal year 2021 and later of the unreimbursed  
171.18 cost of providing special education and services for the student and the amount in paragraph  
171.19 (c).

171.20 (c) A charter school special education tuition adjustment aid equals the difference between  
171.21 the charter school's unreimbursed costs without a rate cap and the district's unreimbursed  
171.22 costs with the rate cap, times the adjustment factor for that year. For fiscal years 2021, 2022,  
171.23 and 2023, the adjustment factor equals 100 percent. For fiscal year 2024, the adjustment  
171.24 factor equals 75 percent. For fiscal year 2025, the adjustment factor equals 50 percent. For  
171.25 fiscal year 2026 and later, the adjustment factor equals 25 percent.

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

171.27 Sec. 2. Minnesota Statutes 2020, section 125A.21, subdivision 1, is amended to read:

171.28 Subdivision 1. **Obligation to pay.** (a) Nothing in sections 125A.03 to 125A.24 and  
171.29 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to pay,  
171.30 or changes the validity of an obligation to pay, for services rendered to a child with a  
171.31 disability, and the child's family.

172.1 (b) For purposes of this section, "school district" and "district" mean a school district,  
172.2 charter school, or cooperative unit defined under section 123A.24, subdivision 2, providing  
172.3 direct special education services to students.

172.4 (c) A school district shall pay the nonfederal share of medical assistance services provided  
172.5 according to section 256B.0625, subdivision 26. Eligible expenditures must not be made  
172.6 from federal funds or funds used to match other federal funds. Any federal disallowances  
172.7 are the responsibility of the school district. A school district may pay or reimburse  
172.8 co-payments, coinsurance, deductibles, and other enrollee cost-sharing amounts, on behalf

172.9 of the student or family, in connection with health and related services provided under an  
172.10 individual educational plan or individualized family service plan.

172.11 Sec. 3. Minnesota Statutes 2020, section 125A.21, subdivision 2, is amended to read:

172.12 Subd. 2. **Third-party reimbursement.** (a) ~~Beginning July 1, 2000,~~ Districts shall seek  
172.13 reimbursement from insurers and similar third parties for the cost of services provided by  
172.14 the district whenever the services provided by the district are otherwise covered by the  
172.15 child's health coverage. Districts shall request, but may not require, the child's family to  
172.16 provide information about the child's health coverage when a child with a disability begins  
172.17 to receive services from the district of a type that may be reimbursable, and shall request,  
172.18 but may not require, updated information after that as needed.

172.19 (b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare  
172.20 under chapter 256L who have no other health coverage, a district shall provide an initial  
172.21 and annual written notice to the enrolled child's parent or legal representative of its intent  
172.22 to seek reimbursement from medical assistance or MinnesotaCare for:

172.23 (1) the evaluations required as part of the individualized education program process or  
172.24 individualized family service plan process; and

172.25 (2) health-related services provided by the district according to the individualized  
172.26 education program or individualized family service plan.

172.27 The initial notice must give the child's parent or legal representative the right to request a  
172.28 copy of the child's education records on the health-related services that the district provided  
172.29 to the child and disclosed to a third-party payer.

172.30 (c) The district shall give the parent or legal representative annual written notice of:

172.31 (1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare  
172.32 for evaluations required as part of the individualized education program process or  
172.33 individualized family service plan process, and for health-related services provided by the  
173.1 district according to the individualized education program or individualized family service  
173.2 plan;

173.3 (2) the right of the parent or legal representative to request a copy of all records  
173.4 concerning individualized education program or individualized family service plan  
173.5 health-related services disclosed by the district to any third party; and

173.6 (3) the right of the parent or legal representative to withdraw consent for disclosure of  
173.7 a child's records at any time without consequence.

173.8 The written notice shall be provided as part of the written notice required by Code of Federal  
173.9 Regulations, title 34, section 300.504 or 303.520. The district must ensure that the parent  
173.10 of a child with a disability is given notice, in understandable language, of federal and state  
173.11 procedural safeguards available to the parent under this paragraph and paragraph (b).

173.12 (d) In order to access the private health care coverage of a child who is covered by private  
173.13 health care coverage in whole or in part, a district must:

173.14 (1) obtain annual written informed consent from the parent or legal representative, in  
173.15 compliance with subdivision 5; and

173.16 (2) inform the parent or legal representative that a refusal to permit the district or state  
173.17 Medicaid agency to access their private health care coverage does not relieve the district of  
173.18 its responsibility to provide all services necessary to provide free and appropriate public  
173.19 education at no cost to the parent or legal representative.

173.20 (e) If the commissioner of human services obtains federal approval to exempt covered  
173.21 individualized education program or individualized family service plan health-related  
173.22 services from the requirement that private health care coverage refuse payment before  
173.23 medical assistance may be billed, paragraphs (b), (c), and (d) shall also apply to students  
173.24 with a combination of private health care coverage and health care coverage through medical  
173.25 assistance or MinnesotaCare.

173.26 (f) In the event that Congress or any federal agency or the Minnesota legislature or any  
173.27 state agency establishes lifetime limits, limits for any health care services, cost-sharing  
173.28 provisions, or otherwise provides that individualized education program or individualized  
173.29 family service plan health-related services impact benefits for persons enrolled in medical  
173.30 assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are  
173.31 repealed on the effective date of any federal or state law or regulation that imposes the  
173.32 limits. In that event, districts must obtain informed consent consistent with this subdivision  
173.33 as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement  
174.1 for children enrolled in medical assistance under chapter 256B or MinnesotaCare under  
174.2 chapter 256L who have no other health care coverage.

174.3 (g) To the extent practicable, a charter school must seek reimbursements under this  
174.4 section in the same manner as school districts. The commissioner may provide training and  
174.5 technical assistance to a charter school seeking third-party reimbursement.

174.6 Sec. 4. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

174.7 Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy  
174.8 reduction aid equals the school district's initial special education cross subsidy for the  
174.9 previous fiscal year times the cross subsidy aid factor for that fiscal year.

174.10 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and~~ 6.43 percent  
174.11 ~~for fiscal year 2021 and later.~~ The cross subsidy aid factor equals 9.33 percent for fiscal  
174.12 year 2022 and 12.11 percent for fiscal year 2023 and later.

174.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

174.14 Sec. 5. Minnesota Statutes 2020, section 127A.47, subdivision 7, is amended to read:

174.15 Subd. 7. **Alternative attendance programs.** (a) The general education aid and special  
174.16 education aid for districts must be adjusted for each pupil attending a nonresident district  
174.17 under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments  
174.18 must be made according to this subdivision.

174.19 (b) For purposes of this subdivision, ~~the~~ "unreimbursed cost of providing special  
174.20 education and services" means the difference between: (1) the actual cost of providing  
174.21 special instruction and services, ~~including special transportation and unreimbursed building~~  
174.22 ~~lease and debt service costs for facilities used primarily for special education,~~ for a pupil  
174.23 with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51,  
174.24 who is enrolled in a program listed in this subdivision, including special transportation and  
174.25 unreimbursed building lease and debt service costs for facilities used primarily for special  
174.26 education, minus (2) if the pupil receives special instruction and services outside the regular  
174.27 classroom for more than 60 percent of the school day, the amount of general education  
174.28 revenue, if the pupil receives special instruction and services outside the regular classroom  
174.29 for more than 60 percent of the school day, excluding local optional revenue, plus local  
174.30 optional aid and referendum equalization aid as defined in section 125A.11, subdivision 1,  
174.31 paragraph (d), attributable to that pupil for the portion of time the pupil receives special  
174.32 instruction and services outside of the regular classroom, excluding portions attributable to  
175.1 district and school administration, district support services, operations and maintenance,  
175.2 capital expenditures, and pupil transportation, minus (3) special education aid under section  
175.3 125A.76, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e,  
175.4 attributable to that pupil, that is received by the district providing special instruction and  
175.5 services. For purposes of this paragraph, general education revenue and referendum  
175.6 equalization aid attributable to a pupil must be calculated using the serving district's average  
175.7 general education revenue and referendum equalization aid per adjusted pupil unit.

175.8 (c) ~~For fiscal year 2020, special education aid paid to a resident district must be reduced~~  
175.9 ~~by an amount equal to 85 percent of the unreimbursed cost of providing special education~~  
175.10 ~~and services. For fiscal year 2021 and later,~~ Special education aid paid to a resident district  
175.11 must be reduced by an amount equal to 80 percent of the unreimbursed cost of providing  
175.12 special education and services.

175.13 (d) Notwithstanding paragraph (c), special education aid paid to a resident district must  
175.14 be reduced by an amount equal to 100 percent of the unreimbursed cost of providing special  
175.15 education and services ~~provided~~ to students at an intermediate district, cooperative, or charter  
175.16 school where the percent of students eligible for special education services is at least 70  
175.17 percent of the charter school's total enrollment.

175.18 (e) Notwithstanding paragraph (c), special education aid paid to a resident district must  
175.19 be reduced under paragraph (d) for students at a charter school receiving special education  
175.20 aid under section 124E.21, subdivision 3, calculated as if the charter school received special  
175.21 education aid under section 124E.21, subdivision 1.

175.22 (f) Special education aid paid to the district or cooperative providing special instruction  
175.23 and services for the pupil, or to the fiscal agent district for a cooperative, must be increased  
175.24 by the amount of the reduction in the aid paid to the resident district under paragraphs (c)  
175.25 and (d). If the resident district's special education aid is insufficient to make the full  
175.26 adjustment under paragraphs (c), (d), and (e), the remaining adjustment shall be made to  
175.27 other state aids due to the district.

175.28 (g) Notwithstanding paragraph (a), general education aid paid to the resident district of  
175.29 a nonspecial education student for whom an eligible special education charter school receives  
175.30 general education aid under section 124E.20, subdivision 1, paragraph (c), must be reduced  
175.31 by an amount equal to the difference between the general education aid attributable to the  
175.32 student under section 124E.20, subdivision 1, paragraph (c), and the general education aid  
175.33 that the student would have generated for the charter school under section 124E.20,  
175.34 subdivision 1, paragraph (a). For purposes of this paragraph, "nonspecial education student"  
176.1 means a student who does not meet the definition of pupil with a disability as defined in  
176.2 section 125A.02 or the definition of a pupil in section 125A.51.

176.3 (h) An area learning center operated by a service cooperative, intermediate district,  
176.4 education district, or a joint powers cooperative may elect through the action of the  
176.5 constituent boards to charge the resident district tuition for pupils rather than to have the  
176.6 general education revenue paid to a fiscal agent school district. Except as provided in  
176.7 paragraph (f), the district of residence must pay tuition equal to at least 90 and no more than  
176.8 100 percent of the district average general education revenue per pupil unit minus an amount  
176.9 equal to the product of the formula allowance according to section 126C.10, subdivision 2,  
176.10 times .0466, calculated without compensatory revenue, local optional revenue, and  
176.11 transportation sparsity revenue, times the number of pupil units for pupils attending the area  
176.12 learning center.

176.13 (i) For a charter school located outside of Minneapolis or St. Paul, notwithstanding  
176.14 paragraph (b), unreimbursed tuition reimbursement amounts for a charter school, not  
176.15 including a charter school for which the tuition adjustment is calculated under paragraph  
176.16 (d) or (e), must be computed according to this paragraph. For purposes of this paragraph:

176.17 (1) "regular school year statewide district cap rate" means the unreimbursed regular  
176.18 school year cost per service hour, calculated statewide for all districts and averaged across  
176.19 the current year;

176.20 (2) "extended school year statewide district cap rate" means the unreimbursed extended  
176.21 school year cost per service hour, calculated statewide for all districts and averaged across  
176.22 the current year;

176.23 (3) "special education one-to-one paraprofessional statewide district cap rate" means  
176.24 the unreimbursed special education one-to-one paraprofessional cost per hour, calculated  
176.25 statewide for all districts and averaged across the current year; and

176.26 (4) "unreimbursed cost of providing special education and services" means the lesser of  
176.27 (i) the amount calculated under paragraph (b), or (ii) the regular school year statewide district  
176.28 cap rate multiplied by the regular school year service hours, plus the extended school year  
176.29 statewide district cap rate multiplied by the extended school year service hours, plus the  
176.30 special education one-to-one paraprofessional statewide district cap rate times instructional  
176.31 hours.

176.32 (j) For a charter school located in the city of Minneapolis, the commissioner must  
176.33 substitute the Minneapolis school district's cap rates for the statewide cap rates for that year.  
177.1 For a charter school located in the city of St. Paul, the commissioner must substitute the St.  
177.2 Paul school district's cap rates for the statewide cap rates for that year.

177.3 (k) For purposes of paragraphs (i) and (j), for each capped rate, the unreimbursed cap  
177.4 rate for the charter school must not exceed 200 percent of the capped rate for fiscal year  
177.5 2024, 175 percent of the capped rate for fiscal year 2025, 150 percent of the capped rate  
177.6 for fiscal year 2026, and 125 percent of the capped rate for fiscal year 2027 and later.

177.7 (l) Notwithstanding paragraph (b), the department may disallow tuition expenses for a  
177.8 charter school if the department determines that the charter school failed to pursue third-party  
177.9 billing for qualifying special education services.

177.10 **EFFECTIVE DATE.** This section is effective for fiscal year 2023 and later.

177.11 Sec. 6. **SPECIAL EDUCATION RECOVERY SERVICES AND SUPPORTS.**

177.12 Subdivision 1. **Special education recovery.** The commissioner of education, school  
177.13 districts, and charter schools must collaborate with families of students with disabilities as  
177.14 provided in this section to address the impact of disruptions to in-person instruction on  
177.15 students' access to a free appropriate public education related to the COVID-19 pandemic.

177.16 Subd. 2. **Special education services and supports.** (a) A school district or charter school  
177.17 that serves one or more students with disabilities must invite the parents of a student with  
177.18 a disability to a meeting of each individualized education program (IEP) team as soon as  
177.19 practicable but no later than December 1, 2021, to determine whether special education  
177.20 services and supports are necessary to address lack of progress on IEP goals or in the general  
177.21 education curriculum or loss of learning or skills due to disruptions related to the COVID-19  
177.22 pandemic. The services and supports may include but are not limited to extended school  
177.23 year services, additional IEP services, compensatory services, or other appropriate services.  
177.24 This meeting may occur in an annual or other regularly scheduled IEP meeting. If the IEP  
177.25 team determines that the services and supports are necessary, the team shall determine what  
177.26 services and supports are appropriate for the student and when and how those services  
177.27 should be provided, in accordance with relevant guidance from the Minnesota Department  
177.28 of Education and the United States Department of Education. The services and supports  
177.29 must be included in the IEP of the student. A district or charter school must report to the

80.29 Sec. 2. **SPECIAL EDUCATION RECOVERY SERVICES AND SUPPORTS.**

80.30 Subdivision 1. **Special education recovery.** The commissioner of education, school  
80.31 districts, and charter schools must collaborate with families of students with disabilities as  
81.1 provided in this section to address the impact of disruptions to in-person instruction on  
81.2 students' access to a free appropriate public education due to COVID-19.

81.3 Subd. 2. **Special education services and supports.** (a) A school district or charter school  
81.4 that serves one or more students with disabilities must invite the parents of a student with  
81.5 a disability to a meeting of each individualized education program (IEP) team as soon as  
81.6 practicable, to determine whether special education services and supports are necessary to  
81.7 address lack of progress on IEP goals or in the general education curriculum or loss of  
81.8 learning or skills due to disruptions due to COVID-19. The services and supports may  
81.9 include but are not limited to extended school year services, additional IEP services,  
81.10 compensatory services, or other appropriate services. This meeting may occur in an annual  
81.11 or other regularly scheduled IEP meeting. If the IEP team determines that the services and  
81.12 supports are necessary, the team shall determine what services and supports are appropriate  
81.13 for the student and when and how those services should be provided, in accordance with  
81.14 relevant guidance from the Minnesota Department of Education and the United States  
81.15 Department of Education. The services and supports must be included in the IEP of the  
81.16 student. A district or charter school must report to the commissioner, in the form and manner



177.30 commissioner, in the form and manner determined by the commissioner, the services and  
 177.31 supports provided to students with disabilities under this section, including the cost of  
 177.32 providing the services.

178.1 (b) In determining whether a student is eligible for services and supports described in  
 178.2 paragraph (a), and what services and supports are appropriate for the student, the IEP team  
 178.3 must consider, in conjunction with any other considerations advised by guidance from the  
 178.4 Minnesota Department of Education or the United States Department of Education:

178.5 (1) services and supports provided to the student before the disruptions to in-person  
 178.6 instruction related to the COVID-19 pandemic;

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

178.8 (3) the student's progress toward IEP goals, including the goals in the IEP in effect before  
 178.9 disruptions to in-person instruction related to the COVID-19 pandemic, and progress in the  
 178.10 general education curriculum;

178.11 (4) the student's regression or lost skills resulting from disruptions to instruction;

178.12 (5) other significant influences on the student's ability to participate in and benefit from  
 178.13 instruction related to the COVID-19 pandemic, including family loss, changed family  
 178.14 circumstances, other trauma, and illness; and

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

178.18 (c) When considering how and when the services and supports described in paragraph  
 178.19 (a) should be provided, the IEP team must take into account the timing and delivery method  
 178.20 most appropriate for the student, such as time of day, day of the week, or time of year, and  
 178.21 the availability of other services accessible to the student to address learning loss. The IEP  
 178.22 team may determine that providers in addition to school district or charter school staff are  
 178.23 most appropriate to provide the services and supports described in paragraph (a).

178.24 (d) A school district or charter school must make available the services and supports  
 178.25 included in an IEP, as described in paragraph (a), until the IEP team determines that services  
 178.26 and supports are no longer necessary to address lack of progress on IEP goals or in the  
 178.27 general education curriculum or loss of learning or skills due to disruptions related to the  
 178.28 COVID-19 pandemic.

178.29 (e) A school district providing special education services on a shared time basis to a  
 178.30 student enrolled in a nonpublic school must offer the student special education services and  
 178.31 supports in accordance with this section.

178.32 (f) The commissioner may identify school district, charter school, and cooperative unit  
 178.33 pandemic-related expenses incurred under this section, and if the commissioner determines  
 179.1 the costs are eligible for funding using the additional funds set aside under the American

81.17 determined by the commissioner, the services and supports provided to students with  
 81.18 disabilities under this section, including the cost of providing the services.

81.19 (b) In determining whether a student is eligible for services and supports described in  
 81.20 paragraph (a), and what services and supports are appropriate for the student, the IEP team  
 81.21 must consider, in conjunction with any other considerations advised by guidance from the  
 81.22 Minnesota Department of Education or the United States Department of Education:

81.23 (1) services and supports provided to the student before the disruptions to in-person  
 81.24 instruction due to COVID-19;

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

81.26 (3) the student's progress toward IEP goals, including the goals in the IEP in effect before  
 81.27 disruptions to in-person instruction related to COVID-19, and progress in the general  
 81.28 education curriculum;

81.29 (4) the student's regression or lost skills resulting from disruptions to instruction;

81.30 (5) other significant influences on the student's ability to participate in and benefit from  
 81.31 instruction as a result of COVID-19, including family loss, changed family circumstances,  
 81.32 other trauma, and illness; and

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

82.4 (c) When considering how and when the services and supports described in paragraph  
 82.5 (a) should be provided, the IEP team must take into account the timing and delivery method  
 82.6 most appropriate for the student, such as time of day, day of the week, or time of year; and  
 82.7 the availability of other services accessible to the student to address learning loss. The IEP  
 82.8 team may determine that providers in addition to school district or charter school staff are  
 82.9 most appropriate to provide the services and supports described in paragraph (a).

82.10 (d) A school district or charter school must make available the services and supports  
 82.11 included in an IEP, as described in paragraph (a), until the IEP team determines that services  
 82.12 and supports are no longer necessary to address lack of progress on IEP goals or in the  
 82.13 general education curriculum or loss of learning or skills due to disruptions due to COVID-19.

82.14 (e) A school district or charter school may use federal funds to comply with this section.

179.2 Rescue Plan Act, section 2014, for the Individuals with Disabilities Education Act, the  
179.3 commissioner may allocate the federal funds for 100 percent of the costs of the services  
179.4 provided under this section and exclude these expenses from state special education aid  
179.5 under Minnesota Statutes, sections 125A.76 and 125A.79.

179.6     Sec. 7. **THIRD-PARTY REIMBURSEMENT.**

179.7         The commissioner of education and commissioner of human services must consult with  
179.8 stakeholders to identify strategies to streamline access and reimbursement for behavioral  
179.9 health services for children who are enrolled in medical assistance and have individualized  
179.10 education programs or individualized family services plans, and to avoid duplication of  
179.11 services and procedures to the extent practicable. The commissioners must review models  
179.12 used in other states and identify strategies to reduce administrative burdens for schools  
179.13 while ensuring continuity of care for students accessing services when not in school. By  
179.14 November 1, 2021, the commissioners must report their findings and recommendations for  
179.15 statutory changes to the chairs and ranking members of the committees with jurisdiction  
179.16 over early learning through grade 12 education and human services in accordance with  
179.17 Minnesota Statutes, section 3.195.

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

179.19     Sec. 8. **APPROPRIATIONS.**

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

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

179.25             \$        1,844,261,000        .....   2022

179.26             \$        1,994,392,000        .....   2023

179.27         The 2022 appropriation includes \$215,125,000 for 2021 and \$1,629,136,000 for 2022.

179.28         The 2023 appropriation includes \$229,335,000 for 2022 and \$1,765,057,000 for 2023.

179.29         Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
179.30 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
179.31 the district boundaries for whom no district of residence can be determined:

180.1             \$           1,818,000        .....   2022

180.2             \$           2,010,000        .....   2023

82.15     Sec. 3. **REPORT ON BEHAVIORAL HEALTH SERVICES REIMBURSEMENT.**

82.16         The commissioners of education and human services shall consult with stakeholders to  
82.17 identify strategies to streamline access and reimbursement for behavioral health services  
82.18 for children with an individualized education program or an individualized family service  
82.19 plan who are enrolled in medical assistance and, whenever possible, avoid duplication of  
82.20 services and procedures. The commissioners shall identify strategies to reduce administrative  
82.21 burden for schools while ensuring continuity of care for student's accessing services when  
82.22 not in school and shall review models in other states. The commissioners shall provide an  
82.23 update, including any recommendations for statutory changes, to the chairs and ranking  
82.24 minority members of the committees with jurisdiction over kindergarten through grade 12  
82.25 education and human services by November 1, 2021.

82.26     Sec. 4. **APPROPRIATIONS.**

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

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

83.1             \$        1,821,955,000        .....   2022

83.2             \$        1,942,616,000        .....   2023

83.3         The 2022 appropriation includes \$215,125,000 for 2021 and \$1,606,830,000 for 2022.

83.4         The 2023 appropriation includes \$226,195,000 for 2022 and \$1,716,421,000 for 2023.

83.5         Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
83.6 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
83.7 the district boundaries for whom no district of residence can be determined:

83.8             \$           1,818,000        .....   2022

83.9             \$           2,010,000        .....   2023

180.3        If the appropriation for either year is insufficient, the appropriation for the other year is  
180.4 available.

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

180.7        \$            465,000    .....    2022

180.8        \$            512,000    .....    2023

180.9        The 2022 appropriation includes \$23,000 for 2021 and \$442,000 for 2022.

180.10       The 2023 appropriation includes \$49,000 for 2022 and \$463,000 for 2023.

180.11       Subd. 5. **Court-placed special education revenue.** For reimbursing serving school  
180.12 districts for unreimbursed eligible expenditures attributable to children placed in the serving  
180.13 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

180.14       \$            24,000    .....    2022

180.15       \$            25,000    .....    2023

180.16       Subd. 6. **Special education out-of-state tuition.** For special education out-of-state  
180.17 tuition under Minnesota Statutes, section 125A.79, subdivision 8:

180.18       \$            250,000    .....    2022

180.19       \$            250,000    .....    2023

83.10       If the appropriation for either year is insufficient, the appropriation for the other year is  
83.11 available.

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

83.14       \$            465,000    .....    2022

83.15       \$            512,000    .....    2023

83.16       The 2022 appropriation includes \$23,000 for 2021 and \$442,000 for 2022.

83.17       The 2023 appropriation includes \$49,000 for 2022 and \$463,000 for 2023.

83.18       Subd. 5. **Court-placed special education revenue.** For reimbursing serving school  
83.19 districts for unreimbursed eligible expenditures attributable to children placed in the serving  
83.20 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

83.21       \$            24,000    .....    2022

83.22       \$            25,000    .....    2023

83.23       Subd. 6. **Special education out-of-state tuition.** For special education out-of-state  
83.24 tuition under Minnesota Statutes, section 125A.79, subdivision 8:

83.25       \$            250,000    .....    2022

83.26       \$            250,000    .....    2023

83.27       Subd. 7. **Clinical nursing services guidance.** For the commissioner to develop guidance  
83.28 for school districts on arranging for and accommodating clinical nursing services at school  
83.29 under Minnesota Statutes, section 121A.21:

83.30       \$            100,000    .....    2022

83.31       \$            0       .....    2023

84.1        This is a onetime appropriation.