ARTICLE 7
SPECIAL EDUCATION

Section 1. Minnesota Statutes 2022, section 120A.20, subdivision 1, is amended to read:

Subdivision 1. Age limitations; pupils. (a) All schools supported in whole or in part
by state funds are public schools. Admission to a public school is free to any person who:
(1) resides within the district that operates the school; (2) is under 21 years of age or who
meets the requirements of paragraph (c); and (3) satisfies the minimum age requirements
imposed by this section. Notwithstanding the provisions of any law to the contrary, the
conduct of all students under 21 years of age attending a public secondary school is governed
by a single set of reasonable rules and regulations promulgated by the school board.

(b) A person shall not be admitted to a public school (1) as a kindergarten pupil, unless
the pupil is at least five years of age on September 1 of the calendar year in which the school
year for which the pupil seeks admission commences; or (2) as a 1st grade student, unless
the pupil is at least six years of age on September 1 of the calendar year in which the school
year for which the pupil seeks admission commences or has completed kindergarten; except
that any school board may establish a policy for admission of selected pupils at an earlier
age under section 124D.02.

(c) A pupil who becomes age 21 after enrollment is eligible for continued free public
school enrollment until at least one of the following occurs: (1) the first September 1 after
the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the
pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end
of the school year; or (5) in the case of a student with a disability as defined under section
125A.02, the pupil's 22nd birthday.

ARTICLE 5
SPECIAL EDUCATION

Section 1. Minnesota Statutes 2022, section 120A.20, subdivision 1, is amended to read:

Subdivision 1. Age limitations; pupils. (a) All schools supported in whole or in part
by state funds are public schools. Admission to a public school is free to any person who:
(1) resides within the district that operates the school; (2) is under 21 years of age or who
meets the requirements of paragraph (c); and (3) satisfies the minimum age requirements
imposed by this section. Notwithstanding the provisions of any law to the contrary, the
conduct of all students under 21 years of age attending a public secondary school is governed
by a single set of reasonable rules and regulations promulgated by the school board.

(b) A person shall not be admitted to a public school (1) as a kindergarten pupil, unless
the pupil is at least five years of age on September 1 of the calendar year in which the school
year for which the pupil seeks admission commences; or (2) as a 1st grade student, unless
the pupil is at least six years of age on September 1 of the calendar year in which the school
year for which the pupil seeks admission commences or has completed kindergarten; except
that any school board may establish a policy for admission of selected pupils at an earlier
age under section 124D.02.

(c) A pupil who becomes age 21 after enrollment is eligible for continued free public
school enrollment until at least one of the following occurs: (1) the first September 1 after
the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the
pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end
of the school year; or (5) in the case of a student with a disability as defined under section
125A.02, the pupil's 22nd birthday.

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Section 1. Minnesota Statutes 2022, section 121A.17, subdivision 3, is amended to read:

Subd. 3. Screening program. (a) A screening program must include at least the following
components: developmental assessments, including virtual developmental screening for
families who make the request based on their immunocompromised health status or other
health conditions, hearing and vision screening or referral, immunization review and referral,
the child's height and weight, the date of the child's most recent comprehensive vision
examination, if any, identification of risk factors that may influence learning; an interview
with the parent about the child, and referral for assessment, diagnosis, and treatment when
potential needs are identified. The district and the person performing or supervising the
screening must provide a parent or guardian with clear written notice that the parent or
guardian may decline to answer questions or provide information about family circumstances
that might affect development and identification of risk factors that may influence learning.
The notice must state "Early childhood developmental screening helps a school district
identify children who may benefit from district and community resources available to help
in their development. Early childhood developmental screening includes a vision screening

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that helps detect potential eye problems but is not a substitute for a comprehensive eye
exam." The notice must clearly state that declining to answer questions or provide information
does not prevent the child from being enrolled in kindergarten or first grade if all other
screening components are met. If a parent or guardian is not able to read and comprehend
the written notice, the district and the person performing or supervising the screening must
convey the information in another manner. The notice must also inform the parent or guardian
that a child need not submit to the district screening program if the child's health records
indicate to the school that the child has received comparable developmental screening
performed within the preceding 365 days by a public or private health care organization or
individual health care provider. The notice must be given to a parent or guardian at the time
the district initially provides information to the parent or guardian about screening and must
be given again at the screening location.

(b) All screening components shall be consistent with the standards of the state
commissioner of health for early developmental screening programs. A developmental
screening program must not provide laboratory tests or a physical examination to any child.
The district must request from the public or private health care organization or the individual
health care provider the results of any laboratory test or physical examination within the 12
months preceding a child's scheduled screening. For the purposes of this section, "comprehensive vision examination" means a vision examination performed by an optometrist
or ophthalmologist.

c) If a child is without health coverage, the school district must refer the child to an
appropriate health care provider.

d) A board may offer additional components such as nutritional, physical and dental
assessments, review of family circumstances that might affect development, blood pressure,
laboratory tests, and health history.

e) If a statement signed by the child's parent or guardian is submitted to the administrator
or other person having general control and supervision of the school that the child has not
been screened because of conscientiously held beliefs of the parent or guardian, the screening
is not required.

Sec. 2. Minnesota Statutes 2022, section 121A.41, subdivision 7, is amended to read:

Subd. 7. Pupil. (a) "Pupil" means any student:

1) without a disability under 21 years of age; or

2) with a disability under 22 years old who has not received a regular high school
diploma or for a child with a disability who becomes 21 years old during the school year
but has not received a regular high school diploma, until the end of that school year, and

3) who remains eligible to attend a public elementary or secondary school.
A "student with a disability" or a "pupil with a disability" has the same meaning as "a child with a disability" under section 125A.02.

Section 3. Minnesota Statutes 2022, section 122A.31, subdivision 1, is amended to read:

Subdivision 1. Requirements for American sign language/English interpreters.

(a) New graduates of an interpreter/transliterator program affiliated with an accredited educational institution or certified deaf interpreters who hold a certification issued by RID or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education, and

(b) hold a certified deaf interpreter certification issued by RID.

(c) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years of interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterator, shall develop and implement an education plan designed to meet the requirements of paragraph (a), clause (1), and include a weekly on-site mentoring process.

(d) Consistent with the requirements of this paragraph, a person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must grant the person a time-limited extension of the provisional certificate based on the following documentation:

(1) letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing;

(2) records of the person's formal education, training, experience, and progress on the person's education plan; and

(3) an explanation of why the extension is needed.

In addition to any other requirements that a school district establishes, any person employed as an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter/transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education, and

(a) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution; or

(b) hold a certified deaf interpreter certification issued by RID.

(2) hold a certified deaf interpreter certification issued by RID.

(c) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years of interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterator, shall develop and implement an education plan designed to meet the requirements of paragraph (a), clause (1), and include a weekly on-site mentoring process.

(d) Consistent with the requirements of this paragraph, a person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must grant the person a time-limited extension of the provisional certificate based on the following documentation:

(1) letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing;

(2) records of the person's formal education, training, experience, and progress on the person's education plan; and

(3) an explanation of why the extension is needed.
As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the deaf and hard-of-hearing state specialist, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters for the Deaf, and other appropriate committee members selected by the commissioner must develop the plan and time line for the person receiving the extension.

(e) A school district may employ only an interpreter/transliterator who has been certified under paragraph (a) or (b), or for whom a time-limited extension has been granted under paragraph (d).

An interpreter who meets the requirements of paragraph (a) is "essential personnel" as defined in section 125A.76, subdivision 1.

Sec. 4. Minnesota Statutes 2022, section 122A.50, is amended to read:

122A.50 PREPARATION TIME.

Subdivision 1. Preparation time. Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of classroom instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers."

Subd. 2. Due process forms and procedure time. (a) Beginning with the 2023-2024 school year, a school district must use the revenue under this subdivision to provide time for teachers to complete due process forms and procedures in accordance with the plan developed under paragraph (c). This time is in addition to the preparation time under subdivision 1. For purposes of this subdivision, "school district" includes a charter school.

(b) For fiscal year 2024, the due process revenue for a school district is equal to $29 times the adjusted pupil units for the current fiscal year. For fiscal year 2025, the due process revenue for a school district is equal to $35 times the adjusted pupil units for the current fiscal year. For fiscal year 2026 and later, the due process revenue for a school district that enrolls students in an intermediate school district or other cooperative unit that enrolls students is equal to $35 times the adjusted pupil units for the current fiscal year.
A district must meet and negotiate an agreement with the exclusive representative of teachers in the district containing a plan to use the revenue authorized under this subdivision. The plan must provide for the use of the revenue
authorized under this subdivision. The plan must provide for the use of the revenue
by the school board and exclusive representative of teachers:

1. 43.75 hours of paid time for each teacher providing direct special education services, with the time paid at a rate proportional to the teacher's annual salary, in addition to the wages provided under applicable collective bargaining agreements and memoranda between
2. Innovative flexible learning days or weeks that provide teachers time during the regularly scheduled duty day to complete
3. Due process clerks or other staff dedicated to assisting teachers with due process

If the district and exclusive representative cannot reach agreement on a plan to use the revenue, the agreement must require the revenue to be used for the use identified in paragraph (c), clause (1). The parties may agree to reduce the number of paid hours if they agree on another use for the revenue, including another use identified in paragraph (c):

Notwithstanding paragraphs (c) and (d), a charter school without an exclusive representative for its teachers may adopt a due process plan after consulting with its special education teachers. Due process aid received under this section by a charter school subject to this paragraph must be used only for the purposes of the charter school's due process plan:

(f) For fiscal years 2025 and later, the commissioner must proportionately reduce the school district and cooperative units per pupil allowances in paragraph (b) to account for the additional expenditures in the special education formula:

Definitions. For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them:

"Actual expenditure per pupil transported in the regular and excess transportation categories" means the quotient obtained by dividing:

the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph
(b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

Sec. 4. Minnesota Statutes 2022, section 123B.92, subdivision 1, is amended to read:

Subdivision 1. Definitions. For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them:

"Actual expenditure per pupil transported in the regular and excess transportation categories" means the quotient obtained by dividing:

the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph
(b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus
an amount equal to one year's depreciation on the district's school bus fleet and
mobile units computed on a straight line basis at the rate of 15 percent per year for districts
operating a program under section 124D.128 for grades 1 to 12 for all students in the district
and 12-1/2 percent per year for other districts of the cost of the fleet, plus
an amount equal to one year's depreciation on the district's type III vehicles, as
defined in section 169.011, subdivision 71, which must be used a majority of the time for
pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
year of the cost of the type three school buses by:

(2) the number of pupils eligible for transportation in the regular category, as defined
in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
(2).

"Transportation category" means a category of transportation service provided to
pupils as follows:

(1) Regular transportation is:

(i) transportation to and from school during the regular school year for resident elementary
pupils residing one mile or more from the public or nonpublic school they attend, and
resident secondary pupils residing two miles or more from the public or nonpublic school
they attend, excluding desegregation transportation and noon kindergarten transportation;
but with respect to transportation of pupils to and from nonpublic schools, only to the extent
permitted by sections 123B.84 to 123B.87;

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent and that pupil's child between the
pupil's home and the child care provider and between the provider and the school, if the
home and provider are within the attendance area of the school;

(iv) transportation to and from school and in another district, of resident pupils
of a district without a secondary school;

(v) transportation to and from school during the regular school year required under
subdivision 3 for nonresident elementary pupils when the distance from the attendance area
border to the public school is one mile or more, and for nonresident secondary pupils when
the distance from the attendance area border to the public school is two miles or more,
excluding desegregation transportation and noon kindergarten transportation; and

(vi) transportation of pregnant or parenting pupils to and from a program that was
established on or before January 1, 2018, or that is in operation on or after July 1, 2021, that provides:

(A) academic instruction;

(B) at least four hours per week of parenting instruction; and

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent and that pupil's child between the
pupil's home and the child care provider and between the provider and the school, if the
home and provider are within the attendance area of the school;

(iv) transportation to and from school and in another district, of resident pupils
of a district without a secondary school;

(v) transportation to and from school during the regular school year required under
subdivision 3 for nonresident elementary pupils when the distance from the attendance area
border to the public school is one mile or more, and for nonresident secondary pupils when
the distance from the attendance area border to the public school is two miles or more,
excluding desegregation transportation and noon kindergarten transportation; and

(vi) transportation of pregnant or parenting pupils to and from a program that was
established on or before January 1, 2018, or that is in operation on or after July 1, 2021, that provides:

(A) academic instruction;

(B) at least four hours per week of parenting instruction; and
(C) high-quality child care on site during the education day with the capacity to serve all children of enrolled pupils.

For the purposes of this paragraph, a district may designate a licensed day care facility, school day care facility, respite care facility, the residence of a relative, or the residence of a person or other location chosen by the pupil's parent or guardian, or an after-school program for children operated by a political subdivision of the state, as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence, or program is within the attendance area of the school the pupil attends.

238.3 (2) Excess transportation is:

(i) transportation to and from school during the regular school year for resident secondary pupils residing at least one mile but less than two miles from the public or nonpublic school they attend, and transportation to and from school for resident pupils residing less than one mile from school who are transported because of full-service school zones, extraordinary traffic, drug, or crime hazards; and

(ii) transportation to and from school during the regular school year required under subdivision 3 for nonresident secondary pupils when the distance from the attendance area border to the school is at least one mile but less than two miles from the public school they attend, and for nonresident pupils when the distance from the attendance area border to the school is less than one mile from the school and who are transported because of full-service school zones, extraordinary traffic, drug, or crime hazards.

238.15 (3) Desegregation transportation is transportation within and outside of the district during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the commissioner or under court order.

238.18 (4) "Transportation services for pupils with disabilities" is:

(i) transportation of pupils with disabilities who cannot be transported on a regular school bus between home or a respite care facility and school; and

(ii) necessary transportation of pupils with disabilities from home or from school to other buildings, including centers such as developmental achievement centers, hospitals, and treatment centers where special instruction or services required by sections 125A.03 to 125A.26, 125A.65 are provided, within or outside the district where services are provided;

(iii) necessary transportation for resident pupils with disabilities required by sections 125A.12, and 125A.26 to 125A.48;

(iv) board and lodging for pupils with disabilities in a district maintaining special classes;

(v) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, and necessary transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities.
who are provided special instruction and services on a shared-time basis or if resident pupils
are not transported, the costs of necessary travel between public and private schools or
neutral instructional sites by essential personnel employed by the district's program for
children with a disability;

(ii) transportation from one educational facility to another within the district for resident
pupils enrolled on a shared-time basis in educational programs, excluding transportation
for nonpublic pupils with disabilities under clause (4);

(iii) late transportation home from school or between schools within a district for
nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational
programs and services, including diagnostic testing, guidance and counseling services, and

who are provided special instruction and services on a shared-time basis or if resident pupils
are not transported, the costs of necessary travel between public and private schools or
neutral instructional sites by essential personnel employed by the district's program for
children with a disability;

(iii) transportation from one educational facility to another within the district for resident
pupils enrolled on a shared-time basis in educational programs, excluding transportation
for nonpublic pupils with disabilities under clause (4);

(iii) late transportation home from school or between schools within a district for
nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational
programs and services, including diagnostic testing, guidance and counseling services, and
health services. A mobile unit located off nonpublic school premises is a neutral site as
defined in section 123B.41, subdivision 13.

Sec. 6. Minnesota Statutes 2022, section 124D.128, subdivision 2, is amended to read:
Subd. 2. Commissioner designation. (a) A state-approved alternative program designated
by the state must be a site. A state-approved alternative program must provide services to
students who meet the criteria in section 124D.68 and who are enrolled in:
1. a district that is served by the state-approved alternative program; or
2. a charter school located within the geographic boundaries of a district that is served
by the state-approved alternative program.
(b) To be designated, a state-approved alternative program must demonstrate to the
commissioner that it will:
1. develop and maintain a separate record system that, for purposes of section 126C.05,
   permits identification of membership attributable to pupils participating in the program.
2. develop and maintain a separate record system that, for purposes of section 126C.05,
   of increasing the total average daily membership attributable to an individual pupil as a
   result of a learning year program. The record system must include the date the pupil originally
   enrolled in a learning year program, the pupil's grade level, the date of each grade promotion,
   the average daily membership generated in each grade level, the number of credits or
   standards earned, and the number needed to graduate.
(c) A student who has not completed a school district's graduation requirements may
continue to enroll in courses the student must complete in order to graduate until the student
satisfies the district's graduation requirements or the student is 21 years old, whichever
comes first. A student with a disability as set forth in section 125A.02 may continue to
enroll in courses until the student graduates with a regular high school diploma or the student
is 22 years old, whichever comes first.

Sec. 7. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:
Subd. 2. Eligible pupils. (a) A pupil under the age of 21 or who meets the requirements
of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
incentives program, if the pupil:
1. performs substantially below the performance level for pupils of the same age in a
   locally determined achievement test;
2. is behind in satisfactorily completing coursework or obtaining credits for graduation;
3. is pregnant or is a parent;
(4) has been assessed as having substance use disorder;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or is an English learner;

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, or is a pupil with a disability as set forth in section 125A.02, is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section.

Sec. 8. Minnesota Statutes 2022, section 125A.03, is amended to read:

125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section 300.121, paragraph (d), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities. "Free appropriate public education" means special education and related services that:

(1) are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state, including the requirements of the Individuals with Disabilities Education Act, Part B or C;

(b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, or is a pupil with a disability as set forth in section 125A.02, is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section.

Sec. 7. Minnesota Statutes 2022, section 125A.03, is amended to read:

125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section 300.121, paragraph (d), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities. "Free appropriate public education" means special education and related services that:

(1) are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state, including the requirements of the Individuals with Disabilities Education Act, Part B or C;
include an appropriate preschool, elementary school, or secondary school education;

(4) are provided to children ages three through 21 in conformity with an individualized education program that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in conformity with an individualized family service plan that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 22 years old until the child with a disability becomes 22 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2.

Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

(c) At the board's discretion, a school district that participates in a reciprocity agreement with a neighboring state under section 124D.041 may enroll and provide special instruction and services to a child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service if the district has completed child identification procedures for that child to determine the child's eligibility for special education services, and the child has received developmental screening under sections 121A.16 to 121A.19.

Sec. 9. Minnesota Statutes 2022, section 125A.0942, is amended to read:

125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES. Subdivision 1. Restrictive procedures plan. (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedure plan for children with disabilities that at least:

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

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

(3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;

(4) are provided to children ages three through 21 in conformity with an individualized education program that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in conformity with an individualized family service plan that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 22 years old until the child with a disability becomes 22 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2.

Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

(c) At the board's discretion, a school district that participates in a reciprocity agreement with a neighboring state under section 124D.041 may enroll and provide special instruction and services to a child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service if the district has completed child identification procedures for that child to determine the child's eligibility for special education services, and the child has received developmental screening under sections 121A.16 to 121A.19.

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Sec. 17. Minnesota Statutes 2022, section 125A.0942, is amended to read:

125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES. Subdivision 1. Restrictive procedures plan. (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedure plan for children with disabilities that at least:

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

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

(3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;
(4) describes how the school will monitor and review the use of restrictive procedures, including:

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

(ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource officer or police in emergencies and the use of restrictive procedures; and documentation to determine if the standards for using restrictive procedures as described in sections 25A.0941 and 25A.0942 are met; and

(5) includes a written description and documentation of the training staff completed under subdivision 5.

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

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

(2) an expert in positive behavior strategies;

(3) a special education administrator; and

(4) a general education administrator.

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

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

(c) The district must hold a meeting of the individualized education program or individualized family service plan team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and

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supports, consider actions to reduce the use of restrictive procedures, and modify the
individualized education program, individualized family service plan, or behavior intervention
plan as appropriate. The district must hold the meeting: within ten calendar days after district
staff use restrictive procedures on two separate school days within 30 calendar days or a
pattern of use emerges and the child's individualized education program, individualized
family service plan, or behavior intervention plan does not provide for using restrictive
procedures in an emergency; or at the request of a parent or the district after restrictive
procedures are used. The district must review use of restrictive procedures at a child's annual
individualized education program or individualized family service plan meeting when the
child's individualized education program or individualized family service plan provides for
using restrictive procedures in an emergency.

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

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

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

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

(1) physical holding or seclusion is the least intrusive intervention that effectively
responds to the emergency;

(2) physical holding or seclusion is not used to discipline a noncompliant child;
physical holding or seclusion ends when the threat of harm ends and the staff

determines the child can safely return to the classroom or activity;

staff directly observes the child while physical holding or seclusion is being used;

each time physical holding or seclusion is used, the staff person who implements or

overssees the physical holding or seclusion documents, as soon as possible after the incident

concludes, the following information:

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

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

or impractical;

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

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

(v) a brief description of the post-use debriefing that occurred as a result of the use of

the physical hold or seclusion;

(6) the room used for seclusion must:

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

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

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

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

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

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

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

(i) receive written notice from local authorities that the room and the locking mechanisms

comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion.
The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

The following actions or procedures are prohibited:

1. engaging in conduct prohibited under section 121A.58;
2. requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. totally or partially restricting a child's senses as punishment;
4. presenting an intense sound, light, or other sensory stimuli using smell, taste, or other sensory stimuli as punishment;
5. denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
6. interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;
7. withholding regularly scheduled meals or water;
8. denying access to bathroom facilities;
9. physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and
10. prone restraint; and

The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.
the use of seclusion on children from birth through third grade.

The commissioner also must develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

Subd. 6. Behavior supports; reasonable force. (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.382; 609.06, subdivision 1; and 609.379. For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data consistent with subdivision 5, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section.
Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

(c) By February 1, 2024, the commissioner, in cooperation with stakeholders, must make recommendations to the legislature for urgently ending seclusion in Minnesota schools. The commissioner must consult with interested stakeholders, including parents of students who have been secluded or restrained; advocacy organizations; legal services providers; special education directors; teachers; paraprofessionals; intermediate school districts and cooperative units as defined under section 125A.24, subdivision 2; school boards; day treatment providers; county social services; state human services department staff; mental health professionals; autism experts; and representatives of groups disproportionately affected by restrictive procedures, including People of Color and people with disabilities. The recommendations must include specific dates for ending seclusion by grade or facility. The recommendations must identify existing resources and the new resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts.

Sec. 10. Minnesota Statutes 2022, section 125A.13, is amended to read:

125A.13 SCHOOL OF PARENTS' CHOICE.

(a) Nothing in this chapter must be construed as preventing parents of a child with a disability from sending the child to a school of their choice, if they so elect, subject to admission standards and policies adopted according to sections 125A.62 to 125A.64 and 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

(b) The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may request that the resident district enter into a tuition agreement with elect, in the same manner as the parent of a resident student with a disability, a school in the nonresident district,

(1) where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district, provided

(2) the child can be served in the same setting as other children in the nonresident district with the same level of disability.

Sec. 11. Minnesota Statutes 2022, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

Sec. 12. Minnesota Statutes 2022, section 125A.13, is amended to read:

125A.13 SCHOOL OF PARENTS' CHOICE.

(a) Nothing in this chapter must be construed as preventing parents of a child with a disability from sending the child to a school of their choice, if they so elect, subject to admission standards and policies adopted according to sections 125A.62 to 125A.64 and 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

(b) The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may request that the resident district enter into a tuition agreement with elect, in the same manner as the parent of a resident student with a disability, a school in the nonresident district,

(1) where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district, provided

(2) the child can be served in the same setting as other children in the nonresident district with the same level of disability.

Sec. 11. Minnesota Statutes 2022, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:
The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the day program and an appropriate educational program for the child.

The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise.

Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the child's district of residence is located by paying tuition to that district. If a child's district of residence is a charter school of enrollment under section 124D.03, or charter school of enrollment under section 124E.11, the resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the child's district of residence is located by paying tuition to that district. If a child's district of residence is a charter school of enrollment under section 124E.11, the resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the child's district of residence is located by paying tuition to that district.

(d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is a charter school of enrollment under section 124E.11, the resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the child's district of residence is located by paying tuition to that district.
124E.11 is authorized to provide online learning instruction under state statutes, the
nonresident district may utilize that state-approved online learning program in fulfilling its
educational program responsibility under this section if the child, or the child's parent or
guardian for a pupil under the age of 18, agrees to that form of instruction.
(e) A privately owned and operated residential facility may enter into a contract to obtain
appropriate educational programs for special education children and services with a joint
powers entity. The entity with which the private facility contracts for special education
services shall be the district responsible for providing students placed in that facility an
appropriate educational program in place of the district in which the facility is located. If a
privately owned and operated residential facility does not enter into a contract under this
paragraph, then paragraph (d) applies.
(f) The district of residence shall pay tuition and other program costs, not including
transportation costs, to the district providing the instruction and services. The district of
residence may claim general education aid for the child as provided by law. Transportation
costs must be paid by the district responsible for providing the transportation and the state
must pay transportation aid to that district.
125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION
AND TRANSPORTATION.
The responsibility for providing instruction and transportation for a pupil without a
disability who has a short-term or temporary physical or emotional illness or disability, as
determined by the standards of the commissioner, and who is temporarily placed for care
and treatment for that illness or disability, must be determined as provided in this section.
(a) The school district of residence of the pupil is the district in which the pupil's parent
or guardian resides. If there is a dispute between school districts regarding residency, the
district of residence is the district designated by the commissioner.
(b) When parental rights have been terminated by court order, the legal residence of a
child placed in a residential or foster facility for care and treatment is the district in which the
child resides.
(c) Before the placement of a pupil for care and treatment, the district of residence must
be notified and provided an opportunity to participate in the placement decision. When an
immediate emergency placement is necessary and time does not permit resident district
participation in the placement decision, the district in which the pupil is temporarily placed,
if different from the district of residence, must notify the district of residence of the
emergency placement within 15 days of the placement. When a nonresident district makes
an emergency placement without first consulting with the resident district, the resident
district has up to five business days after receiving notice of the emergency placement to
request an opportunity to participate in the placement decision, which the placing district
must then provide.
124E.11 is authorized to provide online learning instruction under state statutes, the
nonresident district may utilize that state-approved online learning program in fulfilling its
educational program responsibility under this section if the child, or the child's parent or
guardian for a pupil under the age of 18, agrees to that form of instruction.
(e) A privately owned and operated residential facility may enter into a contract to obtain
appropriate educational programs for special education children and services with a joint
powers entity. The entity with which the private facility contracts for special education
services shall be the district responsible for providing students placed in that facility an
appropriate educational program in place of the district in which the facility is located. If a
privately owned and operated residential facility does not enter into a contract under this
paragraph, then paragraph (d) applies.
(f) The district of residence shall pay tuition and other program costs, not including
transportation costs, to the district providing the instruction and services. The district of
residence may claim general education aid for the child as provided by law. Transportation
costs must be paid by the district responsible for providing the transportation and the state
must pay transportation aid to that district.
125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION
AND TRANSPORTATION.
The responsibility for providing instruction and transportation for a pupil without a
disability who has a short-term or temporary physical or emotional illness or disability, as
determined by the standards of the commissioner, and who is temporarily placed for care
and treatment for that illness or disability, must be determined as provided in this section.
(a) The school district of residence of the pupil is the district in which the pupil's parent
or guardian resides. If there is a dispute between school districts regarding residency, the
district of residence is the district designated by the commissioner.
(b) When parental rights have been terminated by court order, the legal residence of a
child placed in a residential or foster facility for care and treatment is the district in which the
child resides.
(c) Before the placement of a pupil for care and treatment, the district of residence must
be notified and provided an opportunity to participate in the placement decision. When an
immediate emergency placement is necessary and time does not permit resident district
participation in the placement decision, the district in which the pupil is temporarily placed,
if different from the district of residence, must notify the district of residence of the
emergency placement within 15 days of the placement. When a nonresident district makes
an emergency placement without first consulting with the resident district, the resident
district has up to five business days after receiving notice of the emergency placement to
request an opportunity to participate in the placement decision, which the placing district
must then provide.
When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, through an authorized online learning program provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction; or, in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.

When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. If a pupil's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statute, the district in which the pupil is placed may utilize that state-approved online learning program in fulfilling its responsibility to provide instruction under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 120A.20 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.

When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. If a pupil's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statute, the district in which the pupil is placed may utilize that state-approved online learning program in fulfilling its responsibility to provide instruction under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, through an authorized online learning program provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction; or, in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.
(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction.

Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

Sec. 4. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:

category if the pupils cannot be transported on a regular school bus route without special

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if eligible, to all students placed in a facility.

Subd. 3.

Special education aid.

(a) For fiscal year 2020 and later, a district’s special education aid equals the sum of the district’s average daily membership served and the district’s excess cost aid under section 125A.76, subdivision 5.

(b) Notwithstanding paragraph (a), for fiscal year 2020, the special education aid for a school district, excluding the cross subsidy reduction aid under subdivision 2e, and excluding special education homeless pupil aid under subdivision 2f, must not exceed the greater of:

(i) the sum of 56 percent of the district’s nonfederal special education expenditures plus 100 percent of the district’s cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4), plus the adjustment under sections 125A.11 and 127A.47, subdivision 7; or

(ii) the sum of: (A) the product of the district’s average daily membership served and the special education aid increase limit and (B) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district’s average daily membership during fiscal year 2016 to the district’s average daily membership during fiscal year 2015.
served for the current fiscal year to the district's average daily membership served for fiscal year 2016; and the program growth factor.

(c) Notwithstanding paragraph (a), for fiscal year 2020 and later, the special education aid, excluding the cross subsidy reduction aid under subdivision 2e; excluding special education homeless pupil aid under subdivision 2f; for a school district, not including a charter school or cooperative unit as defined in section 123A.24, must not be less than the lesser of (1) the sum of 90 percent for fiscal year 2020, 85 percent for fiscal year 2021, 80 percent for fiscal year 2022, and 75 percent for fiscal year 2023 and later of the district's nonteaching special education expenditures plus 100 percent of the district's cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4), plus the adjustment under sections 125A.11 and 127A.47, subdivision 7, for the fiscal year or (2) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the current fiscal year to the district's average daily membership for fiscal year 2016; and the minimum aid adjustment factor.

(d) Notwithstanding subdivision 2a and section 125A.79, a charter school in its first year of operation shall generate special education aid based on current year data. A newly formed cooperative unit as defined in section 123A.24 may apply to the commissioner for approval to generate special education aid for its first year of operation based on current year data; with an offsetting adjustment to the prior year data used to calculate aid for programs at participating school districts or previous cooperatives that were replaced by the new cooperative. The department shall establish procedures to adjust the prior year data and fiscal year 2016 old formula aid used in calculating special education aid to exclude costs that have been eliminated for districts where programs have closed or where a substantial portion of the program has been transferred to a cooperative unit.

(e) The department shall establish procedures through the uniform financial accounting and reporting system to identify and track all revenues generated from third-party billings as special education revenue at the school district level; include revenue generated from third-party billings as special education revenue in the annual cross-subsidy report; and exclude third-party revenue from calculation of excess cost aid to the districts.

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

112.1 Sec. 9. Minnesota Statutes 2022, section 125A.76, subdivision 2e, is amended to read:

112.2 Subd. 2e. Cross subsidy reduction aid. (a) A school district's annual cross subsidy reduction aid equals the school district's initial special education cross subsidy for the previous fiscal year times the cross subsidy aid factor for that fiscal year.
(b) The cross subsidy aid factor equals 2.6 percent for fiscal year 2020 and 6.43 percent for fiscal year 2021.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2024 and later.

Sec. 16. Minnesota Statutes 2022, section 125A.76, is amended by adding a subdivision to read:

Subd. 2f. Special education homeless pupil aid.
(a) For fiscal year 2024 and later, special education homeless pupil aid must be paid to a school district that is funded for that year based on the district's fiscal year 2016 expenditures calculated under Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the current fiscal year to the district's average daily membership for fiscal year 2016, and the minimum aid adjustment factor.
(b) Special education homeless pupil aid equals the greater of zero, or a district's prior year transportation costs under section 123B.92, subdivision 1, paragraph (b), clause (4), items (ii) and (vii), and the additional cost of transporting a student in a shelter care facility as defined in section 260C.007, subdivision 30, a homeless student in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin, but only through the end of the academic year; minus the fiscal year 2016 costs associated with transportation costs under section 123B.92, subdivision 1, paragraph (b), clause (4), items (ii) and (vii), and the additional cost of transporting a student in a shelter care facility as defined in section 260C.007, subdivision 30, a homeless student in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin, but only through the end of the academic year; adjusted by the ratio of the district's adjusted daily membership for the current fiscal year to the district's average daily membership for fiscal year 2016, and the minimum aid adjustment factor.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2024 and later.

Sec. 17. Minnesota Statutes 2012, section 125A.81, is amended by adding a subdivision to read:

Subd. 1. Definition. For purposes of this section, "special education separate site and program" means a public separate day school facility attended by students with disabilities for 50 percent or more of their school day.

Subd. 2. Eligibility for special education separate sites and programs aid. An education cooperative under section 471.59, education district under section 123A.15, service cooperative under section 123A.21, or intermediate school district under section 136D.01 qualifies for additional state funding to special education separate sites and programs for every kindergarten through grade 12 child with a disability, as defined in section 125A.02, served in a special education separate site or program as defined in subdivision 1.
Subd. 3. Uses of special education separate sites and programs aid. Additional state funding to special education separate sites and programs under this section may be used for the same purposes as are permitted for state special education aid under section 125A.76.

Subd. 4. Special education separate sites and programs aid. For fiscal year 2024 and later, additional state funding to special education separate sites and programs equals $1,689 times the adjusted kindergarten through grade 12 pupil units served in special education separate sites and programs under subdivision 1.

Effective Date.

This section is effective for revenue for fiscal year 2024 and later.

Sec. 11. Minnesota Statutes 2022, section 256B.0625, subdivision 26, is amended to read:

Subd. 26. Medical assistance covers evaluations necessary in making a determination for eligibility for individualized education program and individualized family plan services and for medical services identified in a recipient's individualized education program and individualized family plan services and covered under the medical assistance state plan. Covered services include occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides, assistive technology devices, transportation services, health assessments, and other services covered under the medical assistance state plan. Mental health services eligible for medical assistance reimbursement must be provided or coordinated through a children's mental health collaborative where a collaborative exists if the child is included in the collaborative operational target population. The provision or coordination of services does not require that the individualized education program be developed by the collaborative.

The services may be provided by a Minnesota school district that is enrolled as a medical assistance provider or its subcontractor, and only if the services meet all the requirements otherwise applicable if the service had been provided by a provider other than a school district, in the following areas: medical necessity; physician's, advanced practice registered nurse's, or physician assistant's orders; documentation; personnel qualifications; and prior authorization requirements. The nonfederal share of costs for services provided under this subdivision is the responsibility of the local school district as provided in section 125A.74.

Services listed in a child's individualized education program are eligible for medical assistance reimbursement only if those services meet criteria for federal financial participation under the Medicaid program.

Approval of health-related services for inclusion in the individualized education program does not require prior authorization for purposes of reimbursement under this chapter. The commissioner may require physician, advanced practice registered nurse, or physician assistant review and approval of the plan not more than once annually or upon any modification of the individualized education program that reflects a change in health-related services.
(c) Services of a speech-language pathologist provided under this section are covered notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

(1) holds a masters degree in speech-language pathology;

(2) is licensed by the Professional Educator Licensing and Standards Board as an educational speech-language pathologist; and

(3) either has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) Medical assistance coverage for medically necessary services provided under other subdivisions in this section may not be denied solely on the basis that the same or similar services are covered under this subdivision.

(e) The commissioner shall develop and implement package rates, bundled rates, or per diem rates for special education services under which separately covered services are grouped together and billed as a unit in order to reduce administrative complexity.

(f) The commissioner shall develop a cost-based payment structure for payment of these services. Only costs reported through the designated Minnesota Department of Education data systems in distinct service categories qualify for inclusion in the cost-based payment structure. The commissioner shall reimburse claims submitted based on an interim rate, and shall settle at a final rate once the department has determined it. The commissioner shall notify the school district of the final rate. The school district has 60 days to appeal the final rate. To appeal the final rate, the school district shall file a written appeal request to the commissioner within 60 days of the date the final rate determination was mailed. The appeal request shall specify (1) the disputed items and (2) the name and address of the person to contact regarding the appeal.

(g) Effective July 1, 2000, medical assistance services provided under an individualized education program or an individual family service plan by local school districts shall not count against medical assistance authorization thresholds for that child.

(h) Nursing services as defined in section 148.171, subdivision 15, and provided as an individualized education program health-related service, are eligible for medical assistance payment if they are otherwise a covered service under the medical assistance program. Medical assistance covers the administration of prescription medications by a licensed nurse who is employed by or under contract with a school district when the administration of medications is identified in the child's individualized education program. The simple administration of medications alone is not covered under medical assistance when administered by a provider other than a school district or when it is not identified in the child's individualized education program.
School social work services provided by a mental health professional, as defined in section 245I.04, subdivision 2, or mental health practitioner, as defined in section 245I.04, subdivision 4, under the supervision of a mental health professional, are eligible for medical assistance payment. A mental health practitioner performing school social work services under this section must provide services within the mental health practitioner's scope of practice, if applicable, and within the mental health practitioner's scope of practice under section 245I.04, subdivision 5.

Notwithstanding Minnesota Rules, part 9505.0371, a special education evaluation, individualized education program, or individual family service plan may be used to determine medical necessity and eligibility for school social work services under paragraph (i) instead of a diagnostic assessment if the special education evaluation, individualized education program, or individual family service plan includes a sign, symptom, or condition ICD-10-CM code for the student.

Covered mental health services provided by a school social worker under paragraph (i) include but are not limited to:

1. Administering and reporting standardized measures;
2. Care coordination;
3. Children's mental health crisis assistance, planning, and response services;
4. Children's mental health clinical care consultation;
5. Dialectical behavioral therapy for adolescents;
6. Direction of mental health behavioral aides;
7. Family psychoeducation;
8. Individual, family, and group psychotherapy;
9. Mental health behavioral aide services;
10. Skills training and;
11. Treatment plan development and review.

Effective Date. This section is effective January 1, 2024, or upon federal approval, whichever is later. The commissioner shall notify the revisor of statutes when federal approval has been obtained.
Sec. 19. **SPECIFIC LEARNING DISABILITY: RULEMAKING.**

(a) The commissioner of education must begin the rulemaking process to amend Minnesota Rules, part 3525.1341, and establish a stakeholder workgroup to review current specific learning disabilities criteria by December 31, 2023. By June 30, 2024, the workgroup must make recommendations aligned with related state and federal requirements, including:

1. removing discrepancy from criteria;
2. developing a plan to operationalize changes to criteria to align with current best practices and address concerns of multiple stakeholder groups, including but not limited to administrators, parents, educators, researchers, related services staff, advocates, lawyers, and minority and immigrant groups;
3. providing definitions and clarification of terms and procedures within existing requirements;
4. establishing the accountability process, including procedures and targets, for districts and cooperatives to use in evaluating their progress toward implementation of the amended rule; and
5. developing an evaluation framework for measuring intended and unintended results of amended criteria. Intended and unintended results may include overidentification and underidentification of minorities, delays to referral and identification, transitioning from developmental delay to specific learning disability, consistency of identification across districts and the state, adding unnecessary paperwork, limiting team decision making, or limiting access and progress with intensive and individualized special education support;

(b) Following the development of recommendations from the stakeholder workgroup, the commissioner must proceed with the rulemaking process and recommended alignment with other existing state and federal law;

(c) Concurrent with rulemaking, the commissioner must establish technical assistance and training capacity on the amended criteria, and training and capacity building must begin upon final approval of the amended rule;

(d) The amended rule must go into full effect no later than five years after the proposed revised rules are approved by the administrative law judge.

Sec. 5. **COMMISSIONER OF EDUCATION: LEGISLATIVE REPORT ON DEFINITIONS.**

(a) The commissioner of education must define the following terms:
(1) gifted student;
(2) talented student;
(3) twice-exceptional student;
(4) print disabled student; and
(5) reading disabled student.

(b) The commissioner of education must also define what qualifies a student in each category under paragraph (a) for special education services and how eligibility is determined, including through identification or diagnosis by a doctor of medicine, doctor of osteopathy, ophthalmologist, optometrist, psychologist, registered nurse, therapist, or professional staff of hospitals, institutions, and public or welfare agencies such as an educator, social worker, case worker, counselor, rehabilitation teacher, certified reading specialist, school psychologist, superintendent, or librarian.

(c) No later than February 15, 2024, the commissioner must report these definitions to the chairs and ranking minority members of the legislative committees having jurisdiction over early childhood through grade 12 education.

(d) The commissioner is encouraged to consult with the Perpich Center for Arts Education and the Minnesota State Academies in preparing the definitions under this section.

Sec. 12. APPROPRIATIONS.

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

Subd. 2. Aid for children with disabilities. (a) For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

(b) If the appropriation for either year is insufficient, the appropriation for the other year is available.

Subd. 3. Court-placed special education revenue. For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:
<table>
<thead>
<tr>
<th>Section</th>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
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<tbody>
<tr>
<td>262.4</td>
<td>2024</td>
<td>$26,000</td>
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<tr>
<td>262.5</td>
<td>2025</td>
<td>$27,000</td>
<td>2025</td>
</tr>
<tr>
<td>262.6</td>
<td>Subd. 4, Special education; regular.</td>
<td>(a) For special education aid under Minnesota Statutes, section 125A.75;</td>
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<tr>
<td>262.7</td>
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<td>(b) The 2024 appropriation includes $229,860,000 for 2023 and $2,073,005,000 for 2024;</td>
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<td>262.8</td>
<td></td>
<td>(c) The 2025 appropriation includes $291,664,000 for 2024 and $2,181,344,000 for 2025;</td>
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<tr>
<td>262.9</td>
<td>Subd. 5, Special education due process aid.</td>
<td>(a) For special education due process aid under Minnesota Statutes, section 122A.50;</td>
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<td>262.10</td>
<td></td>
<td>(b) The 2024 appropriation includes $0 for 2023 and $30,583,000 for 2024;</td>
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<tr>
<td>262.11</td>
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<td>(c) The 2025 appropriation includes $3,398,000 for 2024 and $16,047,000 for 2025.</td>
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<td>262.12</td>
<td>Subd. 6, Special education separate sites and programs.</td>
<td>(a) For special education separate sites and programs under Minnesota Statutes, section 125A.81, subdivision 4:</td>
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<td>262.13</td>
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<td>(b) The 2024 appropriation includes $0 for 2023 and $4,378,000 for 2024;</td>
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<td>262.14</td>
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<td>(c) The 2025 appropriation includes $486,000 for 2024 and $4,597,000 for 2025.</td>
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<td>262.15</td>
<td>Subd. 7, Special education out-of-state tuition.</td>
<td>For special education out-of-state tuition under Minnesota Statutes, section 125A.79, subdivision 8:</td>
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<td>262.16</td>
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<td>(b) The 2024 appropriation includes $0 for 2023 and $30,583,000 for 2024;</td>
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<td>(c) The 2025 appropriation includes $3,398,000 for 2024 and $16,047,000 for 2025.</td>
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<td>262.18</td>
<td>Subd. 8, Special education separate programs.</td>
<td>(a) For special education separate programs under Minnesota Statutes, section 125A.82;</td>
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<td>(b) The 2024 appropriation includes $0 for 2023 and $4,378,000 for 2024;</td>
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<td>262.20</td>
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<td>(c) The 2025 appropriation includes $486,000 for 2024 and $4,597,000 for 2025.</td>
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Subd. 8. Travel for home-based services. (a) For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

<table>
<thead>
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<th>Year</th>
<th>Amount</th>
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<tr>
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<td>2025</td>
<td>348,000</td>
<td>2025</td>
</tr>
</tbody>
</table>

(b) The 2024 appropriation includes $32,000 for 2023 and $302,000 for 2024.

(c) The 2025 appropriation includes $33,000 for 2024 and $315,000 for 2025.