

53.4 **ARTICLE 5**

53.5 **SPECIAL EDUCATION**

53.6 Section 1. Minnesota Statutes 2022, section 125A.02, subdivision 1a, is amended to read:

53.7 Subd. 1a. ~~Children ages three birth through seven age six experiencing developmental~~

53.8 ~~delays. In addition, every child under age three; and, at local district discretion, every child~~

53.9 ~~from age three to through age seven; six who needs special instruction and services, as~~

53.10 ~~determined by the rules of the commissioner, because the child has a substantial delay or~~

53.11 ~~has an identifiable a diagnosed physical or mental condition known to hinder normal~~

53.12 ~~development or disorder with a high probability of resulting in developmental delay is a~~

53.13 ~~child with a disability.~~

53.14 Sec. 2. Minnesota Statutes 2023 Supplement, section 125A.08, is amended to read:

53.15 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

53.16 Subdivision 1. Individualized education programs. (a) At the beginning of each school

53.17 year, each school district shall have in effect, for each child with a disability, an

53.18 individualized education program.

53.19 (b) As defined in this section, every district must ensure the following:

53.20 (1) all students with disabilities are provided the special instruction and services which

53.21 are appropriate to their needs. Where the individualized education program team has

53.22 determined appropriate goals and objectives based on the student's needs, including the

53.23 extent to which the student can be included in the least restrictive environment, and where

53.24 there are essentially equivalent and effective instruction, related services, or assistive

53.25 technology devices available to meet the student's needs, cost to the district may be among

53.26 the factors considered by the team in choosing how to provide the appropriate services,

53.27 instruction, or devices that are to be made part of the student's individualized education

53.28 program. The individualized education program team shall consider and may authorize

53.29 services covered by medical assistance according to section 256B.0625, subdivision 26.

53.30 Before a school district evaluation team makes a determination of other health disability

53.31 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation

53.32 team must seek written documentation of the student's medically diagnosed chronic or acute

53.33 health condition signed by a licensed physician or a licensed health care provider acting

54.1 within the scope of the provider's practice. The student's needs and the special education

54.2 instruction and services to be provided must be agreed upon through the development of

54.3 an individualized education program. The program must address the student's need to develop

54.4 skills to live and work as independently as possible within the community. The individualized

54.5 education program team must consider positive behavioral interventions, strategies, and

54.6 supports that address behavior needs for children. During grade 9, the program must address

54.7 the student's needs for transition from secondary services to postsecondary education and

54.8 training, employment, community participation, recreation, and leisure and home living. In

54.9 developing the program, districts must inform parents of the full range of transitional goals

45.24 **ARTICLE 4**

45.25 **SPECIAL EDUCATION**

45.26 Section 1. Minnesota Statutes 2023 Supplement, section 125A.08, is amended to read:

45.27 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

45.28 Subdivision 1. Individualized education programs. (a) At the beginning of each school

45.29 year, each school district shall have in effect, for each child with a disability, an

45.30 individualized education program.

46.1 (b) As defined in this section, every district must ensure the following:

46.2 (1) all students with disabilities are provided the special instruction and services which

46.3 are appropriate to their needs. Where the individualized education program team has

46.4 determined appropriate goals and objectives based on the student's needs, including the

46.5 extent to which the student can be included in the least restrictive environment, and where

46.6 there are essentially equivalent and effective instruction, related services, or assistive

46.7 technology devices available to meet the student's needs, cost to the district may be among

46.8 the factors considered by the team in choosing how to provide the appropriate services,

46.9 instruction, or devices that are to be made part of the student's individualized education

46.10 program. The individualized education program team shall consider and may authorize

46.11 services covered by medical assistance according to section 256B.0625, subdivision 26.

46.12 Before a school district evaluation team makes a determination of other health disability

46.13 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation

46.14 team must seek written documentation of the student's medically diagnosed chronic or acute

46.15 health condition signed by a licensed physician or a licensed health care provider acting

46.16 within the scope of the provider's practice. The student's needs and the special education

46.17 instruction and services to be provided must be agreed upon through the development of

46.18 an individualized education program. The program must address the student's need to develop

46.19 skills to live and work as independently as possible within the community. The individualized

46.20 education program team must consider positive behavioral interventions, strategies, and

46.21 supports that address behavior needs for children. During grade 9, the program must address

46.22 the student's needs for transition from secondary services to postsecondary education and

46.23 training, employment, community participation, recreation, and leisure and home living. In

46.24 developing the program, districts must inform parents of the full range of transitional goals

54.10 and related services that should be considered. The program must include a statement of  
54.11 the needed transition services, including a statement of the interagency responsibilities or  
54.12 linkages or both before secondary services are concluded. If the individualized education  
54.13 program meets the plan components in section 120B.125, the individualized education  
54.14 program satisfies the requirement and no additional transition plan is needed;

54.15 (2) children with a disability under age five and their families are provided special  
54.16 instruction and services appropriate to the child's level of functioning and needs;

54.17 (3) children with a disability and their parents or guardians are guaranteed procedural  
54.18 safeguards and the right to participate in decisions involving identification, assessment  
54.19 including assistive technology assessment, and educational placement of children with a  
54.20 disability;

54.21 (4) eligibility and needs of children with a disability are determined by an initial  
54.22 evaluation or reevaluation, which may be completed using existing data under United States  
54.23 Code, title 20, section 33, et seq.;

54.24 (5) to the maximum extent appropriate, children with a disability, including those in  
54.25 public or private institutions or other care facilities, are educated with children who are not  
54.26 disabled, and that special classes, separate schooling, or other removal of children with a  
54.27 disability from the regular educational environment occurs only when and to the extent that  
54.28 the nature or severity of the disability is such that education in regular classes with the use  
54.29 of supplementary services cannot be achieved satisfactorily;

54.30 (6) in accordance with recognized professional standards, testing and evaluation materials,  
54.31 and procedures used for the purposes of classification and placement of children with a  
54.32 disability are selected and administered so as not to be racially or culturally discriminatory;  
54.33 and

55.1 (7) the rights of the child are protected when the parents or guardians are not known or  
55.2 not available, or the child is a ward of the state.

55.3 Subd. 2. **Paraprofessionals.** ~~(e)~~ For all paraprofessionals employed to work in programs  
55.4 whose role in part is to provide direct support to students with disabilities, the school board  
55.5 in each district shall ensure that:

55.6 (1) before or beginning at the time of employment, each paraprofessional must develop  
55.7 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
55.8 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
55.9 meeting the needs, especially disability-specific and behavioral needs, of the students with  
55.10 whom the paraprofessional works;

55.11 (2) within five days of beginning to work alone with an individual student with a  
55.12 disability, the assigned paraprofessional must be either given paid time, or time during the  
55.13 school day, to review a student's individualized education program or be briefed on the  
55.14 student's specific needs by appropriate staff;

46.25 and related services that should be considered. The program must include a statement of  
46.26 the needed transition services, including a statement of the interagency responsibilities or  
46.27 linkages or both before secondary services are concluded. If the individualized education  
46.28 program meets the plan components in section 120B.125, the individualized education  
46.29 program satisfies the requirement and no additional transition plan is needed;

46.30 (2) children with a disability under age five and their families are provided special  
46.31 instruction and services appropriate to the child's level of functioning and needs;

46.32 (3) children with a disability and their parents or guardians are guaranteed procedural  
46.33 safeguards and the right to participate in decisions involving identification, assessment  
46.34 including assistive technology assessment, and educational placement of children with a  
46.35 disability;

47.1 (4) eligibility and needs of children with a disability are determined by an initial  
47.2 evaluation or reevaluation, which may be completed using existing data under United States  
47.3 Code, title 20, section 33, et seq.;

47.4 (5) to the maximum extent appropriate, children with a disability, including those in  
47.5 public or private institutions or other care facilities, are educated with children who are not  
47.6 disabled, and that special classes, separate schooling, or other removal of children with a  
47.7 disability from the regular educational environment occurs only when and to the extent that  
47.8 the nature or severity of the disability is such that education in regular classes with the use  
47.9 of supplementary services cannot be achieved satisfactorily;

47.10 (6) in accordance with recognized professional standards, testing and evaluation materials,  
47.11 and procedures used for the purposes of classification and placement of children with a  
47.12 disability are selected and administered so as not to be racially or culturally discriminatory;  
47.13 and

47.14 (7) the rights of the child are protected when the parents or guardians are not known or  
47.15 not available, or the child is a ward of the state.

47.16 Subd. 2. **Paraprofessionals.** ~~(e)~~ For all paraprofessionals employed to work in programs  
47.17 whose role in part is to provide direct support to students with disabilities, the school board  
47.18 in each district shall ensure that:

47.19 (1) before or beginning at the time of employment, each paraprofessional must develop  
47.20 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
47.21 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
47.22 meeting the needs, especially disability-specific and behavioral needs, of the students with  
47.23 whom the paraprofessional works;

47.24 (2) within five days of beginning to work alone with an individual student with a  
47.25 disability, the assigned paraprofessional must be either given paid time, or time during the  
47.26 school day, to review a student's individualized education program or be briefed on the  
47.27 student's specific needs by appropriate staff;

55.15 (3) annual training opportunities are required to enable the paraprofessional to continue  
55.16 to further develop the knowledge and skills that are specific to the students with whom the  
55.17 paraprofessional works, including understanding disabilities, the unique and individual  
55.18 needs of each student according to the student's disability and how the disability affects the  
55.19 student's education and behavior, following lesson plans, and implementing follow-up  
55.20 instructional procedures and activities; and

55.21 (4) a districtwide process obligates each paraprofessional to work under the ongoing  
55.22 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
55.23 school nurse.

55.24 Subd. 3. **Functional behavior assessment.** ~~(d)~~ A school district may conduct a functional  
55.25 behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a  
55.26 stand-alone evaluation without conducting a comprehensive evaluation of the student in  
55.27 accordance with prior written notice provisions in section 125A.091, subdivision 3a. A  
55.28 parent or guardian may request that a school district conduct a comprehensive evaluation  
55.29 of the parent's or guardian's student.

55.30 Subd. 4. **Developmental adapted physical education assessment.** A school district  
55.31 may conduct an assessment for developmental adapted physical education, as defined in  
55.32 Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a  
55.33 comprehensive evaluation of the student in accordance with prior written notice provisions  
56.1 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
56.2 conduct a comprehensive evaluation of the parent's or guardian's student.

56.3 **EFFECTIVE DATE.** This section is effective July 1, 2024.

56.4 Sec. 3. Minnesota Statutes 2022, section 125A.27, subdivision 8, is amended to read:

56.5 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for infant and  
56.6 toddler intervention services under section 125A.02 and Minnesota Rules, part 3525.1350.

56.7 Sec. 4. Minnesota Statutes 2022, section 125A.56, subdivision 1, is amended to read:

56.8 Subdivision 1. **Requirement.** (a) Before a pupil in kindergarten through grade 12 is  
56.9 referred for a special education evaluation, the district must conduct and document at least  
56.10 two instructional strategies, alternatives, or interventions using a system of scientific,  
56.11 research-based instruction and intervention in academics or behavior, based on the pupil's  
56.12 needs, while the pupil is in the regular classroom. The pupil's teacher must document the  
56.13 results. A special education evaluation team may waive this requirement when it determines  
56.14 the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's  
56.15 right to a special education evaluation.

56.16 (b) A school district shall use alternative intervention services, including the assurance  
56.17 of mastery program under section 124D.66, or an early intervening services program under  
56.18 subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional  
56.19 strategies or interventions.

47.28 (3) annual training opportunities are required to enable the paraprofessional to continue  
47.29 to further develop the knowledge and skills that are specific to the students with whom the  
47.30 paraprofessional works, including understanding disabilities, the unique and individual  
47.31 needs of each student according to the student's disability and how the disability affects the  
47.32 student's education and behavior, following lesson plans, and implementing follow-up  
47.33 instructional procedures and activities; and

48.1 (4) a districtwide process obligates each paraprofessional to work under the ongoing  
48.2 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
48.3 school nurse.

48.4 Subd. 3. **Functional behavior assessment.** ~~(d)~~ A school district may conduct a functional  
48.5 behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a  
48.6 stand-alone evaluation without conducting a comprehensive evaluation of the student in  
48.7 accordance with prior written notice provisions in section 125A.091, subdivision 3a. A  
48.8 parent or guardian may request that a school district conduct a comprehensive evaluation  
48.9 of the parent's or guardian's student.

48.10 Subd. 4. **Developmental adapted physical education assessment.** A school district  
48.11 may conduct an assessment for developmental adapted physical education, as defined in  
48.12 Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a  
48.13 comprehensive evaluation of the student in accordance with prior written notice provisions  
48.14 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
48.15 conduct a comprehensive evaluation of the parent's or guardian's student.

48.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

56.20 (c) A student identified as being unable to read at grade level under section 120B.12,  
56.21 subdivision 2, paragraph (a), must be provided with alternate instruction under this  
56.22 subdivision that is multisensory, systematic, sequential, cumulative, and explicit.

56.23 Sec. 5. **SPECIAL EDUCATION LICENSURE RECIPROCITY WORKING GROUP.**

56.24 Subdivision 1. **Working group established.** The Professional Educator Licensing and  
56.25 Standards Board must establish a working group on special education licensure reciprocity.

56.26 Subd. 2. **Members.** (a) The board must consult with the organizations identified in  
56.27 paragraph (b) before naming appointed members to the working group.

56.28 (b) By October 1, 2024, the board must appoint the following members to the working  
56.29 group:

56.30 (1) the executive director of the board or the executive director's designee;  
57.1 (2) one representative from the board;

57.2 (3) two representatives from Minnesota Administrators for Special Education, consisting  
57.3 of one member from the seven-county metropolitan area and one member from outside the  
57.4 metropolitan area;

57.5 (4) two representatives from the Minnesota Association of School Administrators,  
57.6 consisting of one member from the seven-county metropolitan area and one member from  
57.7 outside the metropolitan area;

57.8 (5) two representatives from the Minnesota School Boards Association, consisting of  
57.9 one member from the seven-county metropolitan area and one member from outside the  
57.10 metropolitan area;

57.11 (6) two representatives from Education Minnesota, consisting of one member from the  
57.12 seven-county metropolitan area and one member from outside the metropolitan area;

57.13 (7) four licensed special education teachers, consisting of two members from the  
57.14 seven-county metropolitan area and two members from outside the metropolitan area;

57.15 (8) two representatives from the Minnesota Association of Colleges for Teacher  
57.16 Education; and

57.17 (9) two representatives from alternative teacher preparation programs.

57.18 Subd. 3. **Duties.** The working group must meet on a regular basis and review current  
57.19 statutory and rule requirements for persons with a special education license from another  
57.20 state to qualify for a special education license in Minnesota, and make recommendations  
57.21 on statutory or rule changes necessary to streamline requirements for out-of-state applicants.  
57.22 The working group must submit its recommendations to the board for consideration for

48.17 Sec. 2. **SPECIAL EDUCATION LICENSURE RECIPROCITY WORKING GROUP.**

48.18 Subdivision 1. **Working group established.** The Professional Educator Licensing and  
48.19 Standards Board must establish a working group on special education licensure reciprocity.

48.20 Subd. 2. **Members.** (a) The board must consult with the organizations identified in  
48.21 paragraph (b) before naming appointed members to the working group.

48.22 (b) By July 1, 2024, the board must appoint the following members to the working group:

48.23 (1) the executive director of the board or the executive director's designee;  
48.24 (2) one representative from the board;

48.25 (3) two representatives from Minnesota Administrators for Special Education, consisting  
48.26 of one member from the seven-county metropolitan area and one member from outside the  
48.27 metropolitan area;

48.28 (4) two representatives from the Minnesota Association of School Administrators,  
48.29 consisting of one member from the seven-county metropolitan area and one member from  
48.30 outside the metropolitan area;

49.1 (5) two representatives from the Minnesota School Boards Association, consisting of  
49.2 one member from the seven-county metropolitan area and one member from outside the  
49.3 metropolitan area;

49.4 (6) two representatives from Education Minnesota, consisting of one member from the  
49.5 seven-county metropolitan area and one member from outside the metropolitan area;

49.6 (7) four licensed special education teachers, consisting of two members from the  
49.7 seven-county metropolitan area and two members from outside the metropolitan area;

49.8 (8) two representatives from the Minnesota Association of Colleges for Teacher  
49.9 Education;

49.10 (9) two representatives from alternative teacher preparation programs; and  
49.11 (10) one representative from the Minnesota Association of Charter Schools.

49.12 Subd. 3. **Duties.** The working group must meet on a regular basis and review current  
49.13 statutory and rule requirements for persons with a special education license from another  
49.14 state to qualify for a special education license in Minnesota, and make recommendations  
49.15 on statutory or rule changes necessary to streamline requirements for out-of-state applicants.  
49.16 The working group must submit its recommendations to the board for consideration for

57.23 inclusion in the board's legislative priorities, and by February 1, 2025, must submit a report  
57.24 to the legislative committees with jurisdiction over kindergarten through grade 12 education.

57.25 Subd. 4. **Administrative provisions.** (a) The executive director of the board, or the  
57.26 director's designee, must convene the initial meeting of the working group. Upon request  
57.27 of the working group, the board must provide meeting space and administrative services  
57.28 for the group.

57.29 (b) Members of the working group serve without compensation or payment of expenses.

57.30 (c) The working group expires February 1, 2025, or upon submission of the report to  
57.31 the legislature required under subdivision 3, whichever is earlier.

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

58.1 Sec. 6. **COMMISSIONER OF EDUCATION; LEGISLATIVE REPORT ON**  
58.2 **DEFINITIONS.**

58.3 (a) The commissioner of education must define the following terms:

58.4 (1) gifted student;

58.5 (2) talented student;

58.6 (3) twice-exceptional student;

58.7 (4) print disabled student; and

58.8 (5) reading disabled student.

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

58.16 (c) No later than February 15, 2025, the commissioner must report these definitions to  
58.17 the chairs and ranking minority members of the legislative committees having jurisdiction  
58.18 over early childhood through grade 12 education.

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

49.17 inclusion in the board's legislative priorities, and by February 1, 2025, must submit a report  
49.18 to the legislative committees with jurisdiction over kindergarten through grade 12 education.

49.19 Subd. 4. **Administrative provisions.** (a) The executive director of the board, or the  
49.20 director's designee, must convene the initial meeting of the working group. Upon request  
49.21 of the working group, the board must provide meeting space and administrative services  
49.22 for the group.

49.23 (b) Members of the working group serve without compensation or payment of expenses.

49.24 (c) The working group expires February 1, 2025, or upon submission of the report to  
49.25 the legislature required under subdivision 3, whichever is earlier.

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