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

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

53.7 
Subd. 1a. *Children age three through seven age six experiencing developmental delays*. In addition, every child under age three and, at local district discretion, every child from age three to through age seven, six who needs special instruction and services as determined by the rules of the commissioner, because the child has a substantial delay or an identifiable a diagnosed physical or mental condition known to hinder normal development or disorder with a high probability of resulting in developmental delay is a child with a disability.  

53.8 
Sec. 2. Minnesota Statutes 2023 Supplement, section 125A.08, is amended to read:  

53.9 
Subdivision 1. *Individualized education programs.* (a) At the beginning of each school year, each school district shall have in effect, for each child with a disability, an individualized education program.  

53.10 
(b) As defined in this section, every district must ensure the following:  

53.11 
(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individualized education program team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individualized education program. The individualized education program team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26.  

53.12 
Before a school district evaluation team makes a determination of other health disability under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek written documentation of the student's medically diagnosed chronic or acute health condition signed by a licensed physician or a licensed health care provider acting within the scope of the provider's practice. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individualized education program. The program must address the student's need to develop skills to live and work as independently as possible within the community. The individualized education program team must consider positive behavioral interventions, strategies, and supports that address behavior needs for children. During grade 9, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the program, districts must inform parents of the full range of transitional goals to be provided for the student.
and related services that should be considered. The program must include a statement of
the needed transition services, including a statement of the interagency responsibilities or
linkages or both before secondary services are concluded. If the individualized education
program meets the plan components in section 120B.125, the individualized education
program satisfies the requirement and no additional transition plan is needed;
(2) children with a disability under age five and their families are provided special
instruction and services appropriate to the child's level of functioning and needs;
(3) children with a disability and their parents or guardians are guaranteed procedural
safeguards and the right to participate in decisions involving identification, assessment
including assistive technology assessment, and educational placement of children with a
disability;
(4) eligibility and needs of children with a disability are determined by an initial
evaluation or reevaluation, which may be completed using existing data under United States
Code, title 20, section 33, et seq.;
(5) to the maximum extent appropriate, children with a disability, including those in
public or private institutions or other care facilities, are educated with children who are not
disabled, and that special classes, separate schooling, or other removal of children with a
disability from the regular educational environment occurs only when and to the extent that
the nature or severity of the disability is such that education in regular classes with the use
of supplementary services cannot be achieved satisfactorily;
(6) in accordance with recognized professional standards, testing and evaluation materials,
and procedures used for the purposes of classification and placement of children with a
disability are selected and administered so as not to be racially or culturally discriminatory;
(7) the rights of the child are protected when the parents or guardians are not known or
not available, or the child is a ward of the state.

Subd. 2. Paraprofessionals. For all paraprofessionals employed to work in programs
whose role in part is to provide direct support to students with disabilities, the school board
in each district shall ensure that:
(1) before or beginning at the time of employment, each paraprofessional must develop
sufficient knowledge and skills in emergency procedures, building orientation, roles and
responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
meeting the needs, especially disability-specific and behavioral needs, of the students with
whom the paraprofessional works;
(2) within five days of beginning to work alone with an individual student with a
disability, the assigned paraprofessional must be either given paid time, or time during the
school day, to review a student's individualized education program or be briefed on the
student's specific needs by appropriate staff;
and related services that should be considered. The program must include a statement of
the needed transition services, including a statement of the interagency responsibilities or
linkages or both before secondary services are concluded. If the individualized education
program meets the plan components in section 120B.125, the individualized education
program satisfies the requirement and no additional transition plan is needed;
(2) children with a disability under age five and their families are provided special
instruction and services appropriate to the child's level of functioning and needs;
(3) children with a disability and their parents or guardians are guaranteed procedural
safeguards and the right to participate in decisions involving identification, assessment
including assistive technology assessment, and educational placement of children with a
disability;
(4) eligibility and needs of children with a disability are determined by an initial
evaluation or reevaluation, which may be completed using existing data under United States
Code, title 20, section 33, et seq.;
(5) to the maximum extent appropriate, children with a disability, including those in
public or private institutions or other care facilities, are educated with children who are not
disabled, and that special classes, separate schooling, or other removal of children with a
disability from the regular educational environment occurs only when and to the extent that
the nature or severity of the disability is such that education in regular classes with the use
of supplementary services cannot be achieved satisfactorily;
(6) in accordance with recognized professional standards, testing and evaluation materials,
and procedures used for the purposes of classification and placement of children with a
disability are selected and administered so as not to be racially or culturally discriminatory;
(7) the rights of the child are protected when the parents or guardians are not known or
not available, or the child is a ward of the state.
(3) annual training opportunities are required to enable the paraprofessional to continue
to further develop the knowledge and skills that are specific to the students with whom the
paraprofessional works, including understanding disabilities, the unique and individual
needs of each student according to the student's disability and how the disability affects the
student's education and behavior, following lesson plans, and implementing follow-up
instructional procedures and activities; and

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

Subd. 3. Functional behavior assessment. (a) A school district may conduct a functional
behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a
stand-alone evaluation without conducting a comprehensive evaluation of the student in
accordance with prior written notice provisions in section 125A.091, subdivision 3a. A
parent or guardian may request that a school district conduct a comprehensive evaluation
of the student's education and behavior, following lesson plans, and implementing follow-up
instructional procedures and activities; and

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

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

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

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

(a) Before a pupil in kindergarten through grade 2 is
referred for a special education evaluation, the district must conduct and document at least
two instructional strategies, alternatives, or interventions using a system of scientific,
research-based instruction and intervention in academics or behavior, based on the pupil's
needs, while the pupil is in the regular classroom. The pupil's teacher must document the
results: A special education evaluation team may waive this requirement when it determines
the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's
right to a special education evaluation.

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

EFFECTIVE DATE. This section is effective July 1, 2024.
Subd. 1. Working group established. The Professional Educator Licensing and Standards Board must establish a working group on special education licensure reciprocity. Subd. 2. Members. (a) The board must consult with the organizations identified in paragraph (b) before naming appointed members to the working group:

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

(1) the executive director of the board or the executive director's designee;
(2) one representative from the board;
(3) two representatives from Minnesota Administrators for Special Education, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
(4) two representatives from the Minnesota Association of School Administrators, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
(5) two representatives from the Minnesota School Boards Association, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
(6) two representatives from Education Minnesota, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;
(7) four licensed special education teachers, consisting of two members from the seven-county metropolitan area and two members from outside the metropolitan area;
(8) two representatives from the Minnesota Association of Colleges for Teacher Education; and
(9) two representatives from alternative teacher preparation programs;

Subd. 3. Duties. The working group must meet on a regular basis and review current statutory and rule requirements for persons with a special education license from another state to qualify for a special education license in Minnesota, and make recommendations on statutory or rule changes necessary to streamline requirements for out-of-state applicants. The working group must submit its recommendations to the board for consideration for statistical or rule changes necessary to streamline requirements for out-of-state applicants. The board may adopt these recommendations if it determines in its discretion that they are in the best interest of the people of this state.
Subd. 4. Administrative provisions. (a) The executive director of the board, or the
director's designee, must convene the initial meeting of the working group. Upon request
of the working group, the board must provide meeting space and administrative services
for the group.

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

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

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

Sec. 6. 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, 2025, 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.

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