

ARTICLE 7

SPECIAL EDUCATION

232.6

232.7

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

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

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

232.23 (c) A pupil who becomes age 21 after enrollment is eligible for continued free public
232.24 school enrollment until at least one of the following occurs: (1) the first September 1 after
232.25 the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the
232.26 pupil's withdrawal with no subsequent enrollment within 21 calendar days; ~~or~~ (4) the end
232.27 of the school year; or (5) in the case of a student with a disability as defined under section
232.28 125A.02, the pupil's 22nd birthday.

ARTICLE 5

SPECIAL EDUCATION

100.1

100.2

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

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

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

100.18 (c) A pupil who becomes age 21 after enrollment is eligible for continued free public
100.19 school enrollment until at least one of the following occurs: (1) the first September 1 after
100.20 the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the
100.21 pupil's withdrawal with no subsequent enrollment within 21 calendar days; ~~or~~ (4) the end
100.22 of the school year; or (5) in the case of a student with a disability as defined under section
100.23 125A.02, the pupil's 22nd birthday.

S1311-2

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

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

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

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

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

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

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

UEH2497-1

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

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

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

100.27 (2) with a disability under 24 22 years old who has not received a regular high school
100.28 diploma or for a child with a disability who becomes 21 years old during the school year

100.29 but has not received a regular high school diploma, until the end of that school year; and

100.30 (3) who remains eligible to attend a public elementary or secondary school.

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

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

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

233.1 (2) with a disability under 24 22 years old who has not received a regular high school
233.2 diploma or for a child with a disability who becomes 21 years old during the school year

233.3 but has not received a regular high school diploma, until the end of that school year; and

233.4 (3) who remains eligible to attend a public elementary or secondary school.

233.5 (b) A "student with a disability" or a "pupil with a disability" has the same meaning as
233.6 a "child with a disability" under section 125A.02.

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

233.8 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)
233.9 In addition to any other requirements that a school district establishes, any person employed
233.10 to provide American sign language/English interpreting or sign transliterating services on
233.11 a full-time or part-time basis for a school district after July 1, 2000, must:

233.12 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of
233.13 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded
233.14 by the National Association of the Deaf (NAD), or a comparable state certification from
233.15 the commissioner of education; and

233.16 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with
233.17 an accredited educational institution; or

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

233.19 (b) New graduates of an interpreter/transliterator program affiliated with an accredited
233.20 education institution or certified deaf interpreters who hold a certification issued by RID
233.21 shall be granted a two-year provisional certificate by the commissioner. During the two-year
233.22 provisional period, the interpreter/transliterator must develop and implement an education
233.23 plan in collaboration with a mentor under paragraph (c).

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

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

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

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

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

100.31 (b) A "student with a disability" or a "pupil with a disability" has the same meaning as
100.32 a "child with a disability" under section 125A.02.

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

101.2 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)
101.3 In addition to any other requirements that a school district establishes, any person employed
101.4 to provide American sign language/English interpreting or sign transliterating services on
101.5 a full-time or part-time basis for a school district after July 1, 2000, must:

101.6 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of
101.7 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded
101.8 by the National Association of the Deaf (NAD), or a comparable state certification from
101.9 the commissioner of education; and

101.10 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with
101.11 an accredited educational institution; or

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

101.13 (b) New graduates of an interpreter/transliterator program affiliated with an accredited
101.14 education institution or certified deaf interpreters who hold a certification issued by RID
101.15 shall be granted a two-year provisional certificate by the commissioner. During the two-year
101.16 provisional period, the interpreter/transliterator must develop and implement an education
101.17 plan in collaboration with a mentor under paragraph (c).

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

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

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

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

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

234.10 As a condition of receiving the extension, the person must comply with a plan and the
234.11 accompanying ~~time line~~ timeline for meeting the requirements of this subdivision. A
234.12 committee composed of the deaf and hard-of-hearing state specialist, a representative of
234.13 the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of
234.14 Interpreters ~~of for~~ the Deaf, and other appropriate ~~persons~~ committee members selected by
234.15 the commissioner must develop the plan and ~~time line~~ timeline for the person receiving the
234.16 extension.

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

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

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

234.23 **122A.50 PREPARATION TIME.**

234.24 Subdivision 1. **Preparation time.** Beginning with agreements effective July 1, 1995,
234.25 and thereafter, all collective bargaining agreements for teachers provided for under chapter
234.26 179A, must include provisions for preparation time or a provision indicating that the parties
234.27 to the agreement chose not to include preparation time in the contract.

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

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

235.8 (b) For fiscal year 2024, the due process revenue for a school district is equal to \$29
235.9 times the adjusted pupil units for the current fiscal year. For fiscal year 2024, the due process
235.10 revenue for a school district that is a member of an intermediate school district or other
235.11 cooperative unit that enrolls students is equal to \$8.25 times the adjusted pupil units for the
235.12 current fiscal year. For fiscal year 2025 and later, the due process revenue for a school
235.13 district equals \$16.25 times the adjusted pupil units for the current fiscal year. For fiscal
235.14 year 2025 and later, the due process revenue for a school district that is a member of an
235.15 intermediate school district or other cooperative unit that enrolls students equals \$3.25 times
235.16 the adjusted pupil units for the current fiscal year. If a district is a member of more than one

102.4 As a condition of receiving the extension, the person must comply with a plan and the
102.5 accompanying ~~time line~~ timeline for meeting the requirements of this subdivision. A
102.6 committee composed of the deaf and hard-of-hearing state specialist, a representative of
102.7 the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of
102.8 Interpreters ~~of for~~ the Deaf, and other appropriate ~~persons~~ committee members selected by
102.9 the commissioner must develop the plan and ~~time line~~ timeline for the person receiving the
102.10 extension.

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

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

235.17 cooperative unit that enrolls students, the revenue must be allocated among the cooperative
235.18 units.

235.19 (c) A district must meet and negotiate an agreement with the exclusive representative
235.20 of teachers in the district containing a plan to use the revenue authorized under this
235.21 subdivision. The plan must provide teachers that provide direct services to students with
235.22 individualized education programs or individualized family services plans time to complete
235.23 due process forms and procedures. Examples of allowed uses for the revenue include:

235.24 (1) 43.75 hours of paid time for each teacher providing direct special education services,
235.25 with the time paid at a rate proportional to the teacher's annual salary, in addition to the
235.26 wages provided under applicable collective bargaining agreements and memoranda between
235.27 the school board and exclusive representative of teachers;

235.28 (2) the costs of necessary substitute teachers;

235.29 (3) innovative flexible learning days or weeks that provide teachers time during the
235.30 regularly scheduled duty day to complete forms and procedures; and

235.31 (4) due process clerks or other staff dedicated to assisting teachers with due process
235.32 forms and procedures.

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

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

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

236.13 Sec. 5. Minnesota Statutes 2022, section 123B.92, subdivision 1, is amended to read:

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

236.16 (a) "Actual expenditure per pupil transported in the regular and excess transportation
236.17 categories" means the quotient obtained by dividing:

236.18 (1) the sum of:

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

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

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

102.19 (a) "Actual expenditure per pupil transported in the regular and excess transportation
102.20 categories" means the quotient obtained by dividing:

102.21 (1) the sum of:

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

236.21 (ii) an amount equal to one year's depreciation on the district's school bus fleet and
236.22 mobile units computed on a straight line basis at the rate of 15 percent per year for districts
236.23 operating a program under section 124D.128 for grades 1 to 12 for all students in the district
236.24 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

236.25 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
236.26 defined in section 169.011, subdivision 71, which must be used a majority of the time for
236.27 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
236.28 year of the cost of the type three school buses by:

236.29 (2) the number of pupils eligible for transportation in the regular category, as defined
236.30 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
236.31 (2).

237.1 (b) "Transportation category" means a category of transportation service provided to
237.2 pupils as follows:

237.3 (1) Regular transportation is:

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

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

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

237.14 (iv) transportation to and from or board and lodging in another district, of resident pupils
237.15 of a district without a secondary school;

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

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

237.24 (A) academic instruction;

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

102.24 (ii) an amount equal to one year's depreciation on the district's school bus fleet and
102.25 mobile units computed on a straight line basis at the rate of 15 percent per year for districts
102.26 operating a program under section 124D.128 for grades 1 to 12 for all students in the district
102.27 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

102.28 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
102.29 defined in section 169.011, subdivision 71, which must be used a majority of the time for
102.30 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
102.31 year of the cost of the type three school buses by:

103.1 (2) the number of pupils eligible for transportation in the regular category, as defined
103.2 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
103.3 (2).

103.4 (b) "Transportation category" means a category of transportation service provided to
103.5 pupils as follows:

103.6 (1) Regular transportation is:

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

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

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

103.17 (iv) transportation to and from or board and lodging in another district, of resident pupils
103.18 of a district without a secondary school;

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

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

103.27 (A) academic instruction;

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

237.26 (C) high-quality child care on site during the education day with the capacity to serve
237.27 all children of enrolled pupils.

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

238.3 (2) Excess transportation is:

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

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

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

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

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

238.21 (ii) necessary transportation of pupils with disabilities from home or from school to
238.22 other buildings, including centers such as developmental achievement centers, hospitals,
238.23 and treatment centers where special instruction or services required by sections 125A.03 to
238.24 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
238.25 where services are provided;

238.26 (iii) necessary transportation for resident pupils with disabilities required by sections
238.27 125A.12, and 125A.26 to 125A.48;

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

238.29 (v) transportation from one educational facility to another within the district for resident
238.30 pupils enrolled on a shared-time basis in educational programs, and necessary transportation
238.31 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities

103.29 (C) high-quality child care on site during the education day with the capacity to serve
103.30 all children of enrolled pupils.

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

104.5 (2) Excess transportation is:

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

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

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

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

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

104.23 (ii) necessary transportation of pupils with disabilities from home or from school to
104.24 other buildings, including centers such as developmental achievement centers, hospitals,
104.25 and treatment centers where special instruction or services required by sections 125A.03 to
104.26 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
104.27 where services are provided;

104.28 (iii) necessary transportation for resident pupils with disabilities required by sections
104.29 125A.12, and 125A.26 to 125A.48;

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

104.31 (v) transportation from one educational facility to another within the district for resident
104.32 pupils enrolled on a shared-time basis in educational programs, and necessary transportation
104.33 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities

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

239.3 (vi) transportation for resident pupils with disabilities to and from board and lodging
239.4 facilities when the pupil is boarded and lodged for educational purposes;

239.5 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped
239.6 with a power lift when the power lift is required by a student's disability or section 504 plan;
239.7 and

239.8 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
239.9 in conjunction with a summer instructional program that relates to the pupil's individualized
239.10 education program or in conjunction with a learning year program established under section
239.11 124D.128.

239.12 For purposes of computing special education initial aid under section 125A.76, the cost
239.13 of providing transportation for children with disabilities includes (A) the additional cost of
239.14 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
239.15 30, a student placed in a family foster home as defined in section 260C.007, subdivision
239.16 16b, a homeless student in another district to the school of origin, or a formerly homeless
239.17 student from a permanent home in another district to the school of origin but only through
239.18 the end of the academic year; and (B) depreciation on district-owned school buses purchased
239.19 after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated
239.20 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled
239.21 transportation category must be excluded in calculating the actual expenditure per pupil
239.22 transported in the regular and excess transportation categories according to paragraph (a).
239.23 For purposes of subitem (A), a school district may transport a child who does not have a
239.24 school of origin to the same school attended by that child's sibling, if the siblings are homeless
239.25 or in a shelter care facility.

239.26 (5) "Nonpublic nonregular transportation" is:

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

239.30 (ii) transportation within district boundaries between a nonpublic school and a public
239.31 school or a neutral site for nonpublic school pupils who are provided pupil support services
239.32 pursuant to section 123B.44; and

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

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

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

105.5 (vi) transportation for resident pupils with disabilities to and from board and lodging
105.6 facilities when the pupil is boarded and lodged for educational purposes;

105.7 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped
105.8 with a power lift when the power lift is required by a student's disability or section 504 plan;
105.9 and

105.10 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
105.11 in conjunction with a summer instructional program that relates to the pupil's individualized
105.12 education program or in conjunction with a learning year program established under section
105.13 124D.128.

105.14 For purposes of computing special education initial aid under section 125A.76, the cost
105.15 of providing transportation for children with disabilities includes (A) the additional cost of
105.16 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
105.17 30, a student placed in a family foster home as defined in section 260C.007, subdivision
105.18 16b, a homeless student in another district to the school of origin, or a formerly homeless
105.19 student from a permanent home in another district to the school of origin but only through
105.20 the end of the academic year; and (B) depreciation on district-owned school buses purchased
105.21 after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated
105.22 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled
105.23 transportation category must be excluded in calculating the actual expenditure per pupil
105.24 transported in the regular and excess transportation categories according to paragraph (a).
105.25 For purposes of subitem (A), a school district may transport a child who does not have a
105.26 school of origin to the same school attended by that child's sibling, if the siblings are homeless
105.27 or in a shelter care facility.

105.28 (5) "Nonpublic nonregular transportation" is:

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

105.32 (ii) transportation within district boundaries between a nonpublic school and a public
105.33 school or a neutral site for nonpublic school pupils who are provided pupil support services
105.34 pursuant to section 123B.44; and

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

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

240.5 health services. A mobile unit located off nonpublic school premises is a neutral site as
240.6 defined in section 123B.41, subdivision 13.

240.7 Sec. 6. Minnesota Statutes 2022, section 124D.128, subdivision 2, is amended to read:

240.8 Subd. 2. **Commissioner designation.** (a) A state-approved alternative program designated
240.9 by the state must be a site. A state-approved alternative program must provide services to
240.10 students who meet the criteria in section 124D.68 and who are enrolled in:

240.11 (1) a district that is served by the state-approved alternative program; or

240.12 (2) a charter school located within the geographic boundaries of a district that is served
240.13 by the state-approved alternative program.

240.14 (b) To be designated, a state-approved alternative program must demonstrate to the
240.15 commissioner that it will:

240.16 (1) provide a program of instruction that permits pupils to receive instruction throughout
240.17 the entire year; and

240.18 (2) develop and maintain a separate record system that, for purposes of section 126C.05,
240.19 permits identification of membership attributable to pupils participating in the program.
240.20 The record system and identification must ensure that the program will not have the effect
240.21 of increasing the total average daily membership attributable to an individual pupil as a
240.22 result of a learning year program. The record system must include the date the pupil originally
240.23 enrolled in a learning year program, the pupil's grade level, the date of each grade promotion,
240.24 the average daily membership generated in each grade level, the number of credits or
240.25 standards earned, and the number needed to graduate.

240.26 (c) A student who has not completed a school district's graduation requirements may
240.27 continue to enroll in courses the student must complete in order to graduate until the student
240.28 satisfies the district's graduation requirements or the student is 21 years old, whichever
240.29 comes first. A student with a disability as set forth in section 125A.02 may continue to
240.30 enroll in courses until the student graduates with a regular high school diploma or the student
240.31 is 22 years old, whichever comes first.

241.1 Sec. 7. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:

241.2 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
241.3 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
241.4 incentives program, if the pupil:

241.5 (1) performs substantially below the performance level for pupils of the same age in a
241.6 locally determined achievement test;

241.7 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

241.8 (3) is pregnant or is a parent;

106.5 health services. A mobile unit located off nonpublic school premises is a neutral site as
106.6 defined in section 123B.41, subdivision 13.

106.7 Sec. 5. Minnesota Statutes 2022, section 124D.128, subdivision 2, is amended to read:

106.8 Subd. 2. **Commissioner designation.** (a) A state-approved alternative program designated
106.9 by the state must be a site. A state-approved alternative program must provide services to
106.10 students who meet the criteria in section 124D.68 and who are enrolled in:

106.11 (1) a district that is served by the state-approved alternative program; or

106.12 (2) a charter school located within the geographic boundaries of a district that is served
106.13 by the state-approved alternative program.

106.14 (b) To be designated, a state-approved alternative program must demonstrate to the
106.15 commissioner that it will:

106.16 (1) provide a program of instruction that permits pupils to receive instruction throughout
106.17 the entire year; and

106.18 (2) develop and maintain a separate record system that, for purposes of section 126C.05,
106.19 permits identification of membership attributable to pupils participating in the program.
106.20 The record system and identification must ensure that the program will not have the effect
106.21 of increasing the total average daily membership attributable to an individual pupil as a
106.22 result of a learning year program. The record system must include the date the pupil originally
106.23 enrolled in a learning year program, the pupil's grade level, the date of each grade promotion,
106.24 the average daily membership generated in each grade level, the number of credits or
106.25 standards earned, and the number needed to graduate.

106.26 (c) A student who has not completed a school district's graduation requirements may
106.27 continue to enroll in courses the student must complete in order to graduate until the student
106.28 satisfies the district's graduation requirements or the student is 21 years old, whichever
106.29 comes first. A student with a disability as set forth in section 125A.02 may continue to
106.30 enroll in courses until the student graduates with a regular high school diploma or the student
106.31 is 22 years old, whichever comes first.

107.1 Sec. 6. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:

107.2 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
107.3 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
107.4 incentives program, if the pupil:

107.5 (1) performs substantially below the performance level for pupils of the same age in a
107.6 locally determined achievement test;

107.7 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

107.8 (3) is pregnant or is a parent;

241.9 (4) has been assessed as having substance use disorder;

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

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

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

241.14 (8) has experienced mental health problems;

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

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

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

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

241.23 (b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and
241.24 not yet 22 years of age, and is an English learner with an interrupted formal education
241.25 according to section 124D.59, subdivision 2a, or is a pupil with a disability as set forth in
241.26 section 125A.02, is eligible to participate in the graduation incentives program under section
241.27 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision
241.28 10, and is funded in the same manner as other pupils under this section.

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

242.2 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

242.3 (a) As defined in paragraph (b), every district must provide special instruction and
242.4 services, either within the district or in another district, for all children with a disability,
242.5 including providing required services under Code of Federal Regulations, title 34, section
242.6 300.121, paragraph (d), to those children suspended or expelled from school for more than
242.7 ten school days in that school year, who are residents of the district and who are disabled
242.8 as set forth in section 125A.02. For purposes of state and federal special education laws,
242.9 the phrase "special instruction and services" in the state Education Code means a free and
242.10 appropriate public education provided to an eligible child with disabilities. "Free appropriate
242.11 public education" means special education and related services that:

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

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

107.9 (4) has been assessed as having substance use disorder;

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

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

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

107.14 (8) has experienced mental health problems;

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

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

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

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

107.23 (b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and
107.24 not yet 22 years of age, and is an English learner with an interrupted formal education
107.25 according to section 124D.59, subdivision 2a, or is a pupil with a disability as set forth in
107.26 section 125A.02, is eligible to participate in the graduation incentives program under section
107.27 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision
107.28 10, and is funded in the same manner as other pupils under this section.

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

108.2 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

108.3 (a) As defined in paragraph (b), every district must provide special instruction and
108.4 services, either within the district or in another district, for all children with a disability,
108.5 including providing required services under Code of Federal Regulations, title 34, section
108.6 300.121, paragraph (d), to those children suspended or expelled from school for more than
108.7 ten school days in that school year, who are residents of the district and who are disabled
108.8 as set forth in section 125A.02. For purposes of state and federal special education laws,
108.9 the phrase "special instruction and services" in the state Education Code means a free and
108.10 appropriate public education provided to an eligible child with disabilities. "Free appropriate
108.11 public education" means special education and related services that:

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

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

242.16 (3) include an appropriate preschool, elementary school, or secondary school education;
242.17 and

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

242.23 (b) Notwithstanding any age limits in laws to the contrary, special instruction and services
242.24 must be provided from birth ~~until July 1 after the child with a disability becomes 21 years~~
242.25 ~~old until the child with a disability becomes 22 years old~~ but shall not extend beyond
242.26 secondary school or its equivalent, except as provided in section 124D.68, subdivision 2.
242.27 Local health, education, and social service agencies must refer children under age five who
242.28 are known to need or suspected of needing special instruction and services to the school
242.29 district. Districts with less than the minimum number of eligible children with a disability
242.30 as determined by the commissioner must cooperate with other districts to maintain a full
242.31 range of programs for education and services for children with a disability. This section
242.32 does not alter the compulsory attendance requirements of section 120A.22.

243.1 (c) At the board's discretion, a school district that participates in a reciprocity agreement
243.2 with a neighboring state under section 124D.041 may enroll and provide special instruction
243.3 and services to a child from an adjoining state whose family resides at a Minnesota address
243.4 as assigned by the United States Postal Service if the district has completed child
243.5 identification procedures for that child to determine the child's eligibility for special education
243.6 services, and the child has received developmental screening under sections 121A.16 to
243.7 121A.19.

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

243.9 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

243.10 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive
243.11 procedures shall maintain and make publicly accessible in an electronic format on a school
243.12 or district website or make a paper copy available upon request describing a restrictive
243.13 procedures plan for children with disabilities that at least:

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

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

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

108.16 (3) include an appropriate preschool, elementary school, or secondary school education;
108.17 and

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

108.23 (b) Notwithstanding any age limits in laws to the contrary, special instruction and services
108.24 must be provided from birth ~~until July 1 after the child with a disability becomes 21 years~~
108.25 ~~old until the child with a disability becomes 22 years old~~ but shall not extend beyond
108.26 secondary school or its equivalent, except as provided in section 124D.68, subdivision 2.
108.27 Local health, education, and social service agencies must refer children under age five who
108.28 are known to need or suspected of needing special instruction and services to the school
108.29 district. Districts with less than the minimum number of eligible children with a disability
108.30 as determined by the commissioner must cooperate with other districts to maintain a full
108.31 range of programs for education and services for children with a disability. This section
108.32 does not alter the compulsory attendance requirements of section 120A.22.

109.1 (c) At the board's discretion, a school district that participates in a reciprocity agreement
109.2 with a neighboring state under section 124D.041 may enroll and provide special instruction
109.3 and services to a child from an adjoining state whose family resides at a Minnesota address
109.4 as assigned by the United States Postal Service if the district has completed child
109.5 identification procedures for that child to determine the child's eligibility for special education
109.6 services, and the child has received developmental screening under sections 121A.16 to
109.7 121A.19.

S1311-2

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

83.2 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

83.3 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive
83.4 procedures shall maintain and make publicly accessible in an electronic format on a school
83.5 or district website or make a paper copy available upon request describing a restrictive
83.6 procedures plan for children with disabilities that at least:

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

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

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

243.19 (4) describes how the school will monitor and review the use of restrictive procedures,
243.20 including:

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

243.23 (ii) convening an oversight committee to undertake a quarterly review of the use of
243.24 restrictive procedures based on patterns or problems indicated by similarities in the time of
243.25 day, day of the week, duration of the use of a procedure, the individuals involved, or other
243.26 factors associated with the use of restrictive procedures; the number of times a restrictive
243.27 procedure is used schoolwide and for individual children; the number and types of injuries,
243.28 if any, resulting from the use of restrictive procedures; whether restrictive procedures are
243.29 used in nonemergency situations; the need for additional staff training; and proposed actions
243.30 to minimize the use of restrictive procedures; any disproportionate use of restrictive
243.31 procedures based on race, gender, or disability status; the role of the school resource officer
243.32 or police in emergencies and the use of restrictive procedures; and documentation to
244.1 determine if the standards for using restrictive procedures as described in sections 125A.0941
244.2 and 125A.0942 are met; and

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

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

244.7 (1) a mental health professional, school psychologist, or school social worker;
244.8 (2) an expert in positive behavior strategies;
244.9 (3) a special education administrator; and
244.10 (4) a general education administrator.

244.11 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
244.12 licensed special education teacher, school social worker, school psychologist, behavior
244.13 analyst certified by the National Behavior Analyst Certification Board, a person with a
244.14 master's degree in behavior analysis, other licensed education professional, paraprofessional
244.15 under section 120B.363, or mental health professional under section 245.4871, subdivision
244.16 27, who has completed the training program under subdivision 5.

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

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

83.12 (4) describes how the school will monitor and review the use of restrictive procedures,
83.13 including:

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

83.16 (ii) convening an oversight committee to undertake a quarterly review of the use of
83.17 restrictive procedures based on patterns or problems indicated by similarities in the time of
83.18 day, day of the week, duration of the use of a procedure, the individuals involved, or other
83.19 factors associated with the use of restrictive procedures; the number of times a restrictive
83.20 procedure is used schoolwide and for individual children; the number and types of injuries,
83.21 if any, resulting from the use of restrictive procedures; whether restrictive procedures are
83.22 used in nonemergency situations; the need for additional staff training; and proposed actions
83.23 to minimize the use of restrictive procedures; any disproportionate use of restrictive
83.24 procedures based on race, gender, or disability status; the role of the school resource officer
83.25 or police in emergencies and the use of restrictive procedures; and documentation to
83.26 determine if the standards for using restrictive procedures as described in sections 125A.0941
83.27 and 125A.0942 are met; and

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

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

83.32 (1) a mental health professional, school psychologist, or school social worker;
84.1 (2) an expert in positive behavior strategies;
84.2 (3) a special education administrator; and
84.3 (4) a general education administrator.

84.4 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
84.5 licensed special education teacher, school social worker, school psychologist, behavior
84.6 analyst certified by the National Behavior Analyst Certification Board, a person with a
84.7 master's degree in behavior analysis, other licensed education professional, paraprofessional
84.8 under section 120B.363, or mental health professional under section 245.4871, subdivision
84.9 27, who has completed the training program under subdivision 5.

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

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

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

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

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

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

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

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

245.29 (2) physical holding or seclusion is not used to discipline a noncompliant child;

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

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

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

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

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

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

85.21 (2) physical holding or seclusion is not used to discipline a noncompliant child;

245.30 (3) physical holding or seclusion ends when the threat of harm ends and the staff
245.31 determines the child can safely return to the classroom or activity;

245.32 (4) staff directly observes the child while physical holding or seclusion is being used;

246.1 (5) each time physical holding or seclusion is used, the staff person who implements or
246.2 oversees the physical holding or seclusion documents, as soon as possible after the incident
246.3 concludes, the following information:

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

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

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

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

246.10 (v) a brief description of the post-use debriefing that occurred as a result of the use of
246.11 the physical hold or seclusion;

246.12 (6) the room used for seclusion must:

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

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

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

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

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

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

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

246.23 (i) receive written notice from local authorities that the room and the locking mechanisms
246.24 comply with applicable building, fire, and safety codes; and

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

246.26 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
246.27 recommend to the commissioner specific and measurable implementation and outcome
246.28 goals for reducing the use of restrictive procedures and the commissioner must submit to
246.29 the legislature a report on districts' progress in reducing the use of restrictive procedures
246.30 that recommends how to further reduce these procedures and eliminate the use of seclusion.

85.22 (3) physical holding or seclusion ends when the threat of harm ends and the staff
85.23 determines the child can safely return to the classroom or activity;

85.24 (4) staff directly observes the child while physical holding or seclusion is being used;

85.25 (5) each time physical holding or seclusion is used, the staff person who implements or
85.26 oversees the physical holding or seclusion documents, as soon as possible after the incident
85.27 concludes, the following information:

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

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

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

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

86.2 (v) a brief description of the post-use debriefing that occurred as a result of the use of
86.3 the physical hold or seclusion;

86.4 (6) the room used for seclusion must:

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

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

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

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

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

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

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

86.15 (i) receive written notice from local authorities that the room and the locking mechanisms
86.16 comply with applicable building, fire, and safety codes; and

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

86.18 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
86.19 recommend to the commissioner specific and measurable implementation and outcome
86.20 goals for reducing the use of restrictive procedures and the commissioner must submit to
86.21 the legislature a report on districts' progress in reducing the use of restrictive procedures
86.22 that recommends how to further reduce these procedures and eliminate the use of seclusion.

246.31 The statewide plan includes the following components: measurable goals; the resources,
247.1 training, technical assistance, mental health services, and collaborative efforts needed to
247.2 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
247.3 the law governing districts' use of restrictive procedures. The commissioner must consult
247.4 with interested stakeholders when preparing the report, including representatives of advocacy
247.5 organizations, special education directors, teachers, paraprofessionals, intermediate school
247.6 districts, school boards, day treatment providers, county social services, state human services
247.7 department staff, mental health professionals, and autism experts. Beginning with the
247.8 2016-2017 school year, in a form and manner determined by the commissioner, districts
247.9 must report data quarterly to the department by January 15, April 15, July 15, and October
247.10 15 about individual students who have been secluded. By July 15 each year, districts must
247.11 report summary data on their use of restrictive procedures to the department for the prior
247.12 school year, July 1 through June 30, in a form and manner determined by the commissioner.
247.13 The summary data must include information about the use of restrictive procedures, including
247.14 use of reasonable force under section 121A.582.

247.15 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

247.16 (1) engaging in conduct prohibited under section 121A.58;

247.17 (2) requiring a child to assume and maintain a specified physical position, activity, or
247.18 posture that induces physical pain;

247.19 (3) totally or partially restricting a child's senses as punishment;

247.20 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
247.21 substance, or spray as punishment;

247.22 (5) denying or restricting a child's access to equipment and devices such as walkers,
247.23 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
247.24 except when temporarily removing the equipment or device is needed to prevent injury to
247.25 the child or others or serious damage to the equipment or device, in which case the equipment
247.26 or device shall be returned to the child as soon as possible;

247.27 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical
247.28 abuse under chapter 260E;

247.29 (7) withholding regularly scheduled meals or water;

247.30 (8) denying access to bathroom facilities;

247.31 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
247.32 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
248.1 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
248.2 torso; ~~and~~

248.3 (10) prone restraint; and

86.23 The statewide plan includes the following components: measurable goals; the resources,
86.24 training, technical assistance, mental health services, and collaborative efforts needed to
86.25 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
86.26 the law governing districts' use of restrictive procedures. The commissioner must consult
86.27 with interested stakeholders when preparing the report, including representatives of advocacy
86.28 organizations, special education directors, teachers, paraprofessionals, intermediate school
86.29 districts, school boards, day treatment providers, county social services, state human services
86.30 department staff, mental health professionals, and autism experts. Beginning with the
86.31 2016-2017 school year, in a form and manner determined by the commissioner, districts
86.32 must report data quarterly to the department by January 15, April 15, July 15, and October
87.1 15 about individual students who have been secluded. By July 15 each year, districts must
87.2 report summary data on their use of restrictive procedures to the department for the prior
87.3 school year, July 1 through June 30, in a form and manner determined by the commissioner.
87.4 The summary data must include information about the use of restrictive procedures, including
87.5 use of reasonable force under section 121A.582.

87.6 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

87.7 (1) engaging in conduct prohibited under section 121A.58;

87.8 (2) requiring a child to assume and maintain a specified physical position, activity, or
87.9 posture that induces physical pain;

87.10 (3) totally or partially restricting a child's senses as punishment;

87.11 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
87.12 substance, or spray as punishment;

87.13 (5) denying or restricting a child's access to equipment and devices such as walkers,
87.14 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
87.15 except when temporarily removing the equipment or device is needed to prevent injury to
87.16 the child or others or serious damage to the equipment or device, in which case the equipment
87.17 or device shall be returned to the child as soon as possible;

87.18 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical
87.19 abuse under chapter 260E;

87.20 (7) withholding regularly scheduled meals or water;

87.21 (8) denying access to bathroom facilities;

87.22 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
87.23 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
87.24 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
87.25 torso; ~~and~~

87.26 (10) prone restraint; and

248.4 (11) the use of seclusion on children from birth through grade 3 by December 31, 2024.

248.5 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who

248.6 use restrictive procedures, including paraprofessionals, shall complete training in the

248.7 following skills and knowledge areas:

248.8 (1) positive behavioral interventions;

248.9 (2) communicative intent of behaviors;

248.10 (3) relationship building;

248.11 (4) alternatives to restrictive procedures, including techniques to identify events and

248.12 environmental factors that may escalate behavior;

248.13 (5) de-escalation methods;

248.14 (6) standards for using restrictive procedures only in an emergency;

248.15 (7) obtaining emergency medical assistance;

248.16 (8) the physiological and psychological impact of physical holding and seclusion;

248.17 (9) monitoring and responding to a child's physical signs of distress when physical

248.18 holding is being used;

248.19 (10) recognizing the symptoms of and interventions that may cause positional asphyxia

248.20 when physical holding is used;

248.21 (11) district policies and procedures for timely reporting and documenting each incident

248.22 involving use of a restricted procedure; and

248.23 (12) schoolwide programs on positive behavior strategies.

248.24 (b) The commissioner, after consulting with the commissioner of human services, must

248.25 develop and maintain a list of training programs that satisfy the requirements of paragraph

248.26 (a). The commissioner also must develop and maintain a list of experts to help individualized

248.27 education program or individualized family service plan teams reduce the use of restrictive

248.28 procedures. The district shall maintain records of staff who have been trained and the

248.29 organization or professional that conducted the training. The district may collaborate with

248.30 children's community mental health providers to coordinate trainings.

249.1 Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to

249.2 establish effective schoolwide systems of positive behavior interventions and supports.

249.3 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force

249.4 under sections 121A.582; 609.06, subdivision 1; and 609.379. ~~For the 2014-2015 school~~

249.5 ~~year and later, districts must collect and submit to the commissioner summary data, consistent~~

249.6 ~~with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with~~

249.7 ~~the definition of physical holding or seclusion for a child with a disability under this section.~~

87.27 (11) the use of seclusion on children from birth through third grade.

87.28 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who

87.29 use restrictive procedures, including paraprofessionals, shall complete training in the

87.30 following skills and knowledge areas:

87.31 (1) positive behavioral interventions;

88.1 (2) communicative intent of behaviors;

88.2 (3) relationship building;

88.3 (4) alternatives to restrictive procedures, including techniques to identify events and

88.4 environmental factors that may escalate behavior;

88.5 (5) de-escalation methods;

88.6 (6) standards for using restrictive procedures only in an emergency;

88.7 (7) obtaining emergency medical assistance;

88.8 (8) the physiological and psychological impact of physical holding and seclusion;

88.9 (9) monitoring and responding to a child's physical signs of distress when physical

88.10 holding is being used;

88.11 (10) recognizing the symptoms of and interventions that may cause positional asphyxia

88.12 when physical holding is used;

88.13 (11) district policies and procedures for timely reporting and documenting each incident

88.14 involving use of a restricted procedure; and

88.15 (12) schoolwide programs on positive behavior strategies.

88.16 (b) The commissioner, after consulting with the commissioner of human services, must

88.17 develop and maintain a list of training programs that satisfy the requirements of paragraph

88.18 (a). The commissioner also must develop and maintain a list of experts to help individualized

88.19 education program or individualized family service plan teams reduce the use of restrictive

88.20 procedures. The district shall maintain records of staff who have been trained and the

88.21 organization or professional that conducted the training. The district may collaborate with

88.22 children's community mental health providers to coordinate trainings.

88.23 Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to

88.24 establish effective schoolwide systems of positive behavior interventions and supports.

88.25 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force

88.26 under sections 121A.582; 609.06, subdivision 1; and 609.379. ~~For the 2014-2015 school~~

88.27 ~~year and later, districts must collect and submit to the commissioner summary data, consistent~~

88.28 ~~with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with~~

88.29 ~~the definition of physical holding or seclusion for a child with a disability under this section.~~

249.8 Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379
249.9 which intends to hold a child immobile or limit a child's movement where body contact is
249.10 the only source of physical restraint or confines a child alone in a room from which egress
249.11 is barred shall be reported to the Department of Education as a restrictive procedure, including
249.12 physical holding or seclusion used by an unauthorized or untrained staff person.

249.13 (c) By February 1, 2024, the commissioner, in cooperation with stakeholders, must make
249.14 recommendations to the legislature for urgently ending seclusion in Minnesota schools. The
249.15 commissioner must consult with interested stakeholders, including parents of students who
249.16 have been secluded or restrained; advocacy organizations; legal services providers; special
249.17 education directors; teachers; paraprofessionals; intermediate school districts and cooperative
249.18 units as defined under section 123A.24, subdivision 2; school boards; day treatment
249.19 providers; county social services; state human services department staff; mental health
249.20 professionals; autism experts; and representatives of groups disproportionately affected by
249.21 restrictive procedures, including People of Color and people with disabilities. The
249.22 recommendations must include specific dates for ending seclusion by grade or facility. The
249.23 recommendations must identify existing resources and the new resources necessary for staff
249.24 capacity, staff training, children's supports, child mental health services, and schoolwide
249.25 collaborative efforts.

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

249.27 **125A.13 SCHOOL OF PARENTS' CHOICE.**

249.28 (a) Nothing in this chapter must be construed as preventing parents of a child with a
249.29 disability from sending the child to a school of their choice, if they so elect, subject to
249.30 admission standards and policies adopted according to sections 125A.62 to 125A.64 and
249.31 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

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

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

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

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

250.8 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

88.30 Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379
88.31 which intends to hold a child immobile or limit a child's movement where body contact is
88.32 the only source of physical restraint or confines a child alone in a room from which egress
89.1 is barred shall be reported to the Department of Education as a restrictive procedure, including
89.2 physical holding or seclusion used by an unauthorized or untrained staff person.

121.7 Sec. 6. Minnesota Statutes 2022, section 125A.13, is amended to read:

121.8 **125A.13 SCHOOL OF PARENTS' CHOICE.**

121.9 (a) Nothing in this chapter must be construed as preventing parents of a child with a
121.10 disability from sending the child to a school of their choice, if they so elect, subject to
121.11 admission standards and policies adopted according to sections 125A.62 to 125A.64 and
121.12 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

121.13 (b) The parent of a student with a disability not yet enrolled in kindergarten and not open
121.14 enrolled in a nonresident district may ~~request that the resident district enter into a tuition~~
121.15 ~~agreement with~~ elect a school in the nonresident district if:

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

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

109.13 Sec. 2. Minnesota Statutes 2022, section 125A.15, is amended to read:

109.14 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

250.12 (a) The district of residence of a child shall be the district in which the child's parent
250.13 resides, if living, or the child's guardian. If there is a dispute between school districts
250.14 regarding residency, the district of residence is the district designated by the commissioner.

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

250.24 (c) When a child is temporarily placed for care and treatment in a day program located
250.25 in another district and the child continues to live within the district of residence during the
250.26 care and treatment, the district of residence is responsible for providing transportation to
250.27 and from the care and treatment program and an appropriate educational program for the
250.28 child. The resident district may establish reasonable restrictions on transportation, except
250.29 if a Minnesota court or agency orders the child placed at a day care and treatment program
250.30 and the resident district receives a copy of the order, then the resident district must provide
250.31 transportation to and from the program unless the court or agency orders otherwise.
250.32 Transportation shall only be provided by the resident district during regular operating hours
250.33 of the resident district. The resident district may provide the educational program at a school
251.1 within the district of residence, at the child's residence, or in the district in which the day
251.2 treatment center is located by paying tuition to that district. If a child's district of residence,
251.3 district of open enrollment under section 124D.03, or charter school of enrollment under
251.4 section 124E.11 is authorized to provide online learning instruction under state statutes, the
251.5 child's district of residence may utilize that state-approved online learning program in
251.6 fulfilling its educational program responsibility under this section if the child, or the child's
251.7 parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

251.8 (d) When a child is temporarily placed in a residential program for care and treatment,
251.9 the nonresident district in which the child is placed is responsible for providing an appropriate
251.10 educational program for the child and necessary transportation while the child is attending
251.11 the educational program; and must bill the district of the child's residence for the actual cost
251.12 of providing the program, as outlined in section 125A.11, except as provided in paragraph
251.13 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a
251.14 disability placed outside of the school district of residence by the commissioner of human
251.15 services or the commissioner of corrections or their agents, for reasons other than providing
251.16 for the child's special educational needs must not become the responsibility of either the
251.17 district providing the instruction or the district of the child's residence. For the purposes of
251.18 this section, the state correctional facilities operated on a fee-for-service basis are considered
251.19 to be residential programs for care and treatment. If a child's district of residence, district
251.20 of open enrollment under section 124D.03, or charter school of enrollment under section

109.18 (a) The district of residence of a child shall be the district in which the child's parent
109.19 resides, if living, or the child's guardian. If there is a dispute between school districts
109.20 regarding residency, the district of residence is the district designated by the commissioner.

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

109.30 (c) When a child is temporarily placed for care and treatment in a day program located
109.31 in another district and the child continues to live within the district of residence during the
109.32 care and treatment, the district of residence is responsible for providing transportation to
109.33 and from the care and treatment program and an appropriate educational program for the
110.1 child. The resident district may establish reasonable restrictions on transportation, except
110.2 if a Minnesota court or agency orders the child placed at a day care and treatment program
110.3 and the resident district receives a copy of the order, then the resident district must provide
110.4 transportation to and from the program unless the court or agency orders otherwise.
110.5 Transportation shall only be provided by the resident district during regular operating hours
110.6 of the resident district. The resident district may provide the educational program at a school
110.7 within the district of residence, at the child's residence, or in the district in which the day
110.8 treatment center is located by paying tuition to that district. If a child's district of residence,
110.9 district of open enrollment under section 124D.03, or charter school of enrollment under
110.10 section 124E.11 is authorized to provide online learning instruction under state statutes, the
110.11 child's district of residence may utilize that state-approved online learning program in
110.12 fulfilling its educational program responsibility under this section if the child, or the child's
110.13 parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

110.14 (d) When a child is temporarily placed in a residential program for care and treatment,
110.15 the nonresident district in which the child is placed is responsible for providing an appropriate
110.16 educational program for the child and necessary transportation while the child is attending
110.17 the educational program; and must bill the district of the child's residence for the actual cost
110.18 of providing the program, as outlined in section 125A.11, except as provided in paragraph
110.19 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a
110.20 disability placed outside of the school district of residence by the commissioner of human
110.21 services or the commissioner of corrections or their agents, for reasons other than providing
110.22 for the child's special educational needs must not become the responsibility of either the
110.23 district providing the instruction or the district of the child's residence. For the purposes of
110.24 this section, the state correctional facilities operated on a fee-for-service basis are considered
110.25 to be residential programs for care and treatment. If a child's district of residence, district
110.26 of open enrollment under section 124D.03, or charter school of enrollment under section

251.21 124E.11 is authorized to provide online learning instruction under state statutes, the
251.22 nonresident district may utilize that state-approved online learning program in fulfilling its
251.23 educational program responsibility under this section if the child, or the child's parent or
251.24 guardian for a pupil under the age of 18, agrees to that form of instruction.

251.25 (e) A privately owned and operated residential facility may enter into a contract to obtain
251.26 appropriate educational programs for special education children and services with a joint
251.27 powers entity. The entity with which the private facility contracts for special education
251.28 services shall be the district responsible for providing students placed in that facility an
251.29 appropriate educational program in place of the district in which the facility is located. If a
251.30 privately owned and operated residential facility does not enter into a contract under this
251.31 paragraph, then paragraph (d) applies.

251.32 (f) The district of residence shall pay tuition and other program costs, not including
251.33 transportation costs, to the district providing the instruction and services. The district of
251.34 residence may claim general education aid for the child as provided by law. Transportation
252.1 costs must be paid by the district responsible for providing the transportation and the state
252.2 must pay transportation aid to that district.

252.3 Sec. 12. Minnesota Statutes 2022, section 125A.51, is amended to read:

252.4 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
252.5 **AND TRANSPORTATION.**

252.6 The responsibility for providing instruction and transportation for a pupil without a
252.7 disability who has a short-term or temporary physical or emotional illness or disability, as
252.8 determined by the standards of the commissioner, and who is temporarily placed for care
252.9 and treatment for that illness or disability, must be determined as provided in this section.

252.10 (a) The school district of residence of the pupil is the district in which the pupil's parent
252.11 or guardian resides. If there is a dispute between school districts regarding residency, the
252.12 district of residence is the district designated by the commissioner.

252.13 (b) When parental rights have been terminated by court order, the legal residence of a
252.14 child placed in a residential or foster facility for care and treatment is the district in which
252.15 the child resides.

252.16 (c) Before the placement of a pupil for care and treatment, the district of residence must
252.17 be notified and provided an opportunity to participate in the placement decision. When an
252.18 immediate emergency placement is necessary and time does not permit resident district
252.19 participation in the placement decision, the district in which the pupil is temporarily placed,
252.20 if different from the district of residence, must notify the district of residence of the
252.21 emergency placement within 15 days of the placement. When a nonresident district makes
252.22 an emergency placement without first consulting with the resident district, the resident
252.23 district has up to five business days after receiving notice of the emergency placement to
252.24 request an opportunity to participate in the placement decision, which the placing district
252.25 must then provide.

110.27 124E.11 is authorized to provide online learning instruction under state statutes, the
110.28 nonresident district may utilize that state-approved online learning program in fulfilling its
110.29 educational program responsibility under this section if the child, or the child's parent or
110.30 guardian for a pupil under the age of 18, agrees to that form of instruction.

110.31 (e) A privately owned and operated residential facility may enter into a contract to obtain
110.32 appropriate educational programs for special education children and services with a joint
110.33 powers entity. The entity with which the private facility contracts for special education
110.34 services shall be the district responsible for providing students placed in that facility an
110.35 appropriate educational program in place of the district in which the facility is located. If a
111.1 privately owned and operated residential facility does not enter into a contract under this
111.2 paragraph, then paragraph (d) applies.

111.3 (f) The district of residence shall pay tuition and other program costs, not including
111.4 transportation costs, to the district providing the instruction and services. The district of
111.5 residence may claim general education aid for the child as provided by law. Transportation
111.6 costs must be paid by the district responsible for providing the transportation and the state
111.7 must pay transportation aid to that district.

111.8 Sec. 3. Minnesota Statutes 2022, section 125A.51, is amended to read:

111.9 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
111.10 **AND TRANSPORTATION.**

111.11 The responsibility for providing instruction and transportation for a pupil without a
111.12 disability who has a short-term or temporary physical or emotional illness or disability, as
111.13 determined by the standards of the commissioner, and who is temporarily placed for care
111.14 and treatment for that illness or disability, must be determined as provided in this section.

111.15 (a) The school district of residence of the pupil is the district in which the pupil's parent
111.16 or guardian resides. If there is a dispute between school districts regarding residency, the
111.17 district of residence is the district designated by the commissioner.

111.18 (b) When parental rights have been terminated by court order, the legal residence of a
111.19 child placed in a residential or foster facility for care and treatment is the district in which
111.20 the child resides.

111.21 (c) Before the placement of a pupil for care and treatment, the district of residence must
111.22 be notified and provided an opportunity to participate in the placement decision. When an
111.23 immediate emergency placement is necessary and time does not permit resident district
111.24 participation in the placement decision, the district in which the pupil is temporarily placed,
111.25 if different from the district of residence, must notify the district of residence of the
111.26 emergency placement within 15 days of the placement. When a nonresident district makes
111.27 an emergency placement without first consulting with the resident district, the resident
111.28 district has up to five business days after receiving notice of the emergency placement to
111.29 request an opportunity to participate in the placement decision, which the placing district
111.30 must then provide.

252.26 (d) When a pupil without a disability is temporarily placed for care and treatment in a
252.27 day program and the pupil continues to live within the district of residence during the care
252.28 and treatment, the district of residence must provide instruction and necessary transportation
252.29 to and from the care and treatment program for the pupil. The resident district may establish
252.30 reasonable restrictions on transportation, except if a Minnesota court or agency orders the
252.31 child placed at a day care and treatment program and the resident district receives a copy
252.32 of the order, then the resident district must provide transportation to and from the program
252.33 unless the court or agency orders otherwise. Transportation shall only be provided by the
253.1 resident district during regular operating hours of the resident district. The resident district
253.2 may provide the instruction at a school within the district of residence; at the pupil's
253.3 residence; through an authorized online learning program provided by the pupil's resident
253.4 district, district of open enrollment under section 124D.03, or charter school of enrollment
253.5 under section 124E.11 if the child, or the child's parent or guardian for a pupil under the
253.6 age of 18, agrees to that form of instruction; or, in the case of a placement outside of the
253.7 resident district, in the district in which the day treatment program is located by paying
253.8 tuition to that district. The district of placement may contract with a facility to provide
253.9 instruction by teachers licensed by the Professional Educator Licensing and Standards
253.10 Board.

253.11 (e) When a pupil without a disability is temporarily placed in a residential program for
253.12 care and treatment, the district in which the pupil is placed must provide instruction for the
253.13 pupil and necessary transportation while the pupil is receiving instruction, and in the case
253.14 of a placement outside of the district of residence, the nonresident district must bill the
253.15 district of residence for the actual cost of providing the instruction for the regular school
253.16 year and for summer school, excluding transportation costs. If a pupil's district of residence,
253.17 district of open enrollment under section 124D.03, or charter school of enrollment under
253.18 section 124E.11 is authorized to provide online learning instruction under state statutes, the
253.19 district in which the pupil is placed may utilize that state-approved online learning program
253.20 in fulfilling its responsibility to provide instruction under this section if the child, or the
253.21 child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

253.22 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
253.23 private homeless shelter, then the district that enrolls the pupil under section 120A.20,
253.24 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls
253.25 the pupil and the district in which the pupil is temporarily placed agree that the district in
253.26 which the pupil is temporarily placed shall provide transportation. When a pupil without a
253.27 disability is temporarily placed in a residential program outside the district of residence,
253.28 the administrator of the court placing the pupil must send timely written notice of the
253.29 placement to the district of residence. The district of placement may contract with a
253.30 residential facility to provide instruction by teachers licensed by the Professional Educator
253.31 Licensing and Standards Board. For purposes of this section, the state correctional facilities
253.32 operated on a fee-for-service basis are considered to be residential programs for care and
253.33 treatment.

111.31 (d) When a pupil without a disability is temporarily placed for care and treatment in a
111.32 day program and the pupil continues to live within the district of residence during the care
111.33 and treatment, the district of residence must provide instruction and necessary transportation
112.1 to and from the care and treatment program for the pupil. The resident district may establish
112.2 reasonable restrictions on transportation, except if a Minnesota court or agency orders the
112.3 child placed at a day care and treatment program and the resident district receives a copy
112.4 of the order, then the resident district must provide transportation to and from the program
112.5 unless the court or agency orders otherwise. Transportation shall only be provided by the
112.6 resident district during regular operating hours of the resident district. The resident district
112.7 may provide the instruction at a school within the district of residence; at the pupil's
112.8 residence; through an authorized online learning program provided by the pupil's resident
112.9 district, district of open enrollment under section 124D.03, or charter school of enrollment
112.10 under section 124E.11 if the child, or the child's parent or guardian for a pupil under the
112.11 age of 18, agrees to that form of instruction; or, in the case of a placement outside of the
112.12 resident district, in the district in which the day treatment program is located by paying
112.13 tuition to that district. The district of placement may contract with a facility to provide
112.14 instruction by teachers licensed by the Professional Educator Licensing and Standards
112.15 Board.

112.16 (e) When a pupil without a disability is temporarily placed in a residential program for
112.17 care and treatment, the district in which the pupil is placed must provide instruction for the
112.18 pupil and necessary transportation while the pupil is receiving instruction, and in the case
112.19 of a placement outside of the district of residence, the nonresident district must bill the
112.20 district of residence for the actual cost of providing the instruction for the regular school
112.21 year and for summer school, excluding transportation costs. If a pupil's district of residence,
112.22 district of open enrollment under section 124D.03, or charter school of enrollment under
112.23 section 124E.11 is authorized to provide online learning instruction under state statutes, the
112.24 district in which the pupil is placed may utilize that state-approved online learning program
112.25 in fulfilling its responsibility to provide instruction under this section if the child, or the
112.26 child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

112.27 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
112.28 private homeless shelter, then the district that enrolls the pupil under section 120A.20,
112.29 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls
112.30 the pupil and the district in which the pupil is temporarily placed agree that the district in
112.31 which the pupil is temporarily placed shall provide transportation. When a pupil without a
112.32 disability is temporarily placed in a residential program outside the district of residence,
112.33 the administrator of the court placing the pupil must send timely written notice of the
112.34 placement to the district of residence. The district of placement may contract with a
112.35 residential facility to provide instruction by teachers licensed by the Professional Educator
113.1 Licensing and Standards Board. For purposes of this section, the state correctional facilities
113.2 operated on a fee-for-service basis are considered to be residential programs for care and
113.3 treatment.

253.34 (g) The district of residence must include the pupil in its residence count of pupil units
253.35 and pay tuition as provided in section 123A.488 to the district providing the instruction.
254.1 Transportation costs must be paid by the district providing the transportation and the state
254.2 must pay transportation aid to that district. For purposes of computing state transportation
254.3 aid, pupils governed by this subdivision must be included in the disabled transportation
254.4 category if the pupils cannot be transported on a regular school bus route without special
254.5 accommodations.

254.6 Sec. 13. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:

254.7 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
254.8 residential facility is located must provide education services, including special education
254.9 if eligible, to all students placed in a facility. If a child's district of residence, district of open
254.10 enrollment under section 124D.03, or charter school of enrollment under section 124E.11
254.11 is authorized to provide online learning instruction under state statutes, the district in which
254.12 the children's residential facility is located may utilize that state-approved online learning
254.13 program in fulfilling its education services responsibility under this section if the child, or
254.14 the child's parent or guardian for a pupil under the age of 18, agrees to that form of
254.15 instruction.

254.16 (b) For education programs operated by the Department of Corrections, the providing
254.17 district shall be the Department of Corrections. For students remanded to the commissioner
254.18 of corrections, the providing and resident district shall be the Department of Corrections.

254.19 Sec. 14. Minnesota Statutes 2022, section 125A.76, subdivision 2c, is amended to read:

254.20 Subd. 2c. **Special education aid.** (a) For fiscal year 2020 and later, a district's special
254.21 education aid equals the sum of the district's special education initial aid under subdivision
254.22 2a, the district's cross subsidy reduction aid under subdivision 2e, special education homeless
254.23 pupil aid under subdivision 2f, and the district's excess cost aid under section 125A.79,
254.24 subdivision 5.

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

254.28 (i) the sum of 56 percent of the district's nonfederal special education expenditures plus
254.29 100 percent of the district's cost of providing transportation services for children with
254.30 disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4), plus the
254.31 adjustment under sections 125A.11 and 127A.47, subdivision 7; or

255.1 (ii) the sum of: (A) the product of the district's average daily membership served and
255.2 the special education aid increase limit and (B) the product of the sum of the special education
255.3 aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012,
255.4 sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections
255.5 125A.11 and 127A.47, subdivision 7, the ratio of the district's average daily membership

113.4 (g) The district of residence must include the pupil in its residence count of pupil units
113.5 and pay tuition as provided in section 123A.488 to the district providing the instruction.
113.6 Transportation costs must be paid by the district providing the transportation and the state
113.7 must pay transportation aid to that district. For purposes of computing state transportation
113.8 aid, pupils governed by this subdivision must be included in the disabled transportation
113.9 category if the pupils cannot be transported on a regular school bus route without special
113.10 accommodations.

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

113.12 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
113.13 residential facility is located must provide education services, including special education
113.14 if eligible, to all students placed in a facility. If a child's district of residence, district of open
113.15 enrollment under section 124D.03, or charter school of enrollment under section 124E.11
113.16 is authorized to provide online learning instruction under state statutes, the district in which
113.17 the children's residential facility is located may utilize that state-approved online learning
113.18 program in fulfilling its education services responsibility under this section if the child, or
113.19 the child's parent or guardian for a pupil under the age of 18, agrees to that form of
113.20 instruction.

113.21 (b) For education programs operated by the Department of Corrections, the providing
113.22 district shall be the Department of Corrections. For students remanded to the commissioner
113.23 of corrections, the providing and resident district shall be the Department of Corrections.

255.6 served for the current fiscal year to the district's average daily membership served for fiscal
255.7 year 2016, and the program growth factor.

255.8 (c) Notwithstanding paragraph (a), for fiscal year ~~2020~~ 2024 and later the special
255.9 education aid, excluding the cross subsidy reduction aid under subdivision 2e, excluding
255.10 special education homeless pupil aid under subdivision 2f, for a school district, not including
255.11 a charter school or cooperative unit as defined in section 123A.24, must not be less than
255.12 the lesser of (1) the sum of 90 percent for fiscal year 2020, 85 percent for fiscal year 2021,
255.13 80 percent for fiscal year 2022, and 75 percent for fiscal year 2023 and later of the district's
255.14 nonfederal special education expenditures plus 100 percent of the district's cost of providing
255.15 transportation services for children with disabilities under section 123B.92, subdivision 1,
255.16 paragraph (b), clause (4), plus the adjustment under sections 125A.11 and 127A.47,
255.17 subdivision 7, for that fiscal year or (2) the product of the sum of the special education aid
255.18 the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections
255.19 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11
255.20 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the
255.21 current fiscal year to the district's average daily membership for fiscal year 2016, and the
255.22 minimum aid adjustment factor.

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

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

256.3 Sec. 15. Minnesota Statutes 2022, section 125A.76, subdivision 2e, is amended to read:

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

UEH2497-1

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
112.3 reduction aid equals the school district's initial special education cross subsidy for the
112.4 previous fiscal year times the cross subsidy aid factor for that fiscal year.

256.7 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and 6.43 percent~~
256.8 ~~for fiscal year 2021~~ 47.8 percent for fiscal year 2024 and later.

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

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

256.12 Subd. 2f. **Special education homeless pupil aid.** (a) For fiscal year 2024 and later,
256.13 special education homeless pupil aid must be paid to a school district that is funded for that
256.14 year based on the district's fiscal year 2016 expenditures calculated under Minnesota Statutes
256.15 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012,
256.16 sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted daily
256.17 membership for the current fiscal year to the district's average daily membership for fiscal
256.18 year 2016, and the minimum aid adjustment factor.

256.19 (b) Special education homeless pupil aid equals the greater of zero, or a district's prior
256.20 year transportation costs under section 123B.92, subdivision 1, paragraph (b), clause (4),
256.21 items (ii) and (vii), and the additional cost of transporting a student in a shelter care facility
256.22 as defined in section 260C.007, subdivision 30, a homeless student in another district to the
256.23 school of origin, or a formerly homeless student from a permanent home in another district
256.24 to the school of origin but only through the end of the academic year; minus the fiscal year
256.25 2016 costs associated with transportation costs under section 123B.92, subdivision 1,
256.26 paragraph (b), clause (4), items (ii) and (vii), and the additional cost of transporting a student
256.27 in a shelter care facility as defined in section 260C.007, subdivision 30, a homeless student
256.28 in another district to the school of origin, or a formerly homeless student from a permanent
256.29 home in another district to the school of origin, but only through the end of the academic
256.30 year; adjusted by the ratio of the district's adjusted daily membership for the current fiscal
256.31 year to the district's average daily membership for fiscal year 2016, and the minimum aid
256.32 adjustment factor.

257.1 Sec. 17. **[125A.81] SPECIAL EDUCATION SEPARATE SITES AND PROGRAMS**
257.2 **AID.**

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

257.6 Subd. 2. **Eligibility for special education separate sites and programs aid.** An
257.7 education cooperative under section 471.59, education district under section 123A.15,
257.8 service cooperative under section 123A.21, or intermediate school district under section
257.9 136D.01 qualifies for additional state funding to special education separate sites and programs
257.10 for every kindergarten through grade 12 child with a disability, as defined in section 125A.02,
257.11 served in a special education separate site or program as defined in subdivision 1.

112.5 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and 6.43 percent~~
112.6 ~~for fiscal year 2021~~ 40 percent for fiscal year 2024, 47.3 percent for fiscal year 2025, and
112.7 60 percent for fiscal year 2026 and later.

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

112.9 Sec. 10. **[125A.81] SPECIAL EDUCATION SEPARATE SITES AND PROGRAMS**
112.10 **AID.**

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

112.14 Subd. 2. **Eligibility for special education separate sites and programs aid.** An
112.15 education cooperative under section 471.59, education district under section 123A.15,
112.16 service cooperative under section 123A.21, or intermediate school district under section
112.17 136D.01 qualifies for additional state funding to special education separate sites and programs
112.18 for every kindergarten through grade 12 child with a disability, as defined in section 125A.02,
112.19 served in a special education separate site or program as defined in subdivision 1.

257.12 Subd. 3. Uses of special education separate sites and programs aid. Additional state
257.13 funding to special education separate sites and programs under this section may be used for
257.14 the same purposes as are permitted for state special education aid under section 125A.76.

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

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

257.20 Sec. 18. Minnesota Statutes 2022, section 256B.0625, subdivision 26, is amended to read:

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

258.1 The services may be provided by a Minnesota school district that is enrolled as a medical
258.2 assistance provider or its subcontractor, and only if the services meet all the requirements
258.3 otherwise applicable if the service had been provided by a provider other than a school
258.4 district, in the following areas: medical necessity; physician's, advanced practice registered
258.5 nurse's, or physician assistant's orders; documentation; personnel qualifications; and prior
258.6 authorization requirements. The nonfederal share of costs for services provided under this
258.7 subdivision is the responsibility of the local school district as provided in section 125A.74.
258.8 Services listed in a child's individualized education program are eligible for medical
258.9 assistance reimbursement only if those services meet criteria for federal financial participation
258.10 under the Medicaid program.

258.11 (b) Approval of health-related services for inclusion in the individualized education
258.12 program does not require prior authorization for purposes of reimbursement under this
258.13 chapter. The commissioner may require physician, advanced practice registered nurse, or
258.14 physician assistant review and approval of the plan not more than once annually or upon
258.15 any modification of the individualized education program that reflects a change in
258.16 health-related services.

112.20 Subd. 3. Uses of special education separate sites and programs aid. Additional state
112.21 funding to special education separate sites and programs under this section may be used for
112.22 the same purposes as are permitted for state special education aid under section 125A.76.

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

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

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

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

113.11 The services may be provided by a Minnesota school district that is enrolled as a medical
113.12 assistance provider or its subcontractor, and only if the services meet all the requirements
113.13 otherwise applicable if the service had been provided by a provider other than a school
113.14 district, in the following areas: medical necessity; physician's, advanced practice registered
113.15 nurse's, or physician assistant's orders; documentation; personnel qualifications; and prior
113.16 authorization requirements. The nonfederal share of costs for services provided under this
113.17 subdivision is the responsibility of the local school district as provided in section 125A.74.
113.18 Services listed in a child's individualized education program are eligible for medical
113.19 assistance reimbursement only if those services meet criteria for federal financial participation
113.20 under the Medicaid program.

113.21 (b) Approval of health-related services for inclusion in the individualized education
113.22 program does not require prior authorization for purposes of reimbursement under this
113.23 chapter. The commissioner may require physician, advanced practice registered nurse, or
113.24 physician assistant review and approval of the plan not more than once annually or upon
113.25 any modification of the individualized education program that reflects a change in
113.26 health-related services.

258.17 (c) Services of a speech-language pathologist provided under this section are covered
258.18 notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

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

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

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

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

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

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

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

259.12 (h) Nursing services as defined in section 148.171, subdivision 15, and provided as an
259.13 individualized education program health-related service, are eligible for medical assistance
259.14 payment if they are otherwise a covered service under the medical assistance program.
259.15 Medical assistance covers the administration of prescription medications by a licensed nurse
259.16 who is employed by or under contract with a school district when the administration of
259.17 medications is identified in the child's individualized education program. The simple
259.18 administration of medications alone is not covered under medical assistance when
259.19 administered by a provider other than a school district or when it is not identified in the
259.20 child's individualized education program.

113.27 (c) Services of a speech-language pathologist provided under this section are covered
113.28 notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

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

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

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

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

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

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

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

114.22 (h) Nursing services as defined in section 148.171, subdivision 15, and provided as an
114.23 individualized education program health-related service, are eligible for medical assistance
114.24 payment if they are otherwise a covered service under the medical assistance program.
114.25 Medical assistance covers the administration of prescription medications by a licensed nurse
114.26 who is employed by or under contract with a school district when the administration of
114.27 medications is identified in the child's individualized education program. The simple
114.28 administration of medications alone is not covered under medical assistance when
114.29 administered by a provider other than a school district or when it is not identified in the
114.30 child's individualized education program.

259.21 (i) School social work services provided by a mental health professional, as defined in
259.22 section 245I.04, subdivision 2, or mental health practitioner, as defined in section 245I.04,
259.23 subdivision 4, under the supervision of a mental health professional, are eligible for medical
259.24 assistance payment. A mental health practitioner performing school social work services
259.25 under this section must provide services within the mental health practitioner's licensure
259.26 scope of practice, if applicable, and within the mental health practitioner scope of practice
259.27 under section 245I.04, subdivision 5.

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

260.1 (k) A school social worker or school providing mental health services under paragraph
260.2 (i) is not required to be certified to provide children's therapeutic services and supports
260.3 under section 256B.0943.

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

260.6 (1) administering and reporting standardized measures;

260.7 (2) care coordination;

260.8 (3) children's mental health crisis assistance, planning, and response services;

260.9 (4) children's mental health clinical care consultation;

260.10 (5) dialectical behavioral therapy for adolescents;

260.11 (6) direction of mental health behavioral aides;

260.12 (7) family psychoeducation;

260.13 (8) individual, family, and group psychotherapy;

260.14 (9) mental health behavioral aide services;

260.15 (10) skills training; and

260.16 (11) treatment plan development and review.

260.17 **EFFECTIVE DATE.** This section is effective January 1, 2024, or upon federal approval,
260.18 whichever is later. The commissioner shall notify the revisor of statutes when federal
260.19 approval has been obtained.

114.31 (i) School social work services provided by a mental health professional, as defined in
114.32 section 245I.04, subdivision 2, or mental health practitioner, as defined in section 245I.04,
114.33 subdivision 4, under the supervision of a mental health professional, are eligible for medical
114.34 assistance payment. A mental health practitioner performing school social work services
115.1 under this section must provide services within the mental health practitioner's licensure
115.2 scope of practice, if applicable, and within the mental health practitioner scope of practice
115.3 under section 245I.04, subdivision 5.

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

115.10 (k) A school social worker or school providing mental health services under paragraph
115.11 (i) is not required to be certified to provide children's therapeutic services and supports
115.12 under section 256B.0943.

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

115.15 (1) administering and reporting standardized measures;

115.16 (2) care coordination;

115.17 (3) children's mental health crisis assistance, planning, and response services;

115.18 (4) children's mental health clinical care consultation;

115.19 (5) dialectical behavioral therapy for adolescents;

115.20 (6) direction of mental health behavioral aides;

115.21 (7) family psychoeducation;

115.22 (8) individual, family, and group psychotherapy;

115.23 (9) mental health behavioral aide services;

115.24 (10) skills training; and

115.25 (11) treatment plan development and review.

115.26 **EFFECTIVE DATE.** This section is effective January 1, 2024, or upon federal approval,
115.27 whichever is later. The commissioner shall notify the revisor of statutes when federal
115.28 approval has been obtained.

S1311-2

260.20 Sec. 19. **SPECIFIC LEARNING DISABILITY; RULEMAKING.**

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

260.25 (1) removing discrepancy from criteria;

260.26 (2) developing a plan to operationalize changes to criteria to align with current best
260.27 practices and address concerns of multiple stakeholder groups, including but not limited to
260.28 administrators, parents, educators, researchers, related services staff, advocates, lawyers,
260.29 and minority and immigrant groups;

261.1 (3) providing definitions and clarification of terms and procedures within existing
261.2 requirements;

261.3 (4) establishing the accountability process, including procedures and targets, for districts
261.4 and cooperatives to use in evaluating their progress toward implementation of the amended
261.5 rule; and

261.6 (5) developing an evaluation framework for measuring intended and unintended results
261.7 of amended criteria. Intended and unintended results may include overidentification and
261.8 underidentification of minorities, delays to referral and identification, transitioning from
261.9 developmental delay to specific learning disability, consistency of identification across
261.10 districts and the state, adding unnecessary paperwork, limiting team decision making, or
261.11 limiting access and progress with intensive and individualized special education support.

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

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

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

113.24 Sec. 5. **COMMISSIONER OF EDUCATION; LEGISLATIVE REPORT ON**
113.25 **DEFINITIONS.**

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

- 113.27 (1) gifted student;
- 113.28 (2) talented student;
- 113.29 (3) twice-exceptional student;
- 113.30 (4) print disabled student; and
- 113.31 (5) reading disabled student.

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

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

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

UEH2497-1

116.1 Sec. 12. APPROPRIATIONS.

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

116.5 Subd. 2. **Aid for children with disabilities.** (a) For aid under Minnesota Statutes, section
 116.6 125A.75, subdivision 3, for children with disabilities placed in residential facilities within
 116.7 the district boundaries for whom no district of residence can be determined:

116.8 \$ 1,674,000 2024

116.9 \$ 1,888,000 2025

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

116.12 Subd. 3. **Court-placed special education revenue.** For reimbursing serving school
 116.13 districts for unreimbursed eligible expenditures attributable to children placed in the serving
 116.14 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

261.20 Sec. 20. APPROPRIATIONS.

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

261.24 Subd. 2. **Aid for children with disabilities.** (a) For aid under Minnesota Statutes, section
 261.25 125A.75, subdivision 3, for children with disabilities placed in residential facilities within
 261.26 the district boundaries for whom no district of residence can be determined:

261.27 \$ 1,674,000 2024

261.28 \$ 1,888,000 2025

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

262.1 Subd. 3. **Court-placed special education revenue.** For reimbursing serving school
 262.2 districts for unreimbursed eligible expenditures attributable to children placed in the serving
 262.3 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

262.4 \$ 26,000 2024

262.5 \$ 27,000 2025

262.6 Subd. 4. **Special education; regular.** (a) For special education aid under Minnesota
262.7 Statutes, section 125A.75:

262.8 \$ 2,301,765,000 2024

262.9 \$ 2,473,008,000 2025

262.10 (b) The 2024 appropriation includes \$229,860,000 for 2023 and \$2,071,905,000 for
262.11 2024.

262.12 (c) The 2025 appropriation includes \$291,664,000 for 2024 and \$2,181,344,000 for
262.13 2025.

262.14 Subd. 5. **Special education due process aid.** (a) For special education due process aid
262.15 under Minnesota Statutes, section 122A.50:

262.16 \$ 30,583,000 2024

262.17 \$ 19,445,000 2025

262.18 (b) The 2024 appropriation includes \$0 for 2023 and \$30,583,000 for 2024.

262.19 (c) The 2025 appropriation includes \$3,398,000 for 2024 and \$16,047,000 for 2025.

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

262.22 \$ 250,000 2024

262.23 \$ 250,000 2025

262.24 Subd. 7. **Special education separate sites and programs.** (a) For aid for special
262.25 education separate sites and programs under Minnesota Statutes, section 125A.81, subdivision
262.26 4:

262.27 \$ 4,378,000 2024

262.28 \$ 5,083,000 2025

262.29 (b) The 2024 appropriation includes \$0 for 2023 and \$4,378,000 for 2024.

262.30 (c) The 2025 appropriation includes \$486,000 for 2024 and \$4,597,000 for 2025.

116.15 \$ 26,000 2024

116.16 \$ 27,000 2025

116.27 Subd. 6. **Special education; regular.** (a) For special education aid under Minnesota
116.28 Statutes, section 125A.75:

116.29 \$ 2,237,494,000 2024

116.30 \$ 2,456,695,000 2025

116.31 (b) The 2024 appropriation includes \$229,860,000 for 2023 and \$2,007,634,000 for
116.32 2024.

117.1 (c) The 2025 appropriation includes \$282,617,000 for 2024 and \$2,174,078,000 for
117.2 2025.

116.23 Subd. 5. **Special education out-of-state tuition.** For special education out-of-state
116.24 tuition under Minnesota Statutes, section 125A.79, subdivision 8:

116.25 \$ 250,000 2024

116.26 \$ 250,000 2025

117.3 Subd. 7. **Special education separate sites and programs.** (a) For aid for special
117.4 education separate sites and programs under Minnesota Statutes, section 125A.81, subdivision
117.5 4:

117.6 \$ 4,378,000 2024

117.7 \$ 5,083,000 2025

117.8 (b) The 2024 appropriation includes \$0 for 2023 and \$4,378,000 for 2024.

117.9 (c) The 2025 appropriation includes \$486,000 for 2024 and \$4,597,000 for 2025.

263.1 Subd. 8. Travel for home-based services. (a) For aid for teacher travel for home-based
263.2 services under Minnesota Statutes, section 125A.75, subdivision 1:

263.3 \$ 334,000 2024

263.4 \$ 348,000 2025

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

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

117.10 Subd. 8. Travel for home-based services. (a) For aid for teacher travel for home-based
117.11 services under Minnesota Statutes, section 125A.75, subdivision 1:

117.12 \$ 334,000 2024

117.13 \$ 348,000 2025

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

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