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ARTICLE 5

SPECIAL EDUCATION

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

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

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

125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.

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

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

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individualized education program team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individualized education program. The individualized education program team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26. Before a school district evaluation team makes a determination of other health disability under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek written documentation of the student's medically diagnosed chronic or acute health condition signed by a licensed physician or a licensed health care provider acting within the scope of the provider's practice. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individualized education program. The program must address the student's need to develop skills to live and work as independently as possible within the community. The individualized education program team must consider positive behavioral interventions, strategies, and supports that address behavior needs for children. During grade 9, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the program, districts must inform parents of the full range of transitional goals

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ARTICLE 4

SPECIAL EDUCATION

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

125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.

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

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

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individualized education program team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individualized education program. The individualized education program team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26. Before a school district evaluation team makes a determination of other health disability under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek written documentation of the student's medically diagnosed chronic or acute health condition signed by a licensed physician or a licensed health care provider acting within the scope of the provider's practice. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individualized education program. The program must address the student's need to develop skills to live and work as independently as possible within the community. The individualized education program team must consider positive behavioral interventions, strategies, and supports that address behavior needs for children. During grade 9, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the program, districts must inform parents of the full range of transitional goals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55.24 **Subd. 3. Functional behavior assessment.** (4) A school district may conduct a functional
 55.25 behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a
 55.26 stand-alone evaluation without conducting a comprehensive evaluation of the student in
 55.27 accordance with prior written notice provisions in section 125A.091, subdivision 3a. A
 55.28 parent or guardian may request that a school district conduct a comprehensive evaluation
 55.29 of the parent's or guardian's student.

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

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

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

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

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

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

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

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

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

48.4 **Subd. 3. Functional behavior assessment.** (4) A school district may conduct a functional
 48.5 behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a
 48.6 stand-alone evaluation without conducting a comprehensive evaluation of the student in
 48.7 accordance with prior written notice provisions in section 125A.091, subdivision 3a. A
 48.8 parent or guardian may request that a school district conduct a comprehensive evaluation
 48.9 of the parent's or guardian's student.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58.4 (1) gifted student;

58.5 (2) talented student;

58.6 (3) twice-exceptional student;

58.7 (4) print disabled student; and

58.8 (5) reading disabled student.

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

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

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

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

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

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

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

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