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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 236

January 22, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

March 13, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to education finance; authorizing school districts to delay the
1.3 implementation of special education tuition billing for an additional two years;
1.4 amending Laws 2006, chapter 263, article 3, section 15.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Laws 2006, chapter 263, article 3, section 15, is amended to read:

1.7 Sec. 15. **SPECIAL EDUCATION TUITION BILLING FOR FISCAL YEARS**
1.8 **2006 ~~AND~~, 2007, AND 2008.**

1.9 (a) Notwithstanding Minnesota Statutes, sections 125A.11, subdivision 1, paragraph
1.10 (a), and 127A.47, subdivision 7, paragraph (d), for fiscal year 2006 an intermediate
1.11 district, special education cooperative, or school district that served as an applicant
1.12 agency for a group of school districts for federal special education aids for fiscal year
1.13 2006 is not subject to the uniform special education tuition billing calculations, but may
1.14 instead continue to bill the resident school districts for the actual unreimbursed costs
1.15 of serving pupils with a disability as determined by the intermediate district, special
1.16 education cooperative, or school district.

1.17 (b) Notwithstanding Minnesota Statutes, section 125A.11, subdivision 1, paragraph
1.18 (c), for fiscal year 2007 only, an ~~applicant district~~ agency exempted from the uniform
1.19 special education tuition billing calculations for fiscal year 2006 under paragraph (a)
1.20 may apply to the commissioner for a ~~waiver~~ exemption from the uniform special
1.21 education tuition calculations and aid adjustments under Minnesota Statutes, sections
1.22 125A.11, subdivision 1, paragraph (b), and 127A.47, subdivision 7, paragraph (e). The
1.23 commissioner must grant the ~~waiver~~ exemption within 30 days of receiving the following
1.24 information from the intermediate district, special education cooperative, or school district:

2.1 (1) a detailed description of the applicant district's methodology for calculating
2.2 special education tuition for fiscal years 2006 and 2007, as required by the applicant
2.3 district to recover the full cost of serving pupils with a disability;

2.4 (2) sufficient data to determine the total amount of special education tuition actually
2.5 charged for each student with a disability, as required by the applicant district to recover
2.6 the full cost of serving pupils with a disability in fiscal year 2006; and

2.7 (3) sufficient data to determine the amount that would have been charged for each
2.8 student for fiscal year 2006 using the uniform tuition billing methodology according
2.9 to Minnesota Statutes, sections 125A.11, subdivision 1, or 127A.47, subdivision 7,
2.10 as applicable.

2.11 (c) Notwithstanding Minnesota Statutes, section 125A.11, subdivision 1, paragraph
2.12 (c), for fiscal year 2008 only, an agency granted an exemption from the uniform special
2.13 education tuition billing calculations and aid adjustments for fiscal year 2007 under
2.14 paragraph (b) may apply to the commissioner for a one-year extension of the exemption
2.15 granted under paragraph (b). The commissioner must grant the extension within 30 days
2.16 of receiving the request.

2.17 (d) Notwithstanding Minnesota Statutes, section 125A.11, subdivision 1, paragraphs
2.18 (a) and (b), and section 127A.47, subdivision 7, paragraphs (d) and (e), for fiscal year 2007
2.19 only, a school district or charter school not eligible for a waiver under Minnesota Statutes,
2.20 section 125A.11, subdivision 1, paragraph (d), may apply to the commissioner for authority
2.21 to charge the resident district an additional amount to recover any remaining unreimbursed
2.22 costs of serving pupils with a disability. The application must include a description of the
2.23 costs and the calculations used to determine the unreimbursed portion to be charged to the
2.24 resident district. Amounts approved by the commissioner under this paragraph must be
2.25 included in the tuition billings or aid adjustments under paragraph (a) or (b), or Minnesota
2.26 Statutes, section 127A.47, subdivision 7, paragraph (d) or (e), as applicable.

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