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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1196

February 19, 2007

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

March 7, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to education; providing special instruction for prekindergarten children
1.3 with disabilities; proposing coding for new law in Minnesota Statutes, chapter
1.4 125A.

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

1.6 Section 1. **[125A.035] SPECIAL INSTRUCTION FOR PREKINDERGARTEN**
1.7 **CHILDREN WITH DISABILITIES.**

1.8 Subdivision 1. Placement in early childhood care or education. (a) For purposes
1.9 of this section, "care or education services" means child care services under section
1.10 119B.011, subdivision 7, or a Head Start program under sections 119A.50 to 119A.52.

1.11 (b) When the parent or guardian of a prekindergarten child places the child in a
1.12 nonresident district for care or education services, the nonresident district providing the
1.13 care or education services is the responsible district.

1.14 (c) A district must provide care or education services to an eligible child for
1.15 an average of 20 hours per week, except that a child attending a Head Start program
1.16 may attend the program for fewer than 20 hours per week, consistent with program
1.17 requirements.

1.18 (d) Nothing in this section denies an eligible child the right to receive special
1.19 instruction and services in the child's resident district at the selection of the child's parent
1.20 or guardian. The resident district is not required to provide transportation to a child
1.21 receiving care or education services in a nonresident district but may agree with the child's
1.22 parent or guardian to provide transportation.

2.1 (e) A nonresident district that provides care or education services to an eligible child
2.2 is not required to enroll the child in kindergarten in the nonresident district unless the child
2.3 enrolls in the nonresident district under section 124D.03.

2.4 Subd. 2. **Responsibilities of the providing district.** (a) A nonresident district that
2.5 provides care or education services to an eligible child must:

2.6 (1) conduct an IFSP/IEP/IIP team meeting to decide whether to continue or modify
2.7 the child's special education services according to the goals and objectives of the child's
2.8 current IFSP/IEP/IIP plan and whether an additional evaluation is needed;

2.9 (2) provide written notice of the IFSP/IEP/IIP team meeting to the child's parent or
2.10 guardian, the special education director in the resident district, the teachers and other staff
2.11 in the nonresident district having a legitimate education interest in the meeting and the
2.12 staff providing the care or education services to the child;

2.13 (3) to allow a child to make progress under the child's IFSP/IEP/IIP, provide the
2.14 child with a free appropriate public education that includes an extended school year
2.15 program, where appropriate, and placement decided by the child's IFSP/IEP/IIP team in
2.16 the least restrictive environment or natural environment, consistent with federal law; and

2.17 (4) provide transportation, if needed, to the child between the location where
2.18 the child receives care or education services and the placement decided by the child's
2.19 IFSP/IEP/IIP team.

2.20 (b) All districts that provide care or education services must locate, identify, and
2.21 evaluate all resident and nonresident infants, toddlers, and preschoolers with disabilities
2.22 who receive care or education services within the district. The parent or guardian of a child
2.23 who receives care or education services may have the child evaluated in the resident or
2.24 nonresident district to determine whether the child needs special instruction and services.

2.25 Subd. 3. **Aids and reporting.** The care and education services a district provides
2.26 to prekindergarten children are eligible for reimbursement under special education
2.27 and general education law. The district that provides the care or education services is
2.28 responsible for the MARSS reporting. When the resident district does not provide care or
2.29 education services to an eligible child, the resident district must pay the nonresident district
2.30 providing the care or education services the unreimbursed tuition and other program costs
2.31 under the uniform tuition billing process, not including transportation and day care costs.

2.32 **EFFECTIVE DATE.** This section is effective July 1, 2007.