

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2019

March 12, 2007

Authored by Erickson

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

1.1 A bill for an act
1.2 relating to education; requiring a reading diagnostic assessment for first and
1.3 second grade students with disabilities; amending Minnesota Statutes 2006,
1.4 section 125A.05.

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

1.6 Section 1. Minnesota Statutes 2006, section 125A.05, is amended to read:

1.7 **125A.05 METHOD OF SPECIAL INSTRUCTION.**

1.8 (a) As defined in this section, to the extent required by federal law as of July 1,
1.9 1999, special instruction and services for children with a disability must be based on the
1.10 assessment and individual education plan. The instruction and services may be provided
1.11 by one or more of the following methods:

1.12 (1) in connection with attending regular elementary and secondary school classes;

1.13 (2) establishment of special classes;

1.14 (3) at the home or bedside of the child;

1.15 (4) in other districts;

1.16 (5) instruction and services by special education cooperative centers established
1.17 under this section, or in another member district of the cooperative center to which the
1.18 resident district of the child with a disability belongs;

1.19 (6) in a state residential school or a school department of a state institution approved
1.20 by the commissioner;

1.21 (7) in other states;

1.22 (8) by contracting with public, private or voluntary agencies;

1.23 (9) for children under age five and their families, programs and services established
1.24 through collaborative efforts with other agencies;

2.1 (10) for children under age five and their families, programs in which children with a
2.2 disability are served with children without a disability; and

2.3 (11) any other method approved by the commissioner.

2.4 (b) Preference shall be given to providing special instruction and services to children
2.5 under age three and their families in the residence of the child with the parent or primary
2.6 caregiver, or both, present.

2.7 (c) The primary responsibility for the education of a child with a disability must
2.8 remain with the district of the child's residence regardless of which method of providing
2.9 special instruction and services is used. If a district other than a child's district of residence
2.10 provides special instruction and services to the child, then the district providing the special
2.11 instruction and services must notify the child's district of residence before the child's
2.12 individual education plan is developed and must provide the district of residence an
2.13 opportunity to participate in the plan's development. The district of residence must inform
2.14 the parents of the child about the methods of instruction that are available.

2.15 (d) The district responsible for educating a child with a disability must provide a
2.16 timely early reading diagnostic assessment of each eligible first and second grade student
2.17 to determine whether that student is at risk for reading difficulties. The district must
2.18 provide an intensive reading instruction program to a student found not to be reading
2.19 at the appropriate grade level and must monitor the student's progress throughout the
2.20 program to ensure that the student is given the opportunity to acquire the appropriate
2.21 grade-level reading skills.

2.22 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.23 and applies to the 2007-2008 school year and later.