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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **226**

January 22, 2009

Authored by Ruud, Slocum and McFarlane

The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to education finance; authorizing an intermediate school district
1.3 operating a day treatment program to be considered a care and treatment day
1.4 program; amending Minnesota Statutes 2008, section 125A.15.

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

1.6 Section 1. Minnesota Statutes 2008, section 125A.15, is amended to read:

1.7 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

1.11 (a) The district of residence of a child shall be the district in which the child's parent
1.12 resides, if living, or the child's guardian, or the district designated by the commissioner if
1.13 neither parent nor guardian is living within the state.

1.14 (b) When a child is temporarily placed for care and treatment in a day program
1.15 located in another district and the child continues to live within the district of residence
1.16 during the care and treatment, the district of residence is responsible for providing
1.17 transportation to and from the care and treatment facility and an appropriate educational
1.18 program for the child. Transportation shall only be provided by the district during regular
1.19 operating hours of the district. The district may provide the educational program at a
1.20 school within the district of residence, at the child's residence, or in the district in which
1.21 the day treatment center is located by paying tuition to that district.

1.22 (c) When a child is temporarily placed in a residential program for care and
1.23 treatment, the nonresident district in which the child is placed is responsible for providing
1.24 an appropriate educational program for the child and necessary transportation while the

2.1 child is attending the educational program; and must bill the district of the child's residence
2.2 for the actual cost of providing the program, as outlined in section 125A.11, except as
2.3 provided in paragraph (d). However, the board, lodging, and treatment costs incurred in
2.4 behalf of a child with a disability placed outside of the school district of residence by the
2.5 commissioner of human services or the commissioner of corrections or their agents, for
2.6 reasons other than providing for the child's special educational needs must not become the
2.7 responsibility of either the district providing the instruction or the district of the child's
2.8 residence. For the purposes of this section, the state correctional facilities operated on a
2.9 fee-for-service basis are considered to be residential programs for care and treatment.

2.10 (d) A privately owned and operated residential facility may enter into a contract
2.11 to obtain appropriate educational programs for special education children and services
2.12 with a joint powers entity. The entity with which the private facility contracts for special
2.13 education services shall be the district responsible for providing students placed in that
2.14 facility an appropriate educational program in place of the district in which the facility is
2.15 located. If a privately owned and operated residential facility does not enter into a contract
2.16 under this paragraph, then paragraph (c) applies.

2.17 (e) An intermediate school district may provide educational services in care and
2.18 treatment day and residential programs on behalf of the district of residence or the
2.19 nonresident district in which the child is placed.

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

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