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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 539

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

1.1 A bill for an act
1.2 relating to education; modifying provisions related to children with disabilities;
1.3 requiring the safe schools levy to pay for costs of mental health crisis intervention
1.4 team training for peace officers; amending Minnesota Statutes 2008, sections
1.5 120A.22, subdivision 12; 125A.15; 125A.51; 126C.44.

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

1.7 Section 1. Minnesota Statutes 2008, section 120A.22, subdivision 12, is amended to
1.8 read:

1.9 Subd. 12. **Legitimate exemptions.** A parent, guardian, or other person having
1.10 control of a child may apply to a school district to have the child excused from attendance
1.11 for the whole or any part of the time school is in session during any school year.
1.12 Application may be made to any member of the board, a truant officer, a principal, or the
1.13 superintendent. The school district may state in its school attendance policy that it may ask
1.14 the student's parent or legal guardian to verify in writing the reason for the child's absence
1.15 from school. A note from a physician or a licensed mental health professional stating that
1.16 the child cannot attend school is a valid excuse. The board of the district in which the
1.17 child resides may approve the application upon the following being demonstrated to the
1.18 satisfaction of that board:

1.19 (1) that the child's ~~body~~ physical or mental ~~condition~~ health is such as to prevent
1.20 attendance at school or application to study for the period required, which includes:

- 1.21 (i) child illness, medical, dental, orthodontic, or counseling appointments;
1.22 (ii) family emergencies;
1.23 (iii) the death or serious illness or funeral of an immediate family member;
1.24 (iv) active duty in any military branch of the United States; ~~or~~

2.1 (v) the child has a condition that requires ongoing treatment for a mental health
2.2 diagnosis; or

2.3 (vi) other exemptions included in the district's school attendance policy;

2.4 (2) that the child has already completed state and district standards required for
2.5 graduation from high school; or

2.6 (3) that it is the wish of the parent, guardian, or other person having control of the
2.7 child, that the child attend for a period or periods not exceeding in the aggregate three
2.8 hours in any week, a school for religious instruction conducted and maintained by some
2.9 church, or association of churches, or any Sunday school association incorporated under
2.10 the laws of this state, or any auxiliary thereof. This school for religious instruction must
2.11 be conducted and maintained in a place other than a public school building, and it must
2.12 not, in whole or in part, be conducted and maintained at public expense. However, a child
2.13 may be absent from school on such days as the child attends upon instruction according to
2.14 the ordinances of some church.

2.15 Sec. 2. Minnesota Statutes 2008, section 125A.15, is amended to read:

2.16 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

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

2.23 (b) When a child is temporarily placed for care and treatment in a day program
2.24 located in another district and the child continues to live within the district of residence
2.25 during the care and treatment, the district of residence is responsible for providing
2.26 transportation to and from the care and treatment facility and an appropriate educational
2.27 program for the child. Transportation shall only be provided by the district during regular
2.28 operating hours of the district. The district may provide the educational program at a
2.29 school within the district of residence, at the child's residence, or in the district in which
2.30 the day treatment center is located by paying tuition to that district.

2.31 (c) When a child is temporarily placed in a residential program for care and
2.32 treatment, the nonresident district in which the child is placed is responsible for providing
2.33 an appropriate educational program for the child and necessary transportation while the
2.34 child is attending the educational program; and must bill the district of the child's residence
2.35 for the actual cost of providing the program, as outlined in section 125A.11, except as

3.1 provided in paragraph (d). However, the board, lodging, and treatment costs incurred in
3.2 behalf of a child with a disability placed outside of the school district of residence by the
3.3 commissioner of human services or the commissioner of corrections or their agents, for
3.4 reasons other than providing for the child's special educational needs must not become the
3.5 responsibility of either the district providing the instruction or the district of the child's
3.6 residence. For the purposes of this section, the state correctional facilities operated on a
3.7 fee-for-service basis are considered to be residential programs for care and treatment.

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

3.15 (e) A child with a disability who is in day treatment or a residential facility during
3.16 the summer must be automatically eligible for a summer school program under section
3.17 123B.02, subdivision 10.

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

3.23 Sec. 3. Minnesota Statutes 2008, section 125A.51, is amended to read:

3.24 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES;**
3.25 **EDUCATION AND TRANSPORTATION.**

3.26 The responsibility for providing instruction and transportation for a pupil without a
3.27 disability who has a short-term or temporary physical or emotional illness or disability, as
3.28 determined by the standards of the commissioner, and who is temporarily placed for care
3.29 and treatment for that illness or disability, must be determined as provided in this section.

3.30 (a) The school district of residence of the pupil is the district in which the pupil's
3.31 parent or guardian resides.

3.32 (b) When parental rights have been terminated by court order, the legal residence
3.33 of a child placed in a residential or foster facility for care and treatment is the district in
3.34 which the child resides.

4.1 (c) Before the placement of a pupil for care and treatment, the district of residence
4.2 must be notified and provided an opportunity to participate in the placement decision.
4.3 When an immediate emergency placement is necessary and time does not permit
4.4 resident district participation in the placement decision, the district in which the pupil is
4.5 temporarily placed, if different from the district of residence, must notify the district of
4.6 residence of the emergency placement within 15 days of the placement.

4.7 (d) When a pupil without a disability is temporarily placed for care and treatment
4.8 in a day program and the pupil continues to live within the district of residence during
4.9 the care and treatment, the district of residence must provide instruction and necessary
4.10 transportation to and from the treatment facility for the pupil. Transportation shall only
4.11 be provided by the district during regular operating hours of the district. The district
4.12 may provide the instruction at a school within the district of residence, at the pupil's
4.13 residence, or in the case of a placement outside of the resident district, in the district in
4.14 which the day treatment program is located by paying tuition to that district. The district
4.15 of placement may contract with a facility to provide instruction by teachers licensed
4.16 by the state Board of Teaching.

4.17 (e) When a pupil without a disability is temporarily placed in a residential program
4.18 for care and treatment, the district in which the pupil is placed must provide instruction
4.19 for the pupil and necessary transportation while the pupil is receiving instruction, and in
4.20 the case of a placement outside of the district of residence, the nonresident district must
4.21 bill the district of residence for the actual cost of providing the instruction for the regular
4.22 school year and for summer school, excluding transportation costs.

4.23 (f) A child who is in day treatment or a residential facility during the summer
4.24 must be automatically eligible for a summer school program under section 123B.02,
4.25 subdivision 10.

4.26 (g) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
4.27 private homeless shelter, then the district that enrolls the pupil under section 127A.47,
4.28 subdivision 2, shall provide the transportation, unless the district that enrolls the pupil
4.29 and the district in which the pupil is temporarily placed agree that the district in which
4.30 the pupil is temporarily placed shall provide transportation. When a pupil without a
4.31 disability is temporarily placed in a residential program outside the district of residence,
4.32 the administrator of the court placing the pupil must send timely written notice of the
4.33 placement to the district of residence. The district of placement may contract with a
4.34 residential facility to provide instruction by teachers licensed by the state Board of
4.35 Teaching. For purposes of this section, the state correctional facilities operated on a
4.36 fee-for-service basis are considered to be residential programs for care and treatment.

5.1 ~~(g)~~ (h) The district of residence must include the pupil in its residence count of
 5.2 pupil units and pay tuition as provided in section 123A.488 to the district providing the
 5.3 instruction. Transportation costs must be paid by the district providing the transportation
 5.4 and the state must pay transportation aid to that district. For purposes of computing state
 5.5 transportation aid, pupils governed by this subdivision must be included in the disabled
 5.6 transportation category if the pupils cannot be transported on a regular school bus route
 5.7 without special accommodations.

5.8 Sec. 4. Minnesota Statutes 2008, section 126C.44, is amended to read:

5.9 **126C.44 SAFE SCHOOLS LEVY.**

5.10 (a) Each district may make a levy on all taxable property located within the district
 5.11 for the purposes specified in this section. The maximum amount which may be levied
 5.12 for all costs under this section shall be equal to \$30 multiplied by the district's adjusted
 5.13 marginal cost pupil units for the school year. The proceeds of the levy must be reserved
 5.14 and used for directly funding the following purposes or for reimbursing the cities and
 5.15 counties who contract with the district for the following purposes: (1) to pay the costs
 5.16 incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for
 5.17 liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention
 5.18 program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary
 5.19 schools; (3) to pay the costs for a gang resistance education training curriculum in the
 5.20 district's schools; (4) to pay the costs for security in the district's schools and on school
 5.21 property; (5) to pay the costs for other crime prevention, drug abuse, student and staff
 5.22 safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken
 5.23 by the school district; ~~or~~ (6) to pay costs for licensed school counselors, licensed school
 5.24 nurses, licensed school social workers, licensed school psychologists, and licensed alcohol
 5.25 and chemical dependency counselors to help provide early responses to problems; or (7)
 5.26 to pay for the costs of mental health crisis intervention team training for peace officers
 5.27 and sheriffs who serve as liaisons under clause (1). For expenditures under clause (1), the
 5.28 district must initially attempt to contract for services to be provided by peace officers or
 5.29 sheriffs with the police department of each city or the sheriff's department of the county
 5.30 within the district containing the school receiving the services. If a local police department
 5.31 or a county sheriff's department does not wish to provide the necessary services, the
 5.32 district may contract for these services with any other police or sheriff's department
 5.33 located entirely or partially within the school district's boundaries.

5.34 (b) A school district that is a member of an intermediate school district may
 5.35 include in its authority under this section the costs associated with safe schools activities

6.1 authorized under paragraph (a) for intermediate school district programs. This authority
6.2 must not exceed \$10 times the adjusted marginal cost pupil units of the member districts.
6.3 This authority is in addition to any other authority authorized under this section. Revenue
6.4 raised under this paragraph must be transferred to the intermediate school district.

6.5 (c) A school district must set aside at least \$3 per adjusted marginal cost pupil unit
6.6 of the safe schools levy proceeds for the purposes authorized under paragraph (a), clause
6.7 (6). The district must annually certify that its total spending on services provided by the
6.8 employees listed in paragraph (a), clause (6), is not less than the sum of its expenditures
6.9 for these purposes, excluding amounts spent under this section, in the previous year plus
6.10 the amount spent under this section.