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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **2867**

February 11, 2010

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Read First Time and Referred to the K-12 Education Policy and Oversight

1.1 A bill for an act
1.2 relating to education; clarifying the definition of a child with a disability;
1.3 specifying obligations to children with disabilities; amending Minnesota Statutes
1.4 2009 Supplement, section 125A.02, subdivision 1; proposing coding for new
1.5 law in Minnesota Statutes, chapter 125A; repealing Minnesota Statutes 2008,
1.6 section 125A.03.

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

1.8 Section 1. Minnesota Statutes 2009 Supplement, section 125A.02, subdivision 1,
1.9 is amended to read:

1.10 Subdivision 1. **Child with a disability.** "Child with a disability" means a child
1.11 identified under federal and state special education law as having a hearing impairment,
1.12 blindness, visual disability, speech or language impairment, physical disability, other
1.13 health impairment, mental disability, emotional/behavioral disorder, specific learning
1.14 disability, autism, traumatic brain injury, multiple disabilities, or deafblind disability
1.15 and who, for that reason, needs special education and related services, as determined
1.16 by the rules of the commissioner, ~~is a child with a disability.~~ A licensed physician, an
1.17 advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and
1.18 determination of attention deficit disorder or attention deficit hyperactivity disorder for
1.19 purposes of identifying a child with a disability.

1.20 **EFFECTIVE DATE.** This section is effective July 1, 2010.

1.21 Sec. 2. **[125A.031] GENERAL OBLIGATIONS TO CHILDREN WITH**
1.22 **DISABILITIES.**

1.23 (a) Except as specifically provided in other law, the following requirements govern
1.24 district obligations to children with disabilities.

2.1 (b) A district shall ensure that all children with disabilities residing in the district
2.2 who are in need of special education and related services, including those who are under
2.3 age 3, are homeless, or are attending a nonpublic school located in the district, are
2.4 identified, located, and evaluated.

2.5 (c) Except as provided in paragraph (d), a district must make available special
2.6 education and related services to each child with a disability residing in the district from
2.7 birth until that child becomes 21 years old or receives a regular high school diploma,
2.8 whichever comes first.

2.9 (d) If a child with a disability becomes 21 years old during the school year, the
2.10 district shall continue to make available special education and related services to that
2.11 child until the last day of that school year, or until the day the child receives a regular
2.12 high school diploma, whichever comes first.

2.13 (e) For the purpose of this section and section 121A.41, subdivision 7, paragraph
2.14 (a), clause (2), "school year" means the days of student instruction designated by the
2.15 school board as the regular school year in the annual calendar adopted pursuant to section
2.16 120A.41.

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2010.

2.18 **Sec. 3. REPEALER.**

2.19 Minnesota Statutes 2008, section 125A.03, is repealed.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2010.