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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2568

03/03/2014 Authored by Sawatzky

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

1.1 A bill for an act
1.2 relating to education; reducing paperwork burdens by creating a unified online
1.3 system for collecting and reporting required special education due process data
1.4 and thereby increasing opportunities for special education educators to focus on
1.5 teaching students; amending Minnesota Statutes 2012, section 125A.08; Laws
1.6 2013, chapter 116, article 5, section 31, subdivision 8.

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

1.8 Section 1. Minnesota Statutes 2012, section 125A.08, is amended to read:

1.9 125A.08 INDIVIDUALIZED EDUCATION PROGRAMS; DATA
1.10 REPORTING REQUIREMENTS.

1.11 Subdivision 1. Requirements for individualized education programs. (a) At the
1.12 beginning of each school year, each school district shall have in effect, for each child with
1.13 a disability, an individualized education program.

1.14 (b) As defined in this section, every district must ensure the following:

1.15 (1) all students with disabilities are provided the special instruction and services
1.16 which are appropriate to their needs. Where the individualized education program team
1.17 has determined appropriate goals and objectives based on the student's needs, including
1.18 the extent to which the student can be included in the least restrictive environment,
1.19 and where there are essentially equivalent and effective instruction, related services, or
1.20 assistive technology devices available to meet the student's needs, cost to the district may
1.21 be among the factors considered by the team in choosing how to provide the appropriate
1.22 services, instruction, or devices that are to be made part of the student's individualized
1.23 education program. The individualized education program team shall consider and
1.24 may authorize services covered by medical assistance according to section 256B.0625,
1.25 subdivision 26. The student's needs and the special education instruction and services to

2.1 be provided must be agreed upon through the development of an individualized education
2.2 program. The program must address the student's need to develop skills to live and work
2.3 as independently as possible within the community. The individualized education program
2.4 team must consider positive behavioral interventions, strategies, and supports that address
2.5 behavior for children with attention deficit disorder or attention deficit hyperactivity
2.6 disorder. During grade 9, the program must address the student's needs for transition from
2.7 secondary services to postsecondary education and training, employment, community
2.8 participation, recreation, and leisure and home living. In developing the program, districts
2.9 must inform parents of the full range of transitional goals and related services that should
2.10 be considered. The program must include a statement of the needed transition services,
2.11 including a statement of the interagency responsibilities or linkages or both before
2.12 secondary services are concluded;

2.13 (2) children with a disability under age five and their families are provided special
2.14 instruction and services appropriate to the child's level of functioning and needs;

2.15 (3) children with a disability and their parents or guardians are guaranteed procedural
2.16 safeguards and the right to participate in decisions involving identification, assessment
2.17 including assistive technology assessment, and educational placement of children with a
2.18 disability;

2.19 (4) eligibility and needs of children with a disability are determined by an initial
2.20 assessment or reassessment, which may be completed using existing data under United
2.21 States Code, title 20, section 33, et seq.;

2.22 (5) to the maximum extent appropriate, children with a disability, including those
2.23 in public or private institutions or other care facilities, are educated with children who
2.24 are not disabled, and that special classes, separate schooling, or other removal of children
2.25 with a disability from the regular educational environment occurs only when and to the
2.26 extent that the nature or severity of the disability is such that education in regular classes
2.27 with the use of supplementary services cannot be achieved satisfactorily;

2.28 (6) in accordance with recognized professional standards, testing and evaluation
2.29 materials, and procedures used for the purposes of classification and placement of children
2.30 with a disability are selected and administered so as not to be racially or culturally
2.31 discriminatory; and

2.32 (7) the rights of the child are protected when the parents or guardians are not known
2.33 or not available, or the child is a ward of the state.

2.34 (c) For paraprofessionals employed to work in programs for students with
2.35 disabilities, the school board in each district shall ensure that:

3.1 (1) before or immediately upon employment, each paraprofessional develops
 3.2 sufficient knowledge and skills in emergency procedures, building orientation, roles and
 3.3 responsibilities, confidentiality, vulnerability, and reportability, among other things, to
 3.4 begin meeting the needs of the students with whom the paraprofessional works;

3.5 (2) annual training opportunities are available to enable the paraprofessional to
 3.6 continue to further develop the knowledge and skills that are specific to the students with
 3.7 whom the paraprofessional works, including understanding disabilities, following lesson
 3.8 plans, and implementing follow-up instructional procedures and activities; and

3.9 (3) a districtwide process obligates each paraprofessional to work under the ongoing
 3.10 direction of a licensed teacher and, where appropriate and possible, the supervision of a
 3.11 school nurse.

3.12 Subd. 2. Online reporting of required data. (a) To ensure a strong focus
 3.13 on outcomes for children with disabilities informs federal and state compliance and
 3.14 accountability requirements and to increase opportunities for special educators and
 3.15 related-services providers to focus on teaching children with disabilities, the commissioner
 3.16 must create, implement, and sustain a streamlined, user-friendly statewide online system,
 3.17 with a single, integrated model online form, for effectively and efficiently collecting and
 3.18 reporting required special education-related data. Among other data-related requirements,
 3.19 the online system must successfully interface with existing state reporting systems such as
 3.20 MARRS and Child Count and with districts' local data systems.

3.21 (b) The commissioner must assemble a group of qualified experts, including
 3.22 information technology specialists, licensed special education teachers and directors
 3.23 of special education, related-services providers, third-party vendors, a designee of the
 3.24 commissioner of human services, parents of children with disabilities, representatives of
 3.25 advocacy groups representing children with disabilities, and representatives of school
 3.26 districts and special education cooperatives to regularly advise on an ongoing basis the
 3.27 commissioner on creating and sustaining this simple, easily accessible, efficient, and
 3.28 effective online data system for uniform statewide reporting of required due process
 3.29 compliance data. Among other outcomes, the system must:

3.30 (1) consistent with chapter 13 governing government data practices, provide for
 3.31 efficiently and effectively transmitting the records of all transferring children with
 3.32 disabilities, including highly mobile and homeless children with disabilities, among others,
 3.33 to give an enrolling school, school district, facility, or other institution immediate access
 3.34 to information about the transferring child and to avoid fragmented service delivery;

4.1 (2) address language and other barriers and disparities that prevent parents from
 4.2 understanding and communicating information about the needs of their children with
 4.3 disabilities;

4.4 (3) facilitate school districts' ability to bill medical assistance, MinnesotaCare,
 4.5 and other third-party payers for the costs of providing individualized education program
 4.6 health-related services to an eligible child with disabilities;

4.7 (4) help continuously improve the interface among the online systems serving
 4.8 children with disabilities in order to maintain and reinforce the children's ability to learn;
 4.9 and

4.10 (5) have readily accessible expert technical assistance to maintain, sustain, and
 4.11 improve the online system.

4.12 (c) The commissioner, using a request for proposal process, must contract for
 4.13 a commercially available online system and the technology and software needed for
 4.14 integrating and customizing the online system in order for the system to be fully functional,
 4.15 consistent with the requirements of this subdivision. This online system must be made
 4.16 available to school districts without charge beginning in the 2014-2015 school year. For the
 4.17 2014-2015 through 2016-2017 school years, school districts may use this online system or
 4.18 may contract with an outside vendor for compliance reporting. Beginning in the 2017-2018
 4.19 school year and later, school districts must use this online system for compliance reporting.

4.20 (d) Consistent with this subdivision, the commissioner must establish a public
 4.21 Internet web interface to provide information to educators, parents, and the public about
 4.22 the form and content of required special education reports, to respond to queries from
 4.23 educators, parents, and the public about specific aspects of special education reports
 4.24 and reporting, and to use the information garnered from the interface to streamline and
 4.25 revise special education reporting.

4.26 (e) The commissioner annually by February 1 must submit to the legislature a report
 4.27 on the status, recent changes, and sustainability of the online system under this subdivision.

4.28 Sec. 2. Laws 2013, chapter 116, article 5, section 31, subdivision 8, is amended to read:

4.29 Subd. 8. **Special education paperwork cost savings.** For the contract to effect
 4.30 special education paperwork cost savings under Minnesota Statutes, section 125A.08,
 4.31 subdivision 2, paragraph (c):

4.32 \$ 1,763,000 2014

4.33 For a transfer to MNIT. This appropriation is available in fiscal year 2015 if ~~not~~
 4.34 expended.

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