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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **4214**

03/26/2018 Authored by Peterson, Davnie and Moran
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; authorizing pupil transportation for certain pregnant and
1.3 parenting teens; amending Minnesota Statutes 2017 Supplement, section 125A.51.

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

1.5 Section 1. Minnesota Statutes 2017 Supplement, section 125A.51, is amended to read:

1.6 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
1.7 **AND TRANSPORTATION.**

1.8 Subdivision 1. Responsibility. The responsibility for providing instruction and
1.9 transportation for a pupil without a disability who:

1.10 (1) has a short-term or temporary physical or emotional illness or disability, as determined
1.11 by the standards of the commissioner; or

1.12 (2) is a pregnant or parenting teen according to subdivision 8;

1.13 and who is temporarily placed for care and treatment for that illness or disability, must be
1.14 determined as provided in this section.

1.15 Subd. 2. District of residence. ~~(a)~~ The school district of residence of the pupil is the
1.16 district in which the pupil's parent or guardian resides. If there is a dispute between school
1.17 districts regarding residency, the district of residence is the district designated by the
1.18 commissioner.

1.19 Subd. 3. Parental rights terminated. ~~(b)~~ When parental rights have been terminated
1.20 by court order, the legal residence of a child placed in a residential or foster facility for care
1.21 and treatment is the district in which the child resides.

2.1 Subd. 4. Notice; placement. (e) Before the placement of a pupil for care and treatment,
 2.2 the district of residence must be notified and provided an opportunity to participate in the
 2.3 placement decision. When an immediate emergency placement is necessary and time does
 2.4 not permit resident district participation in the placement decision, the district in which the
 2.5 pupil is temporarily placed, if different from the district of residence, must notify the district
 2.6 of residence of the emergency placement within 15 days of the placement. When a
 2.7 nonresident district makes an emergency placement without first consulting with the resident
 2.8 district, the resident district has up to five business days after receiving notice of the
 2.9 emergency placement to request an opportunity to participate in the placement decision,
 2.10 which the placing district must then provide.

2.11 Subd. 5. Day programs. (d) When a pupil without a disability is temporarily placed for
 2.12 care and treatment in a day program and the pupil continues to live within the district of
 2.13 residence during the care and treatment, the district of residence must provide instruction
 2.14 and necessary transportation to and from the care and treatment program for the pupil. The
 2.15 resident district may establish reasonable restrictions on transportation, except if a Minnesota
 2.16 court or agency orders the child placed at a day care and treatment program and the resident
 2.17 district receives a copy of the order, then the resident district must provide transportation
 2.18 to and from the program unless the court or agency orders otherwise. Transportation shall
 2.19 only be provided by the resident district during regular operating hours of the resident
 2.20 district. The resident district may provide the instruction at a school within the district of
 2.21 residence, at the pupil's residence, or in the case of a placement outside of the resident
 2.22 district, in the district in which the day treatment program is located by paying tuition to
 2.23 that district. The district of placement may contract with a facility to provide instruction by
 2.24 teachers licensed by the Professional Educator Licensing and Standards Board.

2.25 Subd. 6. Serving district responsible for education and transportation. (e) When a
 2.26 pupil without a disability is temporarily placed in a residential program for care and treatment,
 2.27 the district in which the pupil is placed must provide instruction for the pupil and necessary
 2.28 transportation while the pupil is receiving instruction, and in the case of a placement outside
 2.29 of the district of residence, the nonresident district must bill the district of residence for the
 2.30 actual cost of providing the instruction for the regular school year and for summer school,
 2.31 excluding transportation costs.

2.32 Subd. 7. Homeless students. (f) Notwithstanding ~~paragraph (e)~~ subdivision 6, if the
 2.33 pupil is homeless and placed in a public or private homeless shelter, then the district that
 2.34 enrolls the pupil under section 120A.20, subdivision 2, paragraph (b), shall provide the
 2.35 transportation, unless the district that enrolls the pupil and the district in which the pupil is

3.1 temporarily placed agree that the district in which the pupil is temporarily placed shall
3.2 provide transportation. When a pupil without a disability is temporarily placed in a residential
3.3 program outside the district of residence, the administrator of the court placing the pupil
3.4 must send timely written notice of the placement to the district of residence. The district of
3.5 placement may contract with a residential facility to provide instruction by teachers licensed
3.6 by the Professional Educator Licensing and Standards Board. For purposes of this section,
3.7 the state correctional facilities operated on a fee-for-service basis are considered to be
3.8 residential programs for care and treatment.

3.9 Subd. 8. **Pregnant and parenting teens.** For a pregnant or parenting teen attending an
3.10 educational program that provides: (1) academic instruction; (2) parenting instruction; and
3.11 (3) high-quality child care on site during the educational day, the district of residence may
3.12 provide transportation to and from that site.

3.13 Subd. 9. **Resident pupils.** (g) The district of residence must include the pupil in its
3.14 residence count of pupil units and pay tuition as provided in section 123A.488 to the district
3.15 providing the instruction.

3.16 Subd. 10. **Transportation.** Transportation costs must be paid by the district providing
3.17 the transportation and the state must pay transportation aid to that district. For purposes of
3.18 computing state transportation aid, pupils governed by this ~~subdivision~~ section must be
3.19 included in the disabled transportation category if the pupils cannot be transported on a
3.20 regular school bus route without special accommodations.

3.21 **EFFECTIVE DATE.** This section is effective for fiscal year 2019 and later.