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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1362

02/22/2021 Authored by Freiberg
The bill was read for the first time and referred to the Committee on Education Policy
03/23/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to education; requiring reasonable accommodations for parents of children
1.3 with disabilities; proposing coding for new law in Minnesota Statutes, chapter
1.4 125A.

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

1.6 Section 1. [125A.082] ACCOMMODATIONS FOR PARENTS OF CHILDREN
1.7 WITH DISABILITIES.

1.8 Subdivision 1. Accommodations policy required. (a) A school district must adopt a
1.9 policy establishing a process to provide accommodations for a parent with a disability who
1.10 is a parent of a child with a disability that allows the parent to participate in developing a
1.11 child's individualized education program. A district must provide a parent with a disability
1.12 with a reasonable accommodation unless it would impose an undue hardship on the district.

1.13 (b) "reasonable accommodation" has the meaning given in section 363A.08, subdivision
1.14 6, and in determining whether an accommodation would impose an undue hardship on the
1.15 school district, factors to be considered are the factors listed in section 363A.08, subdivision
1.16 6. An accommodation is reasonable if it allows a parent with a disability to participate
1.17 meaningfully in meetings, data collection, or a paperwork process related to an individualized
1.18 education program and does not impose an undue hardship on the school district.

1.19 (c) "disability," as used in this section, has the meaning given in section 363A.03,
1.20 subdivision 12. The determination of whether a parent has a disability does not require that
1.21 a parent disclose private health information to the school district. A school district may not
1.22 request or require that a parent authorize the release of health care records or medical
1.23 information.

2.1 (d) A school district must require that all teachers and staff providing special instruction
2.2 and services to students with disabilities review the accommodations policy each school
2.3 year.

2.4 Subd. 2. **Process.** (a) A district must inform the parent of a student with a disability of
2.5 the accommodation process before referring the student for a special education evaluation
2.6 and annually thereafter at the beginning of each school year that has an individualized
2.7 education program. The district must ensure that notice of the accommodation process is
2.8 easily understandable and readable and must offer a parent the option to receive the notice
2.9 orally or in the parent's native language, where appropriate.

2.10 (b) A parent's request for an accommodation must be treated as private data according
2.11 to section 13.32, but may not be disclosed as directory information or be included in a
2.12 student's individualized education program or other student records. Accommodations
2.13 granted must be noted in the student's individualized education program but the individualized
2.14 education program or other student records must not include information about the parent's
2.15 disability and must not state that the accommodation is for a parent's disability.

2.16 (c) The process to request an accommodation must allow a parent with a disability to
2.17 request an accommodation verbally or in writing, and to submit the request to any member
2.18 of an individualized education program team holding a license issued under chapter 122A
2.19 that is employed by the district, or if the student has not been referred for special education
2.20 evaluation, to the student's teacher or principal.

2.21 (d) A school district must respond to a request for an accommodation within five school
2.22 days. A deadline related to the development or modification of an individualized education
2.23 program that is not established by federal law is stayed pending the resolution of a parent's
2.24 request for an accommodation. During the stay, a district must continue to provide a student
2.25 with educational services under a temporary or existing individualized education program.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2021.