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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1577

03/14/2013 Authored by Gruenhagen and Lohmer

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; creating a special education scholarship program;
1.3 proposing coding for new law in Minnesota Statutes, chapter 125A.

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

1.5 Section 1. [125A.851] TITLE.

1.6 Sections 125A.851 to 125A.857 may be cited as the Minnesota Special Education
1.7 Scholarship Act.

1.8 Sec. 2. [125A.852] POLICY AND PURPOSE.

1.9 The purpose of the Minnesota Special Education Scholarship Act is to grant parents
1.10 the ability to choose the special education services provider for their children.

1.11 Sec. 3. [125A.853] DEFINITIONS.

1.12 Subdivision 1. **Terms.** For purposes of sections 125A.851 to 125A.857, the terms in
1.13 this subdivision have the meaning given them.

1.14 Subd. 2. **Eligible student.** "Eligible student" means an eligible child with a
1.15 disability who has an individualized education program and who was enrolled in a
1.16 Minnesota school district or charter school throughout the school year immediately
1.17 preceding the school year in which a scholarship is first awarded.

1.18 Subd. 3. **Eligible provider.** "Eligible provider" means an organization or individual
1.19 approved by the commissioner to provide special education services to a student under
1.20 section 125A.855, subdivision 3.

1.21 Subd. 4. **Parent.** "Parent" means the parent or guardian of an eligible student.

2.1 Sec. 4. **[125A.854] STUDENT APPLICATION PROCESS.**

2.2 Subdivision 1. **Initial application.** An eligible student may apply to the
2.3 superintendent of the student's resident school district for a special education scholarship.

2.4 Subd. 2. **District official to schedule meeting.** Within 30 days after receiving a
2.5 request for a scholarship application from an eligible student and the student's parent,
2.6 the superintendent or other designated school official must schedule an individualized
2.7 education program team meeting for that student. The meeting must occur within 60 days
2.8 after the school official receives the student's request for a scholarship application.

2.9 Subd. 3. **Meeting.** At the meeting, the individualized education program team and
2.10 the student's parent must discuss the services provided by the serving school district and
2.11 the anticipated changes in service if the parent selects an eligible provider. After the
2.12 meeting, the parent may apply for a special education scholarship.

2.13 Subd. 4. **Scholarship application.** The parent must include with the scholarship
2.14 application a signed document showing that an eligible provider approved by the
2.15 commissioner has agreed to provide the student with the special education services
2.16 identified in the student's individualized education program if the child is awarded a
2.17 special education scholarship.

2.18 Subd. 5. **Scholarship awarded.** Within 30 days after receiving a scholarship
2.19 application, the superintendent or other designated school official must award the
2.20 special education scholarship to the parent of the eligible student if the document under
2.21 subdivision 4 is available and all other conditions are met.

2.22 Sec. 5. **[125A.855] DUTIES OF THE COMMISSIONER OF EDUCATION.**

2.23 Subdivision 1. **Uniform procedures.** The commissioner must establish the form
2.24 and manner for a parent to request and apply for the special education scholarship.

2.25 Subd. 2. **Amount of scholarship.** The commissioner shall calculate the average
2.26 rate of salary reimbursement under section 125A.76 for each category of essential
2.27 personnel for the previous year and establish these rates as the scholarship reimbursement
2.28 amounts for eligible providers.

2.29 Subd. 3. **Approved providers.** (a) An organization or individual may apply to the
2.30 department for approval as an eligible provider of special education scholarship services
2.31 in the form and manner specified by the commissioner. The department may review an
2.32 applicant's fitness to provide special education services including the applicant's:

2.33 (1) past experience providing special education services;

2.34 (2) ability to provide services of the same quality as those provided by current
2.35 service providers; and

3.1 (3) educational credentials.

3.2 The provider must meet the licensing criteria for essential personnel performing the same
 3.3 services under section 125A.76, subdivision 1. However, a previously licensed employee
 3.4 without a current license may apply for a limited-term license in order to become an
 3.5 approved provider. If the previously licensed employee is a teacher, the Board of Teaching,
 3.6 after completing a background check under section 123B.03, must grant the employee a
 3.7 limited-term license to provide scholarship services under this act. The commissioner must
 3.8 approve a license for a previously licensed provider in an essential personnel category and
 3.9 must award a limited-term license to the otherwise qualified nonlicensed provider. The
 3.10 commissioner may establish standards for nonlicensed providers that are comparable to
 3.11 the standards for school district employees who are defined as essential personnel.

3.12 (b) The Board of Teaching and the commissioner each shall maintain and
 3.13 periodically update an electronic publicly available list of approved providers.

3.14 (c) An applicant that has not been approved under paragraph (a) may appeal that
 3.15 decision as a contested case under chapter 14.

3.16 Subd. 4. **Payment of scholarships.** The commissioner shall include scholarship
 3.17 payment amounts in the payments to school districts under section 125A.76.

3.18 **Sec. 6. [125A.856] DUTIES OF THE RESIDENT SCHOOL DISTRICT.**

3.19 Subdivision 1. **List of eligible providers.** Upon request, the resident school district
 3.20 must provide each requesting parent a list of approved eligible providers, beginning with
 3.21 eligible providers located in proximity to the district.

3.22 Subd. 2. **Annual reapproval.** Each year after the first year a scholarship is awarded,
 3.23 the resident district must convene a meeting of the student's individualized education
 3.24 program team to review the student's progress and revise the student's individualized
 3.25 education program.

3.26 Subd. 3. **Payment of scholarships.** The school district shall make monthly payments
 3.27 to each eligible provider of special education services to pupils resident to that district upon
 3.28 verification of the hours of service in a form and manner determined by the commissioner.

3.29 Subd. 4. **Report to department.** Each school district must report its contracts and
 3.30 payments to eligible providers to the Department of Education,

3.31 **Sec. 7. [125A.857] WAIVER OF RESPONSIBILITY.**

3.32 The parent of a student who accepts a special education scholarship is responsible
 3.33 for meeting the special education needs of that student during the scholarship term. The
 3.34 resident school district that awards a student a scholarship and any other Minnesota school

- 4.1 district or charter school is not required to provide special education services to that
- 4.2 student during the scholarship term.