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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2846

02/09/2018 Authored by Christensen, Erickson, O'Neill, Theis, Knobloch and others
The bill was referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; establishing a special education working group; requiring a
1.3 report.

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

1.5 Section 1. SPECIAL EDUCATION WORKING GROUP.

1.6 Subdivision 1. Duties. (a) A working group on special education is created to review
1.7 special education delivery and costs in Minnesota and submit a written report to the
1.8 legislature recommending changes to reduce costs. The report must:

1.9 (1) review how school districts, charter schools, intermediate school districts, special
1.10 education cooperatives, education districts, and service cooperatives deliver special education
1.11 services, and the costs and benefits associated with each model;

1.12 (2) compare relevant state and federal special education laws and regulations;

1.13 (3) analyze trends in special education enrollment and the reasons for the increased
1.14 proportion of Minnesota students receiving special education, including identifying disparities
1.15 in student identification;

1.16 (4) identify strategies or programs that would be effective in reducing the need for special
1.17 education services;

1.18 (5) analyze funding for nonresident children in accordance with Minnesota Statutes,
1.19 sections 125A.11 and 127A.47;

1.20 (6) analyze the effect of the 2013 statutory changes to the state special education funding
1.21 formula, including interactions and conformity with federal funding formulas;

2.1 (7) describe how school districts and charter schools use section 504 plans, including
 2.2 criteria used to determine when a section 504 plan is appropriate and the prevalence of
 2.3 section 504 plans in school districts and charter schools; and

2.4 (8) review the 2013 evaluation report by the Office of the Legislative Auditor on special
 2.5 education and whether any recommendations have been enacted or implemented.

2.6 (b) In making its recommendations, the special education working group must develop
 2.7 a ten-year strategic plan informed by the findings in paragraph (a) to help reduce the costs
 2.8 contributing to the special education cross-subsidy and overall special education funding.

2.9 Subd. 2. **Members.** (a) By June 1, 2018, the executive director of the following
 2.10 organizations may appoint one representative of that organization to serve as a member of
 2.11 the working group:

2.12 (1) the National Alliance on Mental Illness Minnesota;

2.13 (2) the Parent Advocacy Coalition for Educational Rights;

2.14 (3) the Minnesota School Boards Association;

2.15 (4) the Minnesota Administrators for Special Education;

2.16 (5) the Minnesota Association of Charter Schools;

2.17 (6) Education Minnesota;

2.18 (7) the Minnesota Rural Education Association;

2.19 (8) the Association of Metropolitan School Districts;

2.20 (9) The Arc Minnesota;

2.21 (10) the Autism Society of Minnesota; and

2.22 (11) the Disability Law Center.

2.23 (b) By June 1, 2018, the commissioner must designate the following individuals to serve
 2.24 as members of the working group:

2.25 (1) a representative from an intermediate school district;

2.26 (2) a representative from a special education cooperative, education district, or service
 2.27 cooperative; and

2.28 (3) a representative from the Governor's Council on Developmental Disabilities.

2.29 Subd. 3. **Meetings.** The commissioner of education, or the commissioner's designee,
 2.30 must convene the first meeting of the working group no later than July 15, 2018. The working

3.1 group must select a chair or cochairs from among its members at the first meeting. The
3.2 working group must meet periodically. Meetings of the working group must be open to the
3.3 public.

3.4 Subd. 4. **Compensation.** Working group members are not eligible to receive expenses
3.5 or per diem payments for serving on the working group.

3.6 Subd. 5. **Administrative support.** The commissioner of education must provide technical
3.7 and administrative assistance to the working group upon request.

3.8 Subd. 6. **Report.** (a) By January 15, 2019, the working group must submit a report
3.9 providing its findings and recommendations to the chairs and ranking minority members
3.10 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

3.11 (b) The legislature convening in January 2019 is encouraged to convene a legislative
3.12 study group to review the recommendations and ten-year strategic plan to develop its own
3.13 recommendations for legislative changes, as necessary.

3.14 Subd. 7. **Expiration.** The working group expires on January 16, 2019, unless extended
3.15 by law.

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