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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 535

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

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

1.5 Section 1. SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.

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

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

1.12 (2) compare relevant state and federal special education laws and regulations by reviewing
1.13 the 2013 evaluation report by the Office of the Legislative Auditor on special education
1.14 and other publicly available reports;

1.15 (3) analyze trends in special education enrollment and the reasons for the increased
1.16 proportion of Minnesota students receiving special education, including disparities in student
1.17 identification and reasons for the excessive labeling and drugging of school age children;

1.18 (4) identify strategies or programs that would be effective in reducing the need for special
1.19 education services or could provide less-intensive special education services, when
1.20 appropriate;

2.1 (5) analyze funding for children receiving special education services in a nonresident
2.2 district or charter school in accordance with Minnesota Statutes, sections 124E.21, 125A.11,
2.3 and 127A.47;

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

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

2.9 (8) review the use of medications intended to modify the mood or behavior of students
2.10 with 504 plans or individual education programs; and

2.11 (9) review the recommendations of the 2013 evaluation report by the Office of the
2.12 Legislative Auditor on special education and whether any recommendations have been
2.13 enacted or implemented.

2.14 Subd. 2. **Membership.** (a) The legislative working group on special education consists
2.15 of:

2.16 (1) six duly elected and currently serving members of the house of representatives, three
2.17 appointed by the speaker of the house and three appointed by the house minority leader.
2.18 Membership must include the current chairs of the house of representatives Education Policy
2.19 Committee and Education Finance Committee; and

2.20 (2) six duly elected and currently serving senators, three appointed by the senate majority
2.21 leader and three appointed by the senate minority leader. Membership must include the
2.22 current chair of the senate Education Finance and Policy Committee.

2.23 (b) Only duly elected and currently serving members of the house of representatives or
2.24 senate may be members of the special education legislative working group. A chair of an
2.25 education committee appointed under paragraph (a) may designate another member of the
2.26 chair's chamber to attend a meeting of the legislative working group in place of the chair.

2.27 Subd. 3. **Organization; process; administrative and technical support.** The special
2.28 education legislative working group appointments must be made by July 1, 2021. If a vacancy
2.29 occurs, the leader of the caucus in the house of representatives or senate to which the vacating
2.30 working group member belonged must fill the vacancy. The chair of the house of
2.31 representatives Education Policy Committee shall serve as a cochair of the working group.
2.32 The chair of the senate Education Finance and Policy Committee shall serve as a cochair
2.33 of the working group and shall convene the first meeting. The working group must meet

3.1 periodically. Meetings of the working group must be open to the public. The Legislative
3.2 Coordinating Commission must provide administrative assistance upon request. The
3.3 Department of Education must provide technical assistance upon request.

3.4 Subd. 4. **Consultation with stakeholders.** In developing its recommendations, the
3.5 special education legislative working group must consult with interested and affected
3.6 stakeholders.

3.7 Subd. 5. **Report.** The special education legislative working group must submit a report
3.8 providing its findings and policy recommendations to the legislature by January 15, 2022.

3.9 Subd. 6. **Expiration.** The special education legislative working group expires January
3.10 16, 2022, unless extended by law.

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