Senate
State of Minnesota

S.F. No. 3656 – Scholarship Program for Students with a Disability Act

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Date:	March 11, 2022

Section 1. **Scholarship Program for Students with a Disability Act.**

Subdivision 1. Title. Establishes the act as the "Scholarship Program for Students with a Disability Act."

Subdivision 2. Definitions. (b) Defines "commissioner" as the commissioner of education.

(c) Defines "department" as the Department of Education.

(d) Defines "eligible school" as a nonpublic school that is recognized by the commissioner or accredited by an accrediting agency recognized by the Minnesota Nonpublic Education Council. Excludes a home school.

(e) Defines "eligible student" as a student with an individualized education program under Minnesota Statutes, section 125A.08, and who resides in Minnesota and who attended a public school or charter school during the semester preceding participation in the program.

(f) Defines "parent" as a resident of the state who is a parent, legal guardian, custodian, or other person with the authority to act on behalf of the eligible student.

(g) Defines "program" as a program to implement a scholarship program for students with a disability (SPSD).

Subdivision 3. Scholarship program for students with a disability (SPSD). (a) States an eligible student qualifies to participate in the program beginning in the 2023-2024 school year if their parent signs an agreement:

(1) with the eligible school;

(2) with the public school district or charter school where the eligible student is currently enrolled stating that they agree to the student's enrollment in an eligible school; and

(3) to not enroll the participating student in a public school or charter school and to acknowledge that the student has no individual entitlement to a free appropriate public education under Minnesota Statutes, section 125A.03, from the student's resident school district.

(b) States a student that enrolls in the program remains eligible until the student returns to a public school, graduates from high school, or completes the school year in which the student reaches the age of 21, whichever occurs first.

(c) Allows a participating student to return to the resident school district at any time after enrolling in the program. States the student is no longer a participant in the SPSD.

(d) Requires the commissioner to accept applications for the program on July 1, 2023.

Subdivision 4. General education aid. Requires the commissioner to increase the former serving school district's general education aid by an amount equal to 50 percent of the statewide average general education aid per adjusted pupil unit for each year the student remains enrolled in an eligible school. States that a student formally enrolled at a charter school must have the aid paid to the student's resident district.

Subdivision 5. Special education aid. (a) Requires the commissioner to increase the former serving school district's or charter school's special education aid by an amount equal to the average cost by disability category referenced in the most recent special education statewide average expenditure report, times the number of students within each disability category enrolled at an eligible school.

(b) Requires the school district to transfer the amounts under paragraph (a) to an eligible school.

Subdivision 6. Administration. (a) Directs the commissioner to create a form that parents may submit to establish the student's eligibility for participating in the SPSD.

(b) Requires the commissioner to provide parents of participating students with a written explanation of the responsibilities of parents and the duties of the commissioner.

(c) Requires the commissioner to notify all students who are eligible to participate of the existence of the program and to ensure that low-income families are made aware of their potential eligibility.

(d) Requires the commissioner to determine eligibility and approve applications within 21 business days.

Subdivision 7. SPSD Establishment. (a) Directs the commissioner to adopt rules and policies necessary for the administration of the program.

(b) Requires the commissioner to suspend a student's participation in the SPSD if their parent fails to comply with the terms of the agreement in subdivision 3. Allows the parent 21 business days to respond and take corrective action.

(c) Allows the commissioner to remove the student from the program if the parent fails to respond to the commissioner or make a report required for reinstatement within a 21-day period.

(d) Allows the commissioner's decision to be subject to judicial review.

Subdivision 8. Scope. States that an eligible nonpublic school is autonomous and:

(1) the commissioner, department, or any other government agency is prohibited from regulating the educational program of a nonpublic school or educational service provider that accepts SPSD funds;

(2) creation of the program does not expand the regulatory authority of the state to impose any additional regulation of nonpublic schools or educational service providers beyond those necessary to enforce the requirements of the program; and

(3) eligible schools and educational service providers are given the maximum freedom to provide for the educational needs of their students without governmental control.

Subdivision 9. Appeal to the commissioner. Requires the public school district where an eligible student is enrolled to consider the primacy of parental rights when considering whether to allow an eligible student to enroll in an eligible school. Requires that the district or charter school provide a reasonable explanation for denying the student from enrollment. Allows the student's parent to appeal the decision to the commissioner. States the commissioner's decision regarding enrollment is final.

Subdivision 10. Severability. States that if any provision of this law is found unconstitutional and void, that the remaining provisions that can be given effect without the invalid provision are valid.

Effective Date. Makes the section effective the day following final enactment.