



March 23, 2022

To: Members of the House Education Policy Committee
RE: House File 3401, DE 1

Dear Chair Richardson and Committee Members,

Thank you so much for your leadership on behalf of Minnesota's students! We write to share our support for provisions in HF 3401, DE 1.

The Minnesota Disability Law Center (MDLC) and the Legal Services Advocacy Project (LSAP) are statewide projects of Mid-Minnesota Legal Aid. MDLC serves as the Protection and Advocacy (P&A) organization for Minnesota, and, along with every other state and territory, is the largest network of legally based advocacy services for people with disabilities in the United States. MDLC provides free legal services to children and adults with disabilities. LSAP is the advocacy arm of Legal Aid and has provided legislative and administrative advocacy on behalf of Legal Aid's clients and all low-income Minnesotans since 1977.

Thank you so much for your commitment to Minnesota's students and to making Minnesota's education system more equitable, as evidenced by the proposals in this bill. Our clients include low-income students, students who have disabilities, and Black, Indigenous, and students of color, all of whom face unique challenges in navigating and accessing our education system. We are grateful for the inclusion of many pieces in this bill:

Student Discipline Provisions:

Thank you for including so many changes to student discipline that will help end the racial disparities in student discipline that disproportionately keep BIPOC students and students who have disabilities out of the classroom. We are particularly supportive of provisions that would:

- End suspensions and limit expulsions for K-3 students (Article 2, Section 31)
- Define and requiring reporting on Pupil Withdrawal Agreements (Article 2, Section 2, 30, 37)
- Require the use of non-exclusionary discipline practices before the imposition of most removals and dismissal (Article 2, Section 29, 32)
- Require minimum educational services during a suspension of at least five days and make it easier for students to stay caught up during dismissals, along with strengthening supports on readmission (Article 2, Section 33, 34)
- Strengthen district discipline policies in several ways, including continued access to school-based services, special attention to students who are victims of bullying, prohibition on dismissals for young learners and for truancy and attendance, and a district discipline complaint procedure (Article 2, Sections 38-41)

We are particularly excited about the district discipline complaint procedure, as many of our clients experience dismissals that negatively impact their experience and relationship with school, and this is exacerbated when families feel like there is no recourse. This is a smart way to afford families recourse and provide an opening and a process when families feel that something has gone wrong.

Recess and Lunch Withholding

We have been working with stakeholders on language to address the practice of withholding recess or lunch as a discipline or punishment, which research shows is not effective and usually counterproductive. We appreciate the inclusion of the initial language proposal and look forward to further conversations on updated language as we work with stakeholders. (Article 2, Sections 13, 42)

Restrictive Procedure Provisions:

We are grateful for the inclusion of provisions Requiring additional documentation in quarterly review, including racial disparities and any school resource officer involvement, (Article 2, Section 61)

Due Process Preparation Time:

Great teachers are the key to many of our clients' success, and it's essential that they have time to prepare the important communications that families rely on as part of the IEP process. (Article 3, Section 16)

Thank you so much for your leadership and for advancing these proposals. We are grateful for your work and look forward to continuing to support these important provisions.

A handwritten signature in black ink, appearing to read 'M. Hulden', with a long horizontal line extending to the right.

Maren Hulden
Staff Attorney