

COALITION FOR CHILDREN WITH DISABILITIES

February 7, 2023

Education Policy Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Chair Pryor and Members of the Education Policy Committee,

On behalf of the Coalition for Children with Disabilities, we are writing to express support for provisions in House File 1269, Governor Walz's Education Policy bill. We thank the chair for the focus on non-exclusionary principles and policies. We support the following provisions in the Omnibus Policy Bill that provide:

- Additional teacher training for online teaching (Article 2 Section 3)
- Requirements for use of non-exclusionary practices before dismissal in discipline cases (Article 5, Section 2,5)
- Ending suspensions and limiting expulsions for K-3 students (Article 5, Section 4)
- Suspension policies focused on inclusion and support for students including requiring educational supports for those who have been suspended 5 days, readmission supports, supports for students who have been bullied, prohibition for exclusionary practices for early learners, prohibiting exclusionary practices for attendance and truancy issues, and a complaint process for parents to dispute discipline decisions (Article 5, Sections 6-11,14)
- Additional restrictive procedure policies (Article 5, Section 12, 16)
- Discipline complaint procedure (Article 5, Section 15)
- Prep Time for Teachers for Due Process forms and procedures (Article 3, Section 16)

Areas we have concern:

- Definitions and reporting on Pupil Withdrawal Agreements (Article 5, Section 1)

Items we would like to see included:

- A prohibition of teachers to withhold recess as form of punishment

Coalition for Children with Disabilities

Autism Society of Minnesota • The Arc Minnesota • Decoding Dyslexia Minnesota
Epilepsy Foundation of Minnesota • Mid-Minnesota Legal Aid/Minnesota Disability Law Center
Minnesota Brain Injury Alliance • Minnesota Council on Disability
Multicultural Autism Action Network • PACER Center
Prader-Willi Syndrome Association of Minnesota • Proof Alliance



February 6, 2023

Minnesota House Education Policy Committee
571 State Office Building
St. Paul, MN 55155

Dear Chair Pryor and Members of the House Education Policy Committee:

The Legal Services Advocacy Project (LSAP) appreciates the opportunity to provide written public testimony in support of several provisions of the Governor's Education Policy bill HF1269.

LSAP and the Minnesota Disability Law Center (MDLC) 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.

We are grateful for the Governor's commitments to Minnesota's students and to making Minnesota's education system more equitable, as evidenced by several 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.

Specifically, we support the inclusion of these provisions:

Student Discipline Provisions

We appreciate the 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 5, Section 4)
- Expand the definition of non-exclusionary discipline (Article 5, Section 2)
- Require the use of non-exclusionary discipline practices before the imposition of most removals and dismissal (Article 5, Sections 5 and 8).
- Define, set parameters, and require reporting on Pupil Withdrawal Agreements (Article 5, Sections 1, 3, and 10)
- 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 5, Sections 6, 7, and 9)
- 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 5, Sections 11, 13-15). Here, we particularly

appreciate the inclusion of 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.

However, we would urge the inclusion of an opportunity for families to appeal an adverse decision from a district complaint process to MDE. Most grievance processes include an appeal option and this would ensure that districts have access to MDE's resources and expertise, along with ensure families experience process and fairness.

Lunch Shaming

Legal Aid appreciates the inclusion of language stating that "alternative meals" and "non-reimbursable meals" are not considered respectful treatment in meal service. While Legal Aid considers the law settled on this point, we appreciate codifying the language (Article 1, Section 19). We also hope universal free school meals will ultimately make these sections of law obsolete.

While Legal Aid supports and welcomes many of the Governor's proposed changes around restrictive procedures and pupil withdrawals, we look forward to more discussion about the provisions below.

Restrictive Procedure Provisions

- Though we are grateful for the ban on seclusion for our youngest learners birth to pre-kindergarten, we would strongly urge consideration of a ban on seclusion for more students, as seclusion can be harmful to students of all ages (Article 5, Section 16, Line 75.27).
- We do support the provisions requiring additional documentation in quarterly review, including racial disparities and any school resource officer involvement in restrictive procedures (Article 5, Section 16).
- We also support the ban on prone restraint for all students (Article 5, Section 12).

Education Records

We are concerned about the inclusion of pupil withdrawals in a student's educational record, as typically the main advantage of engaging in a pupil withdrawal agreement is not having an expulsion on a student's record (Article 5, section 1). If there is an opportunity to re-consider this provision, we would welcome the discussion.

Sincerely,



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Minnesota Disability Law Center

Solutions Not Suspensions Coalition

February 6, 2023

Minnesota House Education Policy Committee
571 State Office Building
St. Paul, MN 55155

Dear Chair Pryor and Members of the House Education Policy Committee:

Thank you so much for your commitment to Minnesota's students! We write as the Solutions Not Suspensions Coalition (SNS), in support of many provisions in the Governor's Education Policy bill, HF1269.

SNS is a coalition of students, families, community members, and organizations committed to changing policies, practices, and mindsets in order to end exclusionary discipline practices that disproportionately impact Black, Indigenous, and students of color (BIPOC) and instead foster positive school climates for all students. We are grateful for the Governor's commitments to Minnesota's students, and are supportive of the provisions that would:

- End suspensions and limit expulsions for K-3 students (Article 5, Section 4)
- Expand the definition of non-exclusionary discipline (Article 5, Section 2)
- Require the use of non-exclusionary discipline practices before the imposition of most removals and dismissals (Article 5, Sections 5 and 8)
- Define, set parameters, and require reporting on Pupil Withdrawal Agreements (Article 5, Sections 1, 3, and 10)
- 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 5, Sections 11, 13-15)
- Require documentation in a quarterly review, including racial disparities and reporting of any school resource officer involvement in restrictive procedures (Article 5, Section 16)
- Ban the use of prone restraint for all students (Article 5, Section 12)

In addition to the provisions above, we urge you to include a policy that provides caregivers and students the opportunity to appeal an adverse decision from a district complaint process to MDE. Most grievance processes include an option to appeal. This addition to the above would ensure that districts have access to MDE's resources, expertise, and impartiality—ensuring a fair and equitable process for all.

Additionally, though we are grateful for the ban on seclusion practices for our youngest learners, birth to pre-kindergarten, we would strongly urge consideration of a ban on seclusion for more students,

as this practice can be harmful to students of all ages (Article 5, Section 16, Line 75.27).

Finally, SNS has concerns about the inclusion of withdrawal records in a students' transferable file. Typically, the main advantage of engaging in a pupil withdrawal agreement is to prevent an expulsion from appearing on the student's permanent record (Article 5, Section 1). If there is an opportunity to re-consider this provision, we would welcome the chance to partner with you in discussion.

Thank you so much for your work on behalf of Minnesota's students and for this opportunity to share our views. We are eager to work with you and all stakeholders towards a Minnesota where students get the support they need and don't experience disproportionate uses of discipline based on their race or disability.

Sincerely,

Solutions Not Suspensions Coalition

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