



March 10, 2021

To: Members of the House Education Policy Committee

RE: House File 1091, 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 perspective on the Education Policy Omnibus bill, House File 1081, 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.

We are grateful for the thoughtful consideration that has gone into this set of policy changes, particularly with an eye to making Minnesota's education system more equitable. 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 write to share our support of many provisions in the bill, including the following sets of provisions:

Student Discipline Provisions:

- Extending Full and Equitable Participation in Early Learning to grades K-3, which would ensure that our youngest learners are not subject to exclusionary discipline (lines 26.16-27.7)
- Requiring the use of non-exclusionary discipline practices before the imposition of a removal or dismissal, except when the student presents an immediate and substantial danger to self or to surrounding persons or property and defining non-exclusionary discipline practices (Lines 25.26-26.5 and 27.9-27.13). We would like to see this exception limited to danger to self or persons, not property, to be aligned with the definition of "emergency" in the restrictive procedures statutes (Minn. Stat. 125A.0941-0942).
- Defining in-school suspension (Article 3, Section 6)
- Requiring minimum educational services during a suspension of at least five days, granting full credit for work completed during a dismissal, and ensuring that the student receive timely materials and the opportunity to complete all schoolwork (Lines 27.23-27.25 and 27.29-28.6))
- Strengthening readmission planning to suggest inclusion of social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions (Lines 28.26-29.18)
- Limiting the grounds for removal to willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school (Lines 32.13-32.27)

- Defining and requiring reporting on Pupil Withdrawal Agreements (Lines 7.17-7.19, 26.8-26.12, 29.19-29.30) and permitting students to continue to access school-linked mental health services following an exclusion, expulsion, or pupil withdrawal agreement (Lines 30.13-31.8)
- Strengthening district discipline and removal policy planning, including affording more input in discipline decisions (Lines 30.3-30.12 and 32.2-34.7)

Restrictive Procedure Provisions:

- Banning the use of prone restraint and any physical holding that restricts a students' ability to breathe or restricts or impairs their ability to communicate distress. We are especially grateful that this extends to school resource officers—this is a key provision for the health and safety of students. (Lines 31.11-31.18)
- Banning the use of restrictive procedures for students under 5 years of age (Line 48.13)
- Ensuring that racial disparities, the use of school resource officers, and other relevant restrictive procedures information will be reviewed quarterly by district oversight committees (Lines 44.11-44.16)

With regard to the changes to extend the application of Minnesota's restrictive procedures laws to students who don't have disabilities, we appreciate the effort to ensure we have data on the use of restrictive procedures for students who don't have disabilities. We also are concerned about policies that treat students who have disabilities, as a whole, differently from students who don't have disabilities. We are interested in further conversation about how to avoid increasing the use of restrictive procedures, particularly for students of color.

Special Education Provisions:

- Paid time for paraprofessionals to review and understand the IEPs and educational needs of students who have disabilities (94.15-94.17)
- Prioritization of students with disabilities for in-person learning (lines 107.11-107.16). We note that there are students who are not in setting three and four programs whose needs warrant prioritized in-person instruction and we would suggest including them in this provision.
- Home visits for students with disabilities (Lines 107.17-107.25)
- Requiring districts to consider students' disability in truancy referrals (Lines 107.26-107.32)
- Extension of transition services for students who missed due to COVID-19 (Lines 108.1-108.7)

Mental Health supports:

- We also support the provisions aimed at strengthening schools' capacities to support students' mental health (Lines 108.14-108.28, 113.1-114.6).

School Lunch Shaming Provisions: (Lines 114.10-117.26)

LSAP is appreciative of the language to further clarify the prohibition against lunch shaming.

Thank you so much for your leadership and consideration of these significant proposals. Low-income students, students who have disabilities, and students of color need your leadership to take bold steps to improve access to equitable education. We are grateful for the attention to these students throughout these proposals.



Maren Hulden
Staff Attorney



Jessica Webster
Staff Attorney