



February 17, 2021

To: Members of the Senate Education Finance Committee

RE: Senate File 788, Governor's Policy Bill, and Senate File 973, Summer Appropriations

Dear Chair Chamberlain and Committee Members,

Thank you so much for your leadership on behalf of Minnesota's students! We write to share our perspective on Senate File 788 and Senate File 973.

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.

Senate File 788

We are grateful for the thoughtful consideration that has clearly gone into this comprehensive 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.

Student Discipline

This bill includes many important improvements to Minnesota's student discipline policies. MDLC and LSAP are members of the Solutions Not Suspensions Coalition and are very supportive of these changes to student discipline, which is disproportionately used with students who have disabilities and students of color. Specifically, we support:

- 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. (Article 3, Sections 7 and 9). 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 (Article 3, Sections 10 and 12)
- 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 (Article 3, Section 14)
- 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 (Article 3, Section 18)
- Defining and requiring reporting on Pupil Withdrawal Agreements (Article 3, Sections 8 and 15) and permitting students to continue to access school-linked mental health services following an exclusion, expulsion, or pupil withdrawal agreement (Article 3, Section 16)
- Strengthening district discipline and removal policy planning, including affording more input in discipline decisions (Article 3, Sections 16 and 18)

Restrictive Procedures

We are also very supportive of changes to the use of restraint and seclusion. Restraint and seclusion are one of the most pressing issues facing our clients—when a student is placed in a physical restraint or a seclusion room it can have lasting negative impacts on a child. And data shows that restraint and seclusion are used disproportionately for students of color in Minnesota. Right now, Minnesota law permits the use of restraint and seclusion for students who have disabilities and provides clear regulations for districts about that use. Senate File 788 (Article 3, Sections 23 and 24) would changes those regulations and permission to apply to students who don't have disabilities. We appreciate the Governor's 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 this piece of the bill and how to avoid increasing the use of restrictive procedures, particularly for students of color.

We support several specific provisions in Senate File 788 related to restrictive procedures:

- 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. (Article 3, Section 17)
- Banning the use of restrictive procedures for students under 5 years of age (Article 3, Section 24, line 36.17)
- Ensuring that racial disparities, the use of school resource officers, and other relevant restrictive procedures information will be reviewed quarterly by district oversight committees (Article 3, Section 24, lines 32.13-32.18)

Lunch Shaming

LSAP is appreciative of the language in Article 7 to further clarify the prohibition against lunch shaming. While the language seeks the same goal, LSAP prefers the language in Senate File 777 (Housley) — which has bipartisan support in the House and Senate, as well as support from the Minnesota School Boards Association, Hunger Solutions Minnesota, MAZON - a Jewish Response to Hunger, and the Minnesota Partners to End Hunger. Senate File 777 contains precise language, articulating the elements that constitute shaming, including but not limited to "dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins." These named practices have continued in Minnesota even though current law prohibits reminders for payment that would stigmatize or demean a child.

Mental Health

We also support the provisions aimed at strengthening schools' capacities to support students' mental health (Article 3, Section 4; Article 4, Section 1).

Senate File 973

We are grateful to the investments this bill makes in assisting students to access additional needed educational supports after the disruption to learning due to Covid-19. We are especially grateful for the effort to meet students in their communities and to find ways to connect the most underserved students with services. We are curious how the proposals in this bill will specifically meet the needs of students who have disabilities who have missed significant learning opportunities if they were not able to access alternative learning models and would be interested in further conversation about how to meet the significant unmet needs of students who have disabilities as a result of Covid-19.

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.



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