



April 6, 2021

**To: Members of the Senate Education Finance and Policy Committee**  
**RE: Senate File 960 DE**

Dear Chair Chamberlain and Committee Members,

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 write to share our gratitude for the many important provisions you've included in the DE to Senate File 960. We are so grateful for the inclusion of the following provisions:

- **Special Education Recovery Education** (lines 79.7-80.32). This would be a tremendous help to children who have disabilities who struggled during the pandemic.
- **Limits on the use of dismissals for Kindergarten through 3<sup>rd</sup> grade students** (lines 21.9-21.11). Our youngest learners need support when they present with challenging behaviors.
- **District Discipline Policy Review and Family Review Option** (lines 22.1-22.15). Including family and student voice in district discipline policy at a local level is a great way to ensure that district discipline policies are best aimed at student success. Affording parents and students a chance to request review of suspensions would be very helpful for our clients.
- **Clinical Nursing Services at School** (lines 77.22-79.16). It is essential that families and schools work together, along with physicians, to ensure that medically fragile students get the support they need at school.
- **Respectful Meal Practices** (lines 94.3-97.9). Maintaining the dignity of students in the lunchroom is critical to social and emotional well-being and also ensures that hungry children will not skip meals for fear of shame or embarrassment around an inability to pay.

Thank you so much for including these important provisions! They will go a long way toward supporting our clients – low income children and children who have disabilities across the state.

We have concerns about a few provisions:

- **Automatic removal for certain behaviors** (lines 59.16-59.19). This change is inconsistent with Minnesota's growing use of alternatives to exclusionary discipline and efforts to build capacity to address challenging behaviors by identifying and meeting underlying unmet needs. It would also result in substantial missed learning time for students when used, particularly as it makes a student's return to the classroom contingent upon circumstances outside the student's control. This runs counter to required protections in the federal Individuals with Disabilities in Education Act (IDEA), 20 U.S. §§ 1400, *et seq.*, and Minnesota's comprehensive student discipline law, the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-575.
- **Teacher and Classroom Safety Coded Elsewhere** (lines 71.5-71.29). Particularly, the requirement that a student be removed from class immediately under certain circumstances could be counter to a student's Individualized Education Plan or other appropriate approaches for that student and the situation.
- **Reports to Paraprofessionals** (lines 59.27-59.30). We are concerned about students' records following them for their entire educational career, and this would extend that to more adults that students encounter.

A final note: we hope that any reports provided to teachers under the language at 58.4-58.5 would comply with the requirements of FERPA.

Thank you so much for your leadership for Minnesota's students! We are grateful for your work in putting together this bill and the many good things it includes for Minnesota children.



Maren Hulden  
Staff Attorney