



February 14, 2023

Minnesota Senate Education Policy Committee  
3207 Minnesota Senate Building  
St. Paul, MN 55155

Dear Chair Cwodzinski and Senate 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 SF1311.

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.

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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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