Northland
LEARNING CENTER

Special Education Advisory Council (SEAC)

Northland Learning Center

October 16, 2023 ▪ 3:30 pm to 4:30 pm

"Legislative Updates & How They May Affect Your Student"

What is the Northland Learning Center (NLC)?

Special education cooperative is made up of 10 school districts in northeastern MN

- Cook County (Grand Marais)
- International Falls
- Chisholm
- Ely
- Rock Ridge
- Nett Lake
- Mt. Iron/Buhl
- St. Louis County Schools
- Mesabi East
- Northland Learning Center

COOK COUNTY ISD 166
Home of the Vikings

CHISHOLM PUBLIC SCHOOLS
Committed to High Expectations

INTERNATIONAL FALLS
INDEPENDENT SCHOOL DISTRICT 361

ELY PUBLIC SCHOOLS
Home of the Timberwolves

ROCK RIDGE

Nett Lake Elementary School
Soaring to Excellence

MOUNTAIN IRON-BUHL PUBLIC SCHOOL

GIANTS
MESABI EAST

INDEPENDENT SCHOOL DISTRICT 2142
ST. LOUIS COUNTY SCHOOLS

Northland Learning Center

Meetings

- The NLC SEAC will meet one - four times per year. The SEAC meetings shall also be accessible remotely via available technology including virtual links and slideshows posted afterward on the NLC website.
- For this school year: 2022-2023, meetings will be held at 3:30 pm in-person and virtually
  - October 16, 2023 (Today) is our first meeting for this school year
  - January 17, 2024 is the final scheduled meeting for this school year
- Agendas will be set by the Director in consultation with committee members.

READ Act

One of the most profound changes of this session was the READ Act, a law that **requires all schools use evidence-based reading instruction that was championed by dyslexia advocates**. This law clarifies state educational standards requiring identification of dyslexia and accelerated growth so that all children can read at or above grade level that were contained in the former Read Proficiently by Grade Three state law.

READ Act (cont)

Although the new law is effective July 1, 2023, it will likely take until the 2026-2027 school year to fully implement. For example, schools must submit their new local literacy plans in June 2024 and submit newly required universal screening data by June 2025. There have been several news agencies and groups who have delved into this act including MPR News, MinnPost, and Decoding Dyslexia. The Minnesota Department of Education (MDE) has launched a website for the public to follow the rollout of this new law. *See HF 2497/SF 2684 (Article 3).*

Discipline Policy Changes

There were many new changes related to school disciplinary practices. Changes prohibit or restrict certain discipline practices in schools, establish additional protections for students subject to exclusion and expulsion, and provide for transparent discipline complaint procedures. These changes signal a welcome evolution in limiting and abandoning the use of ineffective and harmful disciplinary exclusions and restrictive procedures for Minnesota students that will likely affect greatly students of color and those with disabilities disproportionately impacted by the overuse of these procedures.

Recess for All

The Recess for All law prohibits schools from excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior unless the student causes or is likely to cause serious physical harm to other students or staff, the student's parent specifically consents to the use of recess detention, or an IEP Team determines that recess detention is appropriate based on a students' individualized needs. This means schools cannot hold children from recess for incomplete schoolwork and other minor infractions. Recess is very important for children's health and well–being and children with disabilities are especially harmed by recess exclusions. If a school does give your child a recess detention, they must make a reasonable attempt to notify you within 24 hours and must annually compile a full report of the use of recess detention and make it publicly available upon request. This change is effective August 1, 2023. *See HF 2497/SF 2684* (Article 2 §41).

Restrictive Procedures

The legislature limited several disciplinary practices that involve **physical restraint or seclusion** against children. Most changes are effective August 1, 2023 unless otherwise stated. For example, law changes:

- Prohibit school district employees or agents (including school resource officers, police, or other security) from using **prone restraint**, placing a child in a face-down position, which can restrict or impair a student's ability to breathe, communicate distress, or place pressure on their head or core body organs. *See HF 2497/SF 2684* (Article 2 §36).

Restrictive Procedures (cont)

- Establish additional procedural requirements related to **restrictive procedures**. These include:
  - Adding data to quarterly reviews to (1) identify disproportionate use of restrictive procedures based on race, gender, or disability status, (2) the role of SROs/Police in emergencies and use of procedures, and (3) documentation to determine if the use met legal standards.
  - Requiring that restrictive procedure reporting includes descriptions of post-use debriefing. *See HF 2497/SF 2684* (Article 7 §8).

Restrictive Procedures (cont.)

- Requiring that all instances of physical holds, seclusion, and reasonable force are reported to MDE. *See HF 2497/SF 2684* (Article 7 §8; Article 12 §4).
- **Ban the use of seclusion on children from birth through grade 3** by September 1, 2024. *See HF 2497/SF 2684* (Article 7 §8).
- **Limit the use of "reasonable force"** to instances of *imminent* bodily harm. *See HF 2497/SF 2684* (Article 12 §4).

Restrictive Procedures: NLC Training Already Compliant

Staff trained by the NLC for Restrictive Procedures use Crisis Prevention Institute (CPI) training on "Nonviolent Crisis Intervention" which already teaches these guidelines.

Non-Exclusionary Disciplinary Policies

New state laws define a number of "non-exclusionary disciplinary policies and practices" that school officials must use before excluding children from school. Those practices include, but are not limited to, evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title I services or reading interventions, and alternative education services. Most changes are effective August 1, 2023 unless otherwise stated.

Non-Exclusionary Disciplinary Policies (cont)

- If a school does initiate a dismissal action, the mandatory written notice must include a description of what non-exclusionary disciplinary policies and practices the school provided to help keep the student in school.
- School boards must establish uniform criteria for dismissal and those policies must include how non-exclusionary disciplinary policies and practices are used.
- *See HF 2497/SF 2684* (Article 2 §§26, 30, 32)

Dismissal, Suspension, Expulsion, & Readmission

In addition to the new requirements for schools around non-exclusionary disciplinary policies and practices to prevent a student's exclusion from school, the legislature established further restrictions and protections around student exclusion and additional responsibilities for districts who utilize exclusion. Most changes are effective beginning the 2023-2024 school year unless otherwise stated. For example, law changes:

- **Prohibit disciplinary dismissals for children in kindergarten through grade 3**. Such dismissals were already prohibited for children in early childhood family education, Head Start, and school-based preschool or pre-kindergarten programs effective July 1, 2023. *See HF 2497/SF 2684* (Article 2 §28).

Dismissal, Suspension, Expulsion, & Readmission (cont)

- Create a **"pupil withdrawal agreement"** that is a verbal or written agreement between a student's parent and school administrators to withdraw a student to avoid expulsion or exclusion dismissal proceedings. These agreements cannot be for more than a 12-month period. *See HF 2497/SF 2684* (Article 2 §27).
  - Require districts to provide alternative education services for students who are suspended for more than five consecutive school days. *See HF 2497/SF 2684* (Article 2 §30).

Dismissal, Suspension, Expulsion, & Readmission (cont.)

- Explicitly state that **schools are responsible for ensuring students who are expelled, excluded, or under a pupil withdrawal agreement make progress toward graduation** standards through alternative education services. This includes students who remain enrolled or are awaiting enrollment in a new district. Districts have a continuing responsibility to review student's schoolwork and grades to ensure the student is on track for readmission with their peers. *See HF 2497/SF 2684* (Article 2 §35).

Dismissal, Suspension, Expulsion, & Readmission (cont)

- Require schools to allow suspended students the opportunity to complete all school work assigned during the student's suspension and to receive full credit for satisfactory completion. *See HF 2497/SF 2684* (Article 2 §31).
- Ensure **continued eligibility for school-based or school-linked mental health services** for students who are expelled, excluded or under a pupil withdrawal agreement until they enroll in a new district. *See HF 2497/SF 2684* (Article 2 §35).
- Require readmission plans to include measures to improve a student's behavior. *See HF 2497/SF 2684* (Article 2 §33).

Discipline Complaint Procedures

New laws also require that school discipline policies contain a discipline complaint procedure that any member of the school community may use to file a complaint regarding the application of discipline policies and seek corrective action effective August 1, 2023. *See HF 2497/SF 2684* (Article 2 §§37, 39). There are several procedural safeguards for students subject to discipline that the procedures must provide, including, but not limited to:

- Communication requirements including how parents will be informed of their rights to appeal certain disciplinary decisions and explicit instructions for filing a complaint.

Discipline Complaint Procedures (cont)

- An opportunity for involved parties to submit additional information related to the complaint.
- Investigations must begin within 3 school days and identify personnel who will manage the investigation, record, and maintain access to any records.
- Investigations must issue a written determination that addresses each allegation and contains findings and conclusions.
- If investigations determine that policies were not implemented appropriately, the complaint procedures must require a corrective action plan to correct student records, provide staff training/coaching, or other accountability practices.

Bullying, Mental Health, & Wellbeing

The legislature made several changes intended to protect children's mental health and well-being and address certain forms of bullying and its fall-out. These changes are all effective August 1, 2023. For example:

Bullying, Mental Health, & Wellbeing (cont)

- Schools must adopt written policies to address "malicious and sadistic conduct," defined as intentional conduct that creates a hostile learning environment without just cause or reason or engaging in extreme or excessive cruelty. The policy must apply to behavior by district or school staff members, independent contractors, and students. The policy must prohibit malicious and sadistic conduct involving disability status, among other protected class statuses, and be conspicuously posted throughout each school building and included in student/employee handbooks. *See HF 2497/SF 2684* (Article 2 §22).

Bullying, Mental Health, & Wellbeing (cont)

- Schools must provide victims of bullying who respond to the bullying with prohibited conduct with remedial responses (measures to stop and correct prohibited conduct and intervene on behalf of students who are targets of prohibited conduct). Such a policy recognizes that children who are victims of bullying do not necessarily have the skills necessary to respond appropriately. *See HF 2497/SF 2684* (Article 2 §37).

Bullying, Mental Health, & Wellbeing (cont)

- Additionally, schools are strongly encouraged to adopt policies that: (1) help school staff understand student developmental needs, (2) used tiered interventions that support student skill development to respond to situations, and; (3) discourage staff responses that do not allow students an opportunity to build skills to respond appropriately to situations. *See HF 2497/SF 2684* (Article 2 §40).

Bullying, Mental Health, & Wellbeing (cont)

- Finally, new policies and procedures established requirements to protect the mental health and well-being of students during active shooter drills including requiring debrief periods after drills and access to any mental health services available on campus. Further, parents and guardians must be notified before an active shooter drill is conducted and have the right opt their student out from participating. *See HF 2497/SF 2684* (Article 2 §23).

Increased Age Limit from 21 to 22

The legislature extended free public school enrollment eligibility to students with disabilities until their 22nd birthday. This includes students with disabilities participating in state approved alternative programs and the graduation incentives program. This change is effective August 1, 2023. *See HF 2497/SF 2684* (Article 7 §§1, 2, 5-7).

MDE Question & Answer Sheet

Training For Paraprofessionals

- Requiring schools to provide a minimum of eight hours of paid orientation or professional development to all paraprofessionals, Title I aides, and other instructional support staff. Six of those hours must be completed before the first instructional day of the school year or within 30 days of hire. Effective July 1, 2023. *See HF 2497/SF 2684* (Article 2 §42).
- Requiring schools to give paraprofessionals assigned to work alone with a student with a disability paid time to review a student's IEP or be briefed on the student's specific needs by appropriate staff within five days of beginning work with the student. Effective August 1, 2023. *See HF 2497/SF 2684* (Article 2 §58).

Training for Paraprofessionals (cont.)

- Establishing new funding for student support personnel to address shortages of student support services personnel, decrease caseloads for existing workers, and ensure students receive effective and comprehensive support services to improve student health and school safety. Effective July 1, 2023. *See HF 2497/SF 2684* (Article 5 §63).
- Requiring schools to pay paraprofessionals and other hourly employes unemployment during summer months. This will likely improve retention of such employees. This policy was effective May 28, 2023 and funding was allocated to schools effective July 1, 2023. *See HF 2497/SF 2684* (Article 1 §§9, 30).

ASL Interpreter Qualifications

- Allowed Registry of Interpreters for the Deaf (RID) Certified Deaf Interpreters (CDI) to provide American sign language/English interpreting in schools effective August 1, 2023. CDI certifications are for individuals who are deaf or hard of hearing and have demonstrated understanding of interpreting and the deaf community and culture. *See HF 2497/SF 2684* (Article 7 §3).

TEFRA & HCBS Waivers

MN Dept. of Ed Presentation

Examples of things going well?

Areas of Improvement needed across the schools?

How to increase membership?

Please fill out the NLC SEAC Meeting Feedback Form

- We want to hear from you!

Thank you for taking the time to attend the SEAC meeting.
We hope to see you again!

Resource availability to parents/staff

- Handouts on the back table
- For virtual copies email Hannah Helander: hhelander@northlandsped.org
- Applicable resources will be posted on the NLC website