

# BMS

BUREAU OF MEDIATION SERVICES  
State of Minnesota

February 13, 2009

Representative Mindy Greiling  
381 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, Minnesota 55155

Senator LeRoy Stumpf  
Capitol Building, Room 208  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155-1606

Dear Representative Greiling and Senator Stumpf:

Attached, please find the final report of the Special Education Task Force ("Task Force") that was created during the 2007 legislative session by Chapter 146, article 3, section 23. The 2008 legislature continued the Task Force and added another charge regarding special education and aversive and deprivation rules.

The Task Force was created to submit a report that: "...identifies clearly and concisely explains each provision in state law or rule that exceeds a minimum federal requirement contained in the law or regulation for providing special education programs and services to eligible students. The report must also recommend which state statutes and rules that exceed minimum federal requirement may be amended to conform with minimum federal requirements or made more effective as determined by a majority of the task force members." The 2007 Task Force report submitted in February, 2008, focused on the comparison of state statutes to federal statutes. The 2008 Task Force reported here focused on comparing federal and state special education rules and followed through with the command to: "...recommend rules governing the use of aversive and deprivation procedures by school district employees or person under contract with a school district."

Prior to deliberations, the Task Force reviewed the complete set of Minnesota Special Education Rules, relevant federal government requirements under IDEA (Individuals with Disabilities Education Act) and information from the Minnesota Department of Education Statement of Need

and Reasonableness (SONAR). The Task Force also reviewed a February 6, 2009 document compiled by the MN Disability Law Center entitled, "School Restraint and Seclusion Comparison." The document includes specific language on restraint and seclusion laws as proposed by three different stakeholder groups.

The Task Force used this document for comparison and discussion purposes when making recommendations or comments regarding rules governing the use of aversive and deprivation procedures. The positions reflected in this document are not necessarily the official positions of any of the stakeholder groups as of February 6, 2009.

The Task Force was made up of ten individuals with extensive knowledge of special education laws from several specific categories mandated by the legislature including: providers, advocates, regulators, consumers of special education services, lawyers who practice in the field of special education, special education teachers and school officials. In addition, a number of task force members included parents with special needs children. A complete matrix of the Task Force members and their roles on the Task Force is attached. The Task Force had several new members this year and they did not participate in the review of development of last year's completed statutes document. The Task Force was facilitated by Mariann Johnson, of M.T. Johnson and Associates and convened by former commissioner, James A. Cunningham, Jr., and current commissioner, Steven G. Hoffmeyer.

The Task Force thanks these groups for their work and willingness to share their draft comments with the Task Force:

National Alliance on Mental Illness, Minnesota Chapter (NAMI)  
Minnesota Disability Law Center (MDLC)  
Minnesota Administrators for Special Education (MASE)

The Task Force met six times between September of 2008 and February of 2009. All of the meetings were full-day events and were conducted at the Bureau of Mediation Services Offices in St. Paul, Minnesota. Copies of all meeting notes are attached.

In order to allow the Task Force members to expand upon those provisions in the state law or rules that they felt especially strongly about, the decision was made to allow each member of the Task Force to write a letter explaining their positions that would be attached to the final document. All of the position statements received by noon on February 13, 2009, are attached.

In conclusion, the Task Force was faced with the daunting proposition of reviewing and making recommendations on all of Minnesota's state rules that deal with special education and aversive and deprivation procedures. The Task Force did an outstanding job of discussing difficult issues and working to complete their task. Each member of the Task Force brought something to the

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group that was helpful in the group achieving its objectives. I would like to commend and thank each of the Task Force members for participating. The Task Force's work was challenging, and sometimes contentious, but there were several opportunities where the discussions allowed members to share and expand their perspectives and reach unanimous agreement on a number of issues.. I would also like to thank the facilitator, Mariann Johnson, for doing an outstanding job of keeping the Task Force productive and engaged. Appreciation is also expressed to the Minnesota Department of Education for providing background documents and serving as a resource to the Task Force.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Hoffmeyer", written in a cursive style.

Steven G Hoffmeyer  
Commissioner

SGH:csc

Attachments