

June 12, 2019

TO: Members
MASE Board Members

FROM: Brad Lundell
MASE Legislative Liaison

RE: 2018-2019 Legislative Report

Herein is a summary of my activities during the 2018-2019 MASE program year. It was a very uneven legislative session in a number of ways with an ending requiring a special session. There was not a lot of attention given to special education outside of funding aimed at holding the special education cross-subsidy at its current levels in districts throughout the state. There was also some attention given to efforts to reduce special education paperwork, but those efforts didn't meet with the level of success that warranted optimism earlier in the legislative session.

Going into the legislative session, it was hoped that the Governor's budget would take a comprehensive look at the special education formula and that the Legislature would take on such proposals. It was not to be the case. The Governor's approach simply looked at the current level of districts' special education cross-subsidies and attempt to prevent them from getting worse by distributing revenue to districts for that purpose on a percentage basis. The reimbursement rates for the various disability tiers in current law were also adjusted upward in the Governor's recommendation and the final bill.

The Governor's recommendation really stalled the discussion on comprehensive special education funding formula reform, but the effort is very much appreciated. There were several bills introduced that looked at the special education funding formula, but most were either very expensive or limited to a narrow set of school districts. There has been talk of the Governor convening an education funding working group through the Minnesota Department of Education and that is where further discussion of this and other formulae would take place. If that panel is formed, I believe it is crucial that there are two or three representatives from the special education community on it.

The paperwork issue was also very frustrating. The New Ulm school district developed a set of recommendations that they believed to be redundant or superfluous and bills were introduced in both the House and Senate to implement these items. The six areas were:

- Elimination of short-term objectives with parents' approval.
- Elimination of the requirement that transition planning begin in Grade 9.
- Removal of additional requirements in prior written notice.
- Changing parent request procedures for a conciliation conference.
- Scaling back parental rights to a conciliation conference.
- Allowing student test scores on standardized tests to be reported as part of an IEP.

Of these items, the only one to pass dealt with the request procedures for conciliation conference, changing the timeline from 10 days from parent objection to a provision in prior written notice to 10 days from when the parents officially request a conciliation conference. There was also language adopted that allows a parent to meet with staff involved in a particular portion of their child's IEP instead of convening the entire IEP team. As is so often the case with this issue, any hope of progress was dashed by complaints from the advocacy community. In a couple of instances, these complaints were lodged near the waning days of the session, preventing any opportunity for compromise language to be developed. That said, it is important to recognize that both the House and Senate committees did include some language in their bills to address the paperwork issue and the House took an especially strong posture toward enacting more of the proposals developed by the New Ulm school district. Education Minnesota is strongly pushing the need to address the paperwork crisis and I think it is incumbent upon MASE to work with them in the year ahead to see if progress can be made. Of course, Education Minnesota is also going to dust-off their mandatory online statewide reporting system, so that will need to be addressed in those discussions.

The biggest disappointment of the session was the inability to expand eligibility for ADSIS to students with an IEP in an area unrelated to the tutoring provided by ADSIS. The department signed off on the proposal and even drafted language that cleared up the effort, but late in the game after the proposal was in the House bill, a fiscal note was requested in the Senate and that note showed a considerable cost to the state. In a year when money was hard to come by, the fiscal note doomed the proposal's chances. As in the case of paperwork, I believe there may be an opportunity to reach accord with the Minnesota Department of Education and find a way to get this done.

Another disappointment was the inability for a proposed change to the SLD eligibility criteria to gain any traction. Dr. Kim Gibbons and Jamie Nord were set to testify on moving away from the discrepancy model, but time expired at that particular committee meeting and the language—the bill was never formally introduced—was never re-visited.

As for communication with MASE membership and the MASE board went this year, I think the weekly calls were an improvement and helped me get a better handle on the issues that were of greatest importance to MASE. I provided several updates to membership through e-mail, but admittedly I probably should have done one or two more. I believe MASE leadership was better-informed than ever on the goings-on at the Legislature, but that may not have translated to the membership as a whole. I also believe that MASE Day on the Hill was a success with a lot of participation with members making valuable contacts.

Communication from the Executive Director and the MASE board was excellent. I never wanted for necessary information and I always felt comfortable testifying on behalf of MASE knowing I had the pertinent information. MASE leadership was available to testify when called upon and I was able to get them scheduled readily.

In the year ahead, I believe it will be important to pursue the unfinished business surrounding ADSIS eligibility, the SLD criteria, and growing paperwork crisis. The key will be finding allies in each of these areas and being ready well in advance of the start of the 2020 legislative session (it begins on February 11, 2020). Along with continuing to work toward a more comprehensive communications strategy, those are the primary goals I see for MASE in the year ahead.

