

## Law Related

Questions	Answers
<p>What is the consequence to a school/district if they use a prone restraint?</p>	<p>Effective August 1, 2015, school districts are prohibited from using prone restraint as an emergency restraint for students with disabilities (Minnesota Statutes, section 125A.0942). Based upon that prohibition, school district staff are not authorized to use prone restraint as an emergency restraint for students with disabilities under the reasonable force statute (Minnesota Statutes, section 121A.582). If a school staff used a prone restraint it must be documented and reported to the Minnesota Department of Education.</p>
<p>The State of Minnesota has created specialized licensure areas allowing for teachers of specific expertise to provide specialized support to students with differing needs. It appears that the Minneapolis school district is attempting to circumvent this by creating “itinerant” positions to oversee caseloads but not necessary work directly with students. Is it the district’s position that the State is incorrect and students from specific disability groups in actuality do not have differing needs?</p>	<p>The State of MN created specialized licensure areas to ensure that a licensed special education teacher, in the area of the student’s educational disability, is a member of the IEP team. The State of MN also created the Academic Behavioral Strategist (ABS) license. The purpose of the ABS license is to prepare special education teachers to work across multiple disability areas.  MPS created itinerant positions to ensure that students would have staff with specific expertise available to students in their community schools. Itinerant Autism and Physically Impaired teachers work directly with students and teachers to implement evidence- based practices and supports with fidelity.</p>
<p>Does SPED have a written plan that outlines the new changes to the special education programming? If so, why have they not produced it for stakeholders?</p>	<p>There is not a set plan, but rather a shift in our how we provide services to students with special needs. As a result, the special education department is working closely with buildings to ensure that inclusive practices are put in place for all students.</p>
<p>At our recent conference, when discussing issues with our son in the classroom and his needs, we heard several times from our very capable and committed general education teacher, “I have 26 kids”; “he’s not the</p>	<p>When discussing where students with special needs receive their special education services, the IEP team starts with the general education classroom first. Through the IEP process, all team members discuss a</p>

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only one with special needs". This is within the Autism Program. Given this reality, that classrooms are full and there are a wide range of needs within any class, how do you expect general education teachers under the new community school model to offer the needed support for the ASD students, assuming the knowledge is there to know what to do?

continuum of services and outline where and when special education services are needed for the student.

This policy paper from the Council for Exceptional Children has more information:

<https://www.cec.sped.org/Policy-and-Advocacy/CEC-Professional-Policies/Special-Education-in-the-Schools>

General education teachers teach a diverse group of students in their classroom on a daily basis. Their special education teacher partners provide direct and indirect instruction to their students who receive special education services. These services can be provide in the general education classroom or in a separate classroom, depending on how the service is described in the student's Individualized Education Plan. The special education teacher also provides adaptations and modifications for each student as needed to access the general education classroom. The special education department furthers supports general education teachers through additional special education assistant time, itinerant ASD teacher support, and professional development.

In private meetings with parents in May and June of 2015, Rochelle Cox and Amy Johnson from MPS indicated that recent legislative changes, including the Olmstead Act, required them to overhaul programming for autistic students in the district. They stated that this legislation mandated inclusion, and used it as justification for pulling resources away from the Citywide Autism Program, and precluding the vast majority of incoming Federal Setting 1 and 2 students from enrolling in the program, and for aging out the program at several sites by starving those sites of new program enrollees. Moving forward, they said the Citywide Autism Program would be intended for only Federal Setting 3 students, despite protests by parents who wanted their Setting 1 and 2 children in the program. Doesn't the judge's opinion in the Olmstead Act clearly state that the Act should NOT be used as justification for closing programs and restricting access?

The Citywide Autism Program will continue to be available to students receiving Federal Setting I and II, based on IEP team decisions. We are not using the Olmstead Act as a justification for closing programs, rather as a reason for providing more access to services in community schools. The Olmstead Plan is a broad series of key activities that the state must accomplish to ensure people with disabilities are living, learning, working, and enjoying life in the most integrated settings. MPS is concerned that students with Autism were being placed into programs outside of their community schools at a much higher rate than other students with disabilities.