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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2109

03/06/2017 Authored by Mariani, Thissen and Bly
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; increasing student inclusion and engagement; making
1.3 nonexclusionary policies and practices a central focus of pupil discipline; requiring
1.4 a report; appropriating money; amending Minnesota Statutes 2016, sections
1.5 120B.11, subdivision 1a; 121A.41, by adding subdivisions; 121A.42; 121A.45;
1.6 121A.46; 121A.47, subdivisions 2, 13, 14, by adding a subdivision; 121A.53;
1.7 121A.55; 121A.61; 121A.64; 121A.67, by adding a subdivision; 122A.42; 122A.60,
1.8 subdivision 1a; 123B.147, subdivision 3; 124E.11; proposing coding for new law
1.9 in Minnesota Statutes, chapter 121A.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. CITATION.

1.12 Sections 1 to 22 may be cited as "The Student Inclusion and Engagement Act."

1.13 Sec. 2. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

1.14 Subd. 1a. **Performance measures.** Measures to determine school district and school
1.15 site progress in striving to create the world's best workforce must include at least:

1.16 (1) the size of the academic achievement gap, rigorous course taking under section
1.17 120B.35, subdivision 3, paragraph (c), clause (2), student engagement and connection under
1.18 section 120B.35, subdivision 3, paragraph (d), and enrichment experiences₂ by student
1.19 subgroup;

1.20 (2) student performance on the Minnesota Comprehensive Assessments;

1.21 (3) high school graduation rates; ~~and~~

1.22 (4) career and college readiness under section 120B.30, subdivision 1-; and

1.23 (5) pupil dismissal and removal rates by student subgroup.

2.1 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

2.2 Sec. 3. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to
2.3 read:

2.4 Subd. 12. **Positive behavior interventions and supports.** "Positive behavior
2.5 interventions and supports" means an evidence-based framework for preventing problem
2.6 behavior, providing instruction and support for positive and prosocial behaviors, and
2.7 supporting social, emotional, and behavioral needs for all students.

2.8 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

2.9 Sec. 4. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to
2.10 read:

2.11 Subd. 13. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
2.12 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
2.13 policies and practices that are alternatives to removing a pupil from class or dismissing a
2.14 pupil from school, including positive behavior interventions and supports and alternative
2.15 education services, which require school officials to intervene in, redirect, and support a
2.16 pupil's behavior before removing a pupil from class or beginning dismissal proceedings.
2.17 Nonexclusionary disciplinary policies and practices include but are not limited to the policies
2.18 and practices under sections 121A.575, clauses (1) and (2); 121A.031, subdivision 4,
2.19 paragraph (a), clause (1); and 121A.61, subdivision 3, paragraph (q).

2.20 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

2.21 Sec. 5. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to
2.22 read:

2.23 Subd. 14. **Re-engagement plan.** "Re-engagement plan" means an individualized,
2.24 documented process developed by school administrators, teachers and other district staff,
2.25 the pupil, and the pupil's parent or guardian to help the pupil successfully participate in
2.26 academic programming upon the pupil's return from a dismissal, transfer, or removal.

2.27 Sec. 6. Minnesota Statutes 2016, section 121A.42, is amended to read:

2.28 **121A.42 POLICY.**

3.1 (a) No public school shall deny due process or equal protection of the law to any public
 3.2 school pupil involved in a dismissal proceeding which may result in suspension, exclusion,
 3.3 or expulsion.

3.4 (b) School officials must use nonexclusionary disciplinary policies and practices before
 3.5 beginning dismissal proceedings and must limit pupil dismissals consistent with section
 3.6 121A.45, subdivision 1.

3.7 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

3.8 Sec. 7. Minnesota Statutes 2016, section 121A.45, is amended to read:

3.9 **121A.45 GROUNDS FOR DISMISSAL.**

3.10 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
 3.11 without first attempting to provide alternative educational services use nonexclusionary
 3.12 disciplinary policies and practices before dismissal proceedings, except where it appears
 3.13 that the pupil will create an immediate and substantial danger to self or to surrounding
 3.14 persons ~~or property~~.

3.15 Subd. 1a. **Definitions.** The term "willful" or "willfully" means deliberate, intentional,
 3.16 and knowing.

3.17 Subd. 2. **Grounds for dismissal.** (a) A pupil may be dismissed ~~on any of the following~~
 3.18 grounds for:

3.19 ~~(a) (1)~~ (1) willful violation of any reasonable school board regulation. Such regulation must
 3.20 be that is specific and sufficiently clear and definite to provide notice to pupils that they
 3.21 must conform their conduct to its requirements; or

3.22 ~~(b) (2)~~ (2) willful conduct that significantly disrupts the rights of others to an education, or
 3.23 the ability of school personnel to perform their duties, or school sponsored extracurricular
 3.24 activities; or

3.25 ~~(c)~~ willful conduct that endangers the pupil or other pupils, or surrounding persons,
 3.26 including school district employees, or property of the school.

3.27 (b) A school board regulation must not include a zero-tolerance policy requiring a school
 3.28 official to automatically dismiss a pupil except under paragraph (a), clause (2).

3.29 (c) A pupil may not be dismissed for disruptive or disorderly conduct, insubordination,
 3.30 or other similarly named conduct except where it appears the pupil will create an immediate
 3.31 and substantial danger to self or to surrounding persons.

4.1 Subd. 3. **Parent notification and meeting.** ~~If a pupil's total days of removal from school~~
 4.2 ~~exceeds ten cumulative days in a school year, the school district shall make reasonable~~
 4.3 ~~attempts to~~ After removing a pupil from a class under section 121A.61 or dismissing a pupil
 4.4 from school under section 121A.41, subdivision 2, school officials must notify the pupil's
 4.5 parent or guardian of the removal or dismissal, convene a meeting with the pupil and the
 4.6 pupil's parent or guardian before subsequently removing the pupil from school within 30
 4.7 calendar days, and, with the permission of the parent or guardian, arrange for a mental health
 4.8 screening for the pupil. The district is not required to pay for the mental health screening.
 4.9 The purpose of this meeting is to (1) develop a plan for using nonexclusionary disciplinary
 4.10 policies and practices, and (2) attempt to determine the pupil's need for assessment or other
 4.11 services or whether the parent or guardian should have the pupil assessed or diagnosed to
 4.12 determine whether the pupil needs treatment for a mental health disorder.

4.13 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

4.14 Sec. 8. Minnesota Statutes 2016, section 121A.46, is amended to read:

4.15 **121A.46 SUSPENSION PROCEDURES.**

4.16 Subdivision 1. **Informal Right to administrative conference before suspension.** (a)
 4.17 The school administration shall not suspend a pupil from school without an ~~informal~~
 4.18 administrative conference with the pupil. The pupil has the right to have an adult advocate
 4.19 present during the administrative conference. School officials must inform the pupil of the
 4.20 pupil's right to have the adult advocate present and must document any effort to include the
 4.21 adult in the administrative conference. School officials may not hold an administrative
 4.22 conference for pupils in grades kindergarten through grade 5 or for pupils with disabilities
 4.23 without an adult advocate present. The ~~informal~~ administrative conference shall take place
 4.24 before the suspension, except where ~~it appears that~~ school officials determine that the pupil
 4.25 will create an immediate and substantial danger to self or to surrounding persons ~~or property,~~
 4.26 in which case the conference shall take place as soon as practicable following the suspension
 4.27 within seven days.

4.28 (b) An adult advocate under paragraph (a) is a person over the age of 18 who is not
 4.29 responsible for administering discipline to students. A pupil's family member or a school
 4.30 staff member may serve as a pupil's adult advocate.

4.31 (c) The role of the adult advocate is to help the pupil understand the grounds for the
 4.32 proposed suspension or other discipline and to ensure that the pupil understands the pupil's
 4.33 rights under sections 121A.40 to 121A.56. The adult advocate may also support the pupil

5.1 by suggesting interventions or other outcomes to address the pupil's conduct and support
 5.2 the pupil's inclusion in and engagement with school.

5.3 (d) The adult advocate may not willfully mislead the pupil to have the pupil work against
 5.4 the pupil's own interests. The adult advocate must also not help any person, property, or
 5.5 entity other than the pupil during the pupil's administrative conference.

5.6 Subd. 2. ~~Administrator notifies pupil of grounds for suspension~~ Administrative
 5.7 conference. At the ~~informal~~ administrative conference, a school administrator shall notify
 5.8 the pupil of the grounds for the suspension, ~~provide an explanation of~~ and explain the
 5.9 evidence the authorities have, ~~and~~. The pupil may present the pupil's version of the facts
 5.10 and ask questions but is not required to do so. A school administrator must inform the pupil
 5.11 that the pupil may is not required to present the pupil's version of the facts and any testimony
 5.12 the pupil provides can be used against the pupil in a subsequent court proceeding. A school
 5.13 administrator must inform the pupil of the pupil's right to appeal any suspension pursuant
 5.14 to policies developed in conformance with subdivision 3a.

5.15 Subd. 3. **Written notice of grounds for suspension.** A written notice containing the
 5.16 grounds for suspension, a brief statement of the facts, a description of the testimony,
 5.17 documents indicating the nonexclusionary disciplinary policies and practices initially used
 5.18 with the pupil, the length of the suspension, a ~~readmission~~ re-engagement plan, and a copy
 5.19 of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the
 5.20 time the suspension is to take effect, and upon the pupil's parent or guardian by mail within
 5.21 48 hours of the conference. The district shall make reasonable efforts to notify the parents
 5.22 of the suspension by telephone ~~as soon as possible following~~ or electronically within 30
 5.23 days of the suspension. ~~In the event~~ If a pupil is suspended without an ~~informal~~ administrative
 5.24 conference on the grounds that the pupil will create an immediate and substantial danger
 5.25 to surrounding persons ~~or property~~, the written notice shall be served upon the pupil and
 5.26 the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete
 5.27 upon mailing.

5.28 Subd. 3a. **Appeals of suspension.** The school board must establish a process that permits
 5.29 a teacher, representative, parent or guardian, or party to a suspension decision made under
 5.30 this section to appeal the decision to an appropriate entity in the district with the authority
 5.31 to reverse the decision and remove the suspension from the pupil's education record. The
 5.32 process must provide for notice and establish procedures and substantive standards for the
 5.33 appeal process.

6.1 Subd. 4. **Suspension pending expulsion or exclusion hearing.** Notwithstanding the
6.2 provisions of subdivisions 1 ~~and~~ 3, and 3a, the pupil may be suspended pending the school
6.3 board's decision in the expulsion or exclusion hearing; provided that alternative educational
6.4 services are implemented to the extent that suspension exceeds ~~five~~ three days.

6.5 Subd. 5. **Minimum education services.** School officials must give a suspended pupil
6.6 the opportunity to complete all school work assigned during the period of the pupil's
6.7 suspension and to receive full credit for satisfactorily completing the assignments. The
6.8 school principal or other person having administrative control of the school building or
6.9 program must designate a district or school employee as a liaison to work with the pupil's
6.10 teachers to allow the suspended pupil to (1) receive timely course materials and other
6.11 information, and (2) complete daily and weekly assignments and receive teachers' feedback.
6.12 The liaison must interact with the pupil and the pupil's family to address concerns about
6.13 the pupil and the school.

6.14 Subd. 6. **Re-engagement plan.** (a) Consistent with section 121A.55, a pupil who is
6.15 suspended or transferred to an alternative learning program must have a re-engagement plan
6.16 to re-engage and reconnect the pupil with the school and its learning opportunities and help
6.17 the pupil avoid future suspensions or other discipline.

6.18 (b) The district must provide district teachers and staff with staff development
6.19 opportunities under sections 122A.60 and 122A.61 to acquire the knowledge and skills to
6.20 implement a re-engagement plan.

6.21 (c) Districts and charter schools must document input received from a parent or guardian
6.22 to develop a tailored, culturally sensitive and culturally responsive re-engagement plan.

6.23 (d) The re-engagement plan must state plans to address the situation that led to the pupil's
6.24 dismissal. The plan must include supportive interventions that aid in the pupil's academic
6.25 success and keep the pupil on track to meet academic benchmarks.

6.26 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

6.27 Sec. 9. Minnesota Statutes 2016, section 121A.47, is amended by adding a subdivision to
6.28 read:

6.29 Subd. 1a. **Professional development.** A school superintendent must work annually with
6.30 school administrators, consistent with sections 122A.60 and 122A.61, to provide district
6.31 educators with professional development opportunities to:

7.1 (1) understand the significance, severity, and short- and long-term consequences of
 7.2 excluding and expelling pupils, including the impact on pupils' learning and career and
 7.3 college opportunities;

7.4 (2) understand and learn to apply nonexclusionary disciplinary policies and practices
 7.5 under section 121A.41, subdivision 13; and

7.6 (3) understand and apply more serious forms of discipline, including exclusion and
 7.7 expulsion, only if the pupil's conduct endangers the pupil or other pupils, or surrounding
 7.8 persons, including school district employees.

7.9 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

7.10 Sec. 10. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

7.11 Subd. 2. **Written notice.** Written notice of intent to take action shall:

7.12 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

7.13 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
 7.14 of their testimony;

7.15 ~~(c)~~ (3) explain the grounds for excluding or expelling the pupil instead of imposing
 7.16 nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 13,
 7.17 and the term of the exclusion or expulsion;

7.18 (4) state the date, time, and place of the hearing;

7.19 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

7.20 ~~(e)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid
 7.21 the exclusion or expulsion proceedings; and

7.22 ~~(f)~~ (7) inform the pupil and parent or guardian of the right to:

7.23 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
 7.24 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
 7.25 legal assistance may be available and that a legal assistance resource list is available from
 7.26 the Department of Education;

7.27 ~~(2)~~ (ii) examine the pupil's records before the hearing;

7.28 ~~(3)~~ (iii) present evidence; and

7.29 ~~(4)~~ (iv) confront and cross-examine witnesses.

7.30 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

8.1 Sec. 11. Minnesota Statutes 2016, section 121A.47, subdivision 13, is amended to read:

8.2 Subd. 13. **Basis of school board decision; opportunity for comment.** The school board
8.3 shall base its decision upon the recommendation of the hearing officer or school board
8.4 member or committee and shall render its decision at a meeting held within five days after
8.5 receiving the recommendation. The school board ~~may~~ must provide the parties with the
8.6 opportunity to present exceptions, the student's perspective, and comments to the hearing
8.7 officer's recommendations provided that neither party presents any evidence not admitted
8.8 at the hearing. The decision by the school board must:

8.9 (1) be based on the record, ~~and must~~;

8.10 (2) be in writing, ~~and must~~;

8.11 (3) explain the grounds for excluding or expelling the pupil instead of imposing
8.12 nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 13;
8.13 and

8.14 (4) state the controlling facts on which the decision is made in sufficient detail to apprise
8.15 the parties and the commissioner of education of the basis and reason for the decision.

8.16 Sec. 12. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

8.17 Subd. 14. ~~Admission or readmission~~ **Re-engagement plan.** (a) An exclusion or
8.18 expulsion must include a re-engagement plan. A school administrator, after making efforts
8.19 to contact and solicit input from the affected pupil's parent or guardian, and in consultation
8.20 with the affected pupil's teachers, shall prepare and enforce an admission or readmission a
8.21 re-engagement plan for any pupil who is excluded or expelled from school. The plan may
8.22 include measures to improve the pupil's behavior, including completing a character education
8.23 program, consistent with section 120B.232, subdivision 1, and require parental involvement
8.24 in the admission or readmission process, and may indicate the consequences to the pupil of
8.25 not improving the pupil's behavior must address the factors and other circumstances leading
8.26 to the pupil's exclusion or expulsion.

8.27 (b) ~~The definition of suspension under section 121A.41, subdivision 10, does not apply~~
8.28 ~~to a student's dismissal from school for one school day or less, except as provided under~~
8.29 ~~federal law for a student with a disability. Each suspension action may include a readmission~~
8.30 ~~plan. A readmission re-engagement plan must be consistent with section 121A.46, subdivision~~
8.31 ~~6, and provide, where appropriate, alternative education services, which must not be used~~
8.32 ~~to extend the student's pupil's current suspension dismissal period. Consistent with section~~
8.33 ~~125A.091, subdivision 5, a readmission re-engagement plan must not obligate a parent or~~

9.1 guardian to provide psychotropic drugs to their ~~student~~ pupil as a condition of readmission.
 9.2 School officials must not use the refusal of a parent or guardian to consent to the
 9.3 administration of psychotropic drugs to their ~~student~~ pupil or to consent to a psychiatric
 9.4 evaluation, screening, or examination of the ~~student~~ pupil as a ground, by itself, to prohibit
 9.5 the ~~student~~ pupil from attending class or participating in a school-related activity, or as a
 9.6 basis of a charge of child abuse, child neglect or medical or educational neglect.

9.7 (c) School districts and charter schools must provide teachers, school administrators,
 9.8 other licensed professionals working with pupils, school board members, and school resource
 9.9 officers with professional development opportunities to acquire and improve the knowledge
 9.10 and skills needed to effectively implement nonexclusionary disciplinary policies and practices
 9.11 and alternative educational services.

9.12 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

9.13 Sec. 13. Minnesota Statutes 2016, section 121A.53, is amended to read:

9.14 **121A.53 REPORT TO COMMISSIONER OF EDUCATION.**

9.15 Subdivision 1. **Exclusions and expulsions; physical assaults.** (a) Consistent with
 9.16 subdivision 2, the school board must ~~report through~~ use the department electronic reporting
 9.17 system to report to the commissioner each exclusion or expulsion and each physical assault
 9.18 of a district employee by a ~~student~~ pupil and each verbal or written agreement of a parent
 9.19 or guardian to withdraw a pupil from the school or district instead of having the pupil
 9.20 excluded or expelled within 30 days of the effective date of the dismissal action or assault
 9.21 ~~to the commissioner of education.~~ This report must ~~include a statement of alternative~~
 9.22 ~~educational services, or other sanction, intervention, or resolution in response to the assault~~
 9.23 ~~given the pupil and the reason for,~~ identify:

9.24 (1) the pupil's behavior leading to the discipline;

9.25 (2) the nonexclusionary interventions and strategies used;

9.26 (3) any attempts to provide the pupil with alternative education services before excluding
 9.27 or expelling the pupil;

9.28 (4) the reasons the nonexclusionary disciplinary policies and practices and alternative
 9.29 services were ineffective;

9.30 (5) the effective date, and of the disciplinary action;

9.31 (6) the duration of the exclusion or expulsion or other sanction, intervention, or resolution;

9.32 (7) any exclusion or expulsion decision that was reversed on appeal; and

10.1 (8) whether a law enforcement agency or a school resource officer participated in the
 10.2 discipline or whether a referral was made to a law enforcement agency or school resource
 10.3 officer.

10.4 The report must also include ~~the student's age, grade, gender, race,~~ disaggregated student
 10.5 data consistent with section 120B.35, subdivision 3, paragraph (a), clause (2), whether a
 10.6 law enforcement agency or a school resource officer participated in disciplining the pupil
 10.7 or a referral to a law enforcement agency or school resource officer was made, and the
 10.8 special education status of the pupil.

10.9 Subd. 2. **Report to include both pupil dismissals from school and removals from**
 10.10 **class; annual publication required.** (a) Consistent with the requirements under subdivision
 10.11 1, the school board must report the pupils removed from class, the reason for removal, and
 10.12 the date and length of the removal and must include state ~~student~~ pupil identification numbers
 10.13 of affected pupils on all state-required removal and dismissal and other disciplinary reports
 10.14 required by the department. The department must report annually to the commissioner
 10.15 summary data on the number of pupil removals, dismissals, and physical assaults of district
 10.16 employees by a student by ~~age, grade, gender, race, and special education status of the~~
 10.17 affected pupils the categories in section 120B.35, subdivision 3, paragraph (a), clause (2),
 10.18 and whether a law enforcement agency or a school resource officer participated in disciplining
 10.19 the pupil or a referral to a law enforcement agency or school resource officer was made.
 10.20 The school board must submit all removal, dismissal, and other disciplinary reports ~~must~~
 10.21 be submitted through the department electronic reporting system.

10.22 (b) The commissioner must aggregate the district data reported under this section and
 10.23 include the aggregated data, including aggregated data on physical assaults of a district
 10.24 employee by a student, in the annual school performance reports under section 120B.36.

10.25 (c) Annually by October 31, the commissioner must electronically publish on the
 10.26 department Web site and otherwise make publicly available a longitudinal report containing
 10.27 the summary data collected under this section. The commissioner must use the summary
 10.28 data to compare and report the number of disciplinary incidents by type and district in the
 10.29 three immediately preceding school years. Each school district must post on its Web site at
 10.30 least that portion of the report concerning the district, ensuring the identity of individual
 10.31 pupils is not ascertainable.

10.32 Subd. 3. **Training.** The commissioner, upon request, must provide technical assistance
 10.33 and training to districts to facilitate the districts' ability to comply with the reporting
 10.34 requirements under this section.

11.1 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

11.2 Sec. 14. Minnesota Statutes 2016, section 121A.55, is amended to read:

11.3 **121A.55 POLICIES TO BE ESTABLISHED.**

11.4 (a) The commissioner of education shall promulgate guidelines to assist each school
11.5 board. Each school board shall establish uniform criteria for dismissal and adopt written
11.6 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
11.7 ~~shall emphasize preventing dismissals through early detection of problems and shall must~~
11.8 ~~be designed to address students':~~

11.9 (1) encourage use of nonexclusionary disciplinary policies and practices before removing
11.10 pupils from class or dismissing pupils from school except where the pupil's conduct endangers
11.11 the pupil or other pupils, or surrounding persons;

11.12 (2) prevent pupils' inappropriate behavior from recurring;

11.13 (3) re-engage and reconnect pupils with school and learning, including pupils who were
11.14 dismissed from school;

11.15 (4) engender positive pupil behavior;

11.16 (5) encourage pupils to learn from and overcome their inappropriate behavior;

11.17 (6) give educators and other school officials discretion to determine appropriate pupil
11.18 discipline based on a pupil's individual capabilities and circumstances; and

11.19 (7) keep pupils in class and school in order to graduate from secondary school and
11.20 become career and college ready.

11.21 (b) The policies shall recognize the continuing responsibility of the school for ~~the~~
11.22 ~~education of~~ providing alternative education services to the pupil during the dismissal period
11.23 and during any prescribed period when a parent or guardian voluntarily agrees to withdraw
11.24 the pupil as an alternative to dismissal. The alternative educational services, ~~if the pupil~~
11.25 ~~wishes to take advantage of them,~~ must be adequate to allow the pupil to make progress
11.26 towards meeting the graduation standards adopted under section 120B.02 and help prepare
11.27 the pupil for readmission and re-engagement. The school or district, in collaboration with
11.28 the affected parent or guardian to the extent practicable with efforts documented, must have
11.29 a re-engagement plan for each pupil subject to discipline who is dismissed or transferred
11.30 from and subsequently returns to the school or district.

11.31 ~~(b)~~ (c) A school board or an area learning center under section 123A.05 may not prohibit
11.32 an expelled or excluded pupil from enrolling solely because a district expelled or excluded

12.1 the pupil. The board of the area learning center may use the provisions of the Pupil Fair
 12.2 Dismissal Act to exclude a pupil or to require an admission plan.

12.3 ~~(e)~~ (d) Each school district shall develop a policy ~~and~~ on the use of school resource
 12.4 officers before contracting with a police department that employs a school resource officer.
 12.5 The policy must state the role of the officer, the appropriate use of the officer, actions
 12.6 prohibited for officers, and the proper use of crisis teams during pupil discipline and removal
 12.7 procedures. Each district must report it to the commissioner on the district's or charter
 12.8 school's policy and its appropriate use of peace and school resource officers and crisis teams
 12.9 to remove students who have an individualized education program from school grounds
 12.10 pupils. The district must transmit to the commissioner and make public a copy of the policy
 12.11 developed under this paragraph.

12.12 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

12.13 Sec. 15. **[121A.555] STUDENT INCLUSION GRANTS.**

12.14 **Subdivision 1. Professional development grants.** The commissioner must award grants
 12.15 to applicant school districts and charter schools to provide professional development
 12.16 opportunities to teachers, school administrators, other licensed school professionals, school
 12.17 board members, school resource officers, and other district staff to implement the Pupil Fair
 12.18 Dismissal Act under sections 121A.40 to 121A.56 and related pupil discipline law.

12.19 **Subd. 2. Use of funds.** School districts and charter schools that submit an application
 12.20 and receive funding under this section must use the funding to provide teachers,
 12.21 administrators, board members, and other staff with professional development opportunities
 12.22 that enable them to:

12.23 (1) create a positive school culture;

12.24 (2) prevent and address pupil misconduct;

12.25 (3) comply with applicable pupil discipline laws and rules;

12.26 (4) use effective classroom management and problem-solving strategies and conflict
 12.27 resolution inside and outside the classroom;

12.28 (5) understand the adverse consequences of dismissing pupils and involving them with
 12.29 the juvenile justice and adult criminal justice systems; and

12.30 (6) explore alternative strategies such as restorative practices, peer mediation, positive
 12.31 behavioral interventions and supports, culturally responsive discipline, and developmentally
 12.32 appropriate discipline that fosters positive, healthy, and productive school climates.

13.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.2 Sec. 16. Minnesota Statutes 2016, section 121A.61, is amended to read:

13.3 **121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.**

13.4 Subdivision 1. **Required policy.** Each school board and charter school must adopt a
 13.5 written districtwide and charter networkwide school discipline policy which includes written
 13.6 rules of conduct for ~~students, minimum consequences for violations of the rules,~~ pupils and
 13.7 grounds and procedures for ~~removal of~~ removing a student pupil from class. The board must
 13.8 develop the policy ~~must be developed~~ in consultation with administrators, teachers,
 13.9 employees, pupils, parents, community members, ~~law enforcement agencies, county attorney~~
 13.10 ~~offices,~~ social service agencies, and such other individuals or organizations as the board
 13.11 determines appropriate. A school site council may adopt additional provisions to the policy
 13.12 subject to the approval of the school board.

13.13 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds
 13.14 for which a ~~student~~ pupil may be removed from a class in the district for a period of time
 13.15 under the procedures specified in the policy and establish a protocol for notifying the
 13.16 commissioner, consistent with section 121A.53. The policy must include a procedure for
 13.17 notifying and meeting with a ~~student's~~ pupil's parent or guardian within 30 days after a pupil
 13.18 is removed from class to discuss the problem ~~that is causing the student to be removed~~
 13.19 pupil's removal from class ~~after the student has been removed from class more than ten~~
 13.20 ~~times in one school year~~ and to foster communication between the pupil's family and the
 13.21 school to help the pupil remain in the classroom and succeed in school. The grounds in the
 13.22 policy must include address at least ~~the following provisions as well as other grounds~~
 13.23 ~~determined appropriate by the board:~~

13.24 ~~(a)~~ (1) willful conduct that significantly disrupts the rights of others to an education,
 13.25 including conduct that interferes with a teacher's ability to teach or communicate effectively
 13.26 with students in a class or with the ability of other students to learn;

13.27 ~~(b)~~ (2) willful conduct that endangers surrounding persons, including school district
 13.28 employees, the student or other students, ~~or the property of the school;~~ and

13.29 ~~(e)~~ (3) willful violation of any rule of conduct specified in the discipline policy adopted
 13.30 by the board.

13.31 Subd. 3. **Policy components.** The policy must at least include ~~at least the following~~
 13.32 ~~components:~~

14.1 ~~(a)~~ (1) rules governing student pupil conduct and procedures for informing ~~students~~
 14.2 pupils of the rules;

14.3 ~~(b)~~ (2) the grounds for ~~removal of~~ removing a student pupil from a class;

14.4 ~~(c)~~ (3) the authority of the classroom teacher to remove ~~students~~ pupils from the classroom
 14.5 ~~pursuant to~~ in accordance with the procedures and rules ~~established~~ in the district's policy;

14.6 ~~(d)~~ (4) the procedures for ~~removal of a student from a class by~~ a teacher, school
 14.7 administrator, or other school district employee to remove a pupil from a class;

14.8 ~~(e)~~ (5) student rights and notification of rights including the right to:

14.9 (i) an advocate;

14.10 (ii) not self-incriminate; and

14.11 (iii) a subsequent meeting with a parent, guardian, or adult advocate;

14.12 (6) the period of time for which a student pupil may be removed from a class, which
 14.13 ~~may~~ must not exceed ~~five~~ two class periods for a ~~violation of~~ violating a rule of conduct;

14.14 ~~(f)~~ (7) provisions relating to the responsibility for and custody of a student pupil removed
 14.15 from a class;

14.16 ~~(g)~~ (8) the procedures for ~~return of a student pupil to return to the specified~~ class from
 14.17 which the ~~student has been~~ pupil was removed;

14.18 ~~(h)~~ (9) the procedures for notifying a student pupil and the ~~student's~~ pupil's parents or
 14.19 guardian of violations of the rules of conduct ~~and of~~ resulting in disciplinary actions and
 14.20 soliciting parents' participation in creating a plan to help the pupil remain in the classroom
 14.21 and succeed in school;

14.22 ~~(i)~~ (10) any procedures determined appropriate for ~~encouraging early involvement of~~
 14.23 involving parents or guardians in preventive attempts to improve a ~~student's~~ pupil's behavior;

14.24 ~~(j)~~ (11) any procedures determined appropriate for encouraging early detection of
 14.25 behavioral problems;

14.26 ~~(k)~~ (12) any procedures determined appropriate for referring a student pupil in need of
 14.27 special education services to those services;

14.28 ~~(l)~~ (13) the procedures for ~~consideration of~~ considering whether ~~there is a need for a~~ to
 14.29 further assessment assess a pupil with a disability or ~~of whether there is a need for a review~~
 14.30 ~~of the adequacy of~~ a current individualized education program of a student pupil with a
 14.31 disability who is removed from class is adequate;

15.1 ~~(m)~~ (14) procedures for detecting and addressing chemical abuse problems of a ~~student~~
 15.2 pupil while on the school premises;

15.3 ~~(n) the minimum consequences for violations of the code of conduct;~~

15.4 ~~(o)~~ (15) procedures for immediate and appropriate interventions tied to code violations
 15.5 ~~of the code;~~

15.6 ~~(p) a provision that states that a teacher, school employee, school bus driver, or other~~
 15.7 ~~agent of a district may use reasonable force in compliance with section 121A.582 and other~~
 15.8 ~~laws;~~

15.9 ~~(q)~~ (16) an agreement ~~regarding procedures~~ to coordinate crisis services to the extent
 15.10 funds are available with the county board responsible for implementing sections 245.487
 15.11 to 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other ~~students~~ pupils
 15.12 who have an individualized education program whose behavior may be addressed by crisis
 15.13 intervention; and

15.14 ~~(r)~~ (17) a provision that states a ~~student~~ pupil must be removed from class immediately
 15.15 if the ~~student~~ pupil engages in assault or violent behavior. For purposes of this paragraph,
 15.16 "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be
 15.17 for a period of time deemed appropriate by the principal, in consultation with the teacher.

15.18 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

15.19 Sec. 17. Minnesota Statutes 2016, section 121A.64, is amended to read:

15.20 **121A.64 NOTIFICATION; TEACHERS' LEGITIMATE EDUCATIONAL**
 15.21 **INTEREST.**

15.22 ~~(a) A classroom teacher has a legitimate educational interest in knowing which students~~
 15.23 ~~placed in the teacher's classroom have a history of violent behavior, including any~~
 15.24 ~~documented physical assault of a district employee by the student, and must be notified~~
 15.25 ~~before such students are placed in the teacher's classroom.~~

15.26 ~~(b)~~ Representatives of the school board and the exclusive representative of the teachers
 15.27 shall discuss issues related to the model policy on student records adopted under Laws 1999,
 15.28 chapter 241, article 9, section 50, and any modifications adopted under Laws 2003, First
 15.29 Special Session chapter 9, for notifying classroom teachers and other school district
 15.30 employees having a legitimate educational interest in knowing about students with a history
 15.31 of violent behavior, including any documented willful physical assault of a district employee
 15.32 by students placed in classrooms. The representatives of the school board and the exclusive

16.1 representative of the teachers also may discuss the need for intervention services or conflict
 16.2 resolution or training for staff related to placing students with a history of violent behavior
 16.3 in teachers' classrooms.

16.4 Sec. 18. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision
 16.5 to read:

16.6 Subd. 3. **Parent notification.** A school administrator must make and document efforts
 16.7 to immediately contact the parent or guardian of a pupil removed by a peace or school
 16.8 resource officer from a classroom, school building, or school grounds unless such notice is
 16.9 specifically prohibited by law.

16.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.11 Sec. 19. Minnesota Statutes 2016, section 122A.42, is amended to read:

16.12 **122A.42 GENERAL CONTROL OF SCHOOLS.**

16.13 (a) The teacher of record shall have the general control and government of the school
 16.14 and classroom. When more than one teacher is employed in any district, one of the teachers
 16.15 may be designated by the board as principal and shall have the general control and
 16.16 supervision of the schools of the district, subject to the general supervisory control of the
 16.17 board and other officers.

16.18 (b) Absent a school or district classroom removal policy and consistent with paragraph
 16.19 (a), the teacher may remove ~~students~~ a pupil from class under section 121A.61, subdivision
 16.20 2, ~~for violent or disruptive conduct~~ for behavior that is grounds for dismissal under section
 16.21 121A.45, subdivision 2.

16.22 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

16.23 Sec. 20. Minnesota Statutes 2016, section 122A.60, subdivision 1a, is amended to read:

16.24 Subd. 1a. **Effective staff development activities.** (a) Staff development activities must:

16.25 (1) focus on the school classroom and nonexclusionary disciplinary policies and practices
 16.26 to keep students in the classroom and in school and on research-based strategies that improve
 16.27 student learning;

16.28 (2) provide opportunities for teachers to practice and improve their instructional skills
 16.29 over time;

17.1 (3) provide opportunities for teachers to use student data as part of their daily work to
17.2 increase student achievement;

17.3 (4) enhance teacher content knowledge and instructional skills, including to accommodate
17.4 the delivery of digital and blended learning and curriculum and engage students with
17.5 technology;

17.6 (5) align with state and local academic standards;

17.7 (6) provide opportunities to build professional relationships, foster collaboration among
17.8 principals and staff who provide instruction, and provide opportunities for teacher-to-teacher
17.9 mentoring;

17.10 (7) align with the plan of the district or site for an alternative teacher professional pay
17.11 system;

17.12 (8) provide teachers of English learners, including English as a second language and
17.13 content teachers, with differentiated instructional strategies critical for ensuring students'
17.14 long-term academic success; the means to effectively use assessment data on the academic
17.15 literacy, oral academic language, and English language development of English learners;
17.16 and skills to support native and English language development across the curriculum; ~~and~~

17.17 (9) provide opportunities for staff to learn about current workforce trends, the connections
17.18 between workforce trends and postsecondary education, and training options, including
17.19 career and technical education options; and

17.20 (10) provide opportunities for teachers to understand the significance, severity, and
17.21 short- and long-term consequences of removing, excluding, and expelling pupils, including
17.22 the impact on pupils' learning and career and college opportunities.

17.23 Staff development activities may include curriculum development and curriculum training
17.24 programs, and activities that provide teachers and other members of site-based teams training
17.25 to enhance team performance. The school district also may implement other staff
17.26 development activities required by law and activities associated with professional teacher
17.27 compensation models.

17.28 (b) Release time provided for teachers to supervise students on field trips and school
17.29 activities, or independent tasks not associated with enhancing the teacher's knowledge and
17.30 instructional skills, such as preparing report cards, calculating grades, or organizing classroom
17.31 materials, may not be counted as staff development time that is financed with staff
17.32 development reserved revenue under section 122A.61.

18.1 Sec. 21. Minnesota Statutes 2016, section 123B.147, subdivision 3, is amended to read:

18.2 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
18.3 and instructional leadership services, under the supervision of the superintendent of schools
18.4 of the district and according to the policies, rules, and regulations of the school board, for
18.5 the planning, management, operation, and evaluation of the education program of the building
18.6 or buildings to which the principal is assigned.

18.7 (b) To enhance a principal's leadership skills and support and improve teaching practices,
18.8 school performance, and student achievement for diverse student populations, including
18.9 at-risk students, children with disabilities, English learners, and gifted students, among
18.10 others, a district must develop and implement a performance-based system for annually
18.11 evaluating school principals assigned to supervise a school building within the district. The
18.12 evaluation must be designed to improve teaching and learning by supporting the principal
18.13 in shaping the school's professional environment and developing teacher quality,
18.14 performance, and effectiveness. The annual evaluation must:

18.15 (1) support and improve a principal's instructional leadership, organizational management,
18.16 and professional development, and strengthen the principal's capacity in the areas of
18.17 instruction, supervision, evaluation, and teacher development;

18.18 (2) include formative and summative evaluations based on multiple measures of student
18.19 progress toward career and college readiness;

18.20 (3) be consistent with a principal's job description, a district's long-term plans and goals,
18.21 and the principal's own professional multiyear growth plans and goals, all of which must
18.22 support the principal's leadership behaviors and practices, rigorous curriculum, school
18.23 performance, and high-quality instruction;

18.24 (4) include on-the-job observations and previous evaluations;

18.25 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
18.26 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

18.27 (6) use longitudinal data on student academic growth as 35 percent of the evaluation
18.28 and incorporate district achievement goals and targets;

18.29 (7) be linked to professional development that emphasizes improved teaching and
18.30 learning, curriculum and instruction, student learning, and a collaborative professional
18.31 culture; ~~and~~

19.1 (8) for principals not meeting standards of professional practice or other criteria under
 19.2 this subdivision, implement a plan to improve the principal's performance and specify the
 19.3 procedure and consequence if the principal's performance is not improved; and

19.4 (9) include longitudinal data on pupil dismissals disaggregated by student categories
 19.5 under section 120B.35, subdivision 3, paragraph (b), clause (2).

19.6 The provisions of this paragraph are intended to provide districts with sufficient flexibility
 19.7 to accommodate district needs and goals related to developing, supporting, and evaluating
 19.8 principals.

19.9 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

19.10 Sec. 22. Minnesota Statutes 2016, section 124E.11, is amended to read:

19.11 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

19.12 (a) A charter school may limit admission to:

19.13 (1) pupils within an age group or grade level;

19.14 (2) pupils who are eligible to participate in the graduation incentives program under
 19.15 section 124D.68; or

19.16 (3) residents of a specific geographic area in which the school is located when the
 19.17 majority of students served by the school are members of underserved populations.

19.18 (b) A charter school shall enroll an eligible pupil who submits a timely application,
 19.19 unless the number of applications exceeds the capacity of a program, class, grade level, or
 19.20 building. In this case, pupils must be accepted by lot. The charter school must develop and
 19.21 publish, including on its Web site, a lottery policy and process that it must use when accepting
 19.22 pupils by lot.

19.23 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
 19.24 and to a foster child of that pupil's parents and may give preference for enrolling children
 19.25 of the school's staff before accepting other pupils by lot. A charter school that is located in
 19.26 Duluth township in St. Louis County and admits students in kindergarten through grade 6
 19.27 must give enrollment preference to students residing within a five-mile radius of the school
 19.28 and to the siblings of enrolled children. A charter school may give enrollment preference
 19.29 to children currently enrolled in the school's free preschool or prekindergarten program
 19.30 under section 124E.06, subdivision 3, paragraph (a), who are eligible to enroll in kindergarten
 19.31 in the next school year.

20.1 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless
 20.2 the pupil is at least five years of age on September 1 of the calendar year in which the school
 20.3 year for which the pupil seeks admission commences; or (2) as a first grade student, unless
 20.4 the pupil is at least six years of age on September 1 of the calendar year in which the school
 20.5 year for which the pupil seeks admission commences or has completed kindergarten; except
 20.6 that a charter school may establish and publish on its Web site a policy for admission of
 20.7 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)
 20.8 and (c).

20.9 (e) Except as permitted in paragraph (d), a charter school may not limit admission to
 20.10 pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic
 20.11 ability and may not establish any criteria or requirements for admission that are inconsistent
 20.12 with this section.

20.13 (f) The charter school shall not distribute any services or goods of value to students,
 20.14 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
 20.15 school.

20.16 (g) Once a student is enrolled in the school, the student is considered enrolled in the
 20.17 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
 20.18 Act in sections 121A.40 to 121A.56. A charter school is subject to and must comply with
 20.19 the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and other provisions in chapter
 20.20 121A governing pupil behavior and discipline.

20.21 (h) A charter school with at least 90 percent of enrolled students who are eligible for
 20.22 special education services and have a primary disability of deaf or hard-of-hearing may
 20.23 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
 20.24 paragraph (a), and must comply with the federal Individuals with Disabilities Education
 20.25 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
 20.26 (iv).

20.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.28 **Sec. 23. APPROPRIATIONS.**

20.29 **Subdivision 1. Department of Education.** The sums indicated in this section are
 20.30 appropriated from the general fund to the Department of Education for the fiscal years
 20.31 designated.

20.32 **Subd. 2. Student inclusion grants.** For grants to school districts and charter schools
 20.33 for professional development under Minnesota Statutes, section 121A.555:

21.1 \$ 2018

21.2 \$ 2019

21.3 Any balance in the first year does not cancel but is available in the second year.