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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **566**

01/31/2019 Authored by Wazlawik, Jurgens, Davnie, Wolgamott, Youakim and others
The bill was read for the first time and referred to the Committee on Education Policy
03/11/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to education; requiring school safety assessment teams; appropriating
1.3 money; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.5 Section 1. **[121A.35] SCHOOL SAFETY ASSESSMENT.**

1.6 Subdivision 1. **School safety assessment.** "School safety assessment" means a fact-based
1.7 and evidence-based process using an integrated team approach that helps schools evaluate
1.8 and assess potentially threatening situations or students whose behavior may pose a threat
1.9 to the safety of the school, staff, or students.

1.10 Subd. 2. **Policy.** A school board must adopt a policy to establish safety assessment teams
1.11 to conduct school safety assessments consistent with subdivision 1. A safety assessment
1.12 policy must be consistent with district policies in sections 121A.035, 125A.027, 125A.08,
1.13 and 125A.091, and Code of Federal Regulations, title 34, sections 300.300 to 300.304, and
1.14 with any guidance provided by the Department of Public Safety's School Safety Center. A
1.15 safety assessment policy must include procedures for referrals for special education or
1.16 section 504 evaluations, and to mental health centers or health care providers for evaluation
1.17 or treatment when appropriate. A safety assessment policy must require notice to the parent
1.18 or guardian of a student whose behavior is assessed under this section unless notice to the
1.19 parent or guardian is not in the minor's best interests, consistent with sections 13.02,
1.20 subdivision 8, and 13.32, subdivision 2.

1.21 Subd. 3. **Oversight.** The superintendent of a school district must establish a committee
1.22 or individual charged with oversight of the safety assessment teams operating within the
1.23 district, which may be an existing committee established by the school board.

2.1 Subd. 4. Safety assessment teams. (a) The superintendent of a school district must
2.2 establish for each school a safety assessment team that includes, to the extent practicable,
2.3 school officials with expertise in counseling, school psychology, school administration, and
2.4 students with disabilities, as well as cultural liaisons, certified, licensed, or otherwise qualified
2.5 mental health and treatment professionals, and law enforcement. The team may include
2.6 human resources personnel or legal counsel if the subject of the assessment is not a student.
2.7 A safety assessment team may serve one or more schools, as determined by the
2.8 superintendent.

2.9 (b) A safety assessment team must:

2.10 (1) provide guidance to school staff, parents, and students regarding recognition of
2.11 threatening or concerning behavior that may represent a threat to the community, school,
2.12 staff, or students, and the members of the school to whom threatening or concerning behavior
2.13 should be reported;

2.14 (2) consider whether there is sufficient information to determine whether a student or
2.15 other person poses a threat;

2.16 (3) implement a policy adopted by the school board under subdivision 2;

2.17 (4) report summary data on its activities according to guidance developed by the School
2.18 Safety Center; and

2.19 (5) comply with applicable special education requirements, including sections 125A.027,
2.20 125A.08, and 125A.091, and Code of Federal Regulations, title 34, sections 300.300 to
2.21 300.304.

2.22 (c) Upon a preliminary determination that a student poses a threat of violence or physical
2.23 harm to self or others, a safety assessment team must immediately report its determination
2.24 to the district superintendent or the superintendent's designee, who must immediately attempt
2.25 to notify the student's parent or legal guardian, and provide the parent or guardian written
2.26 notice, unless notice to the parent or guardian is not in the student's best interest. The safety
2.27 assessment team must consider services to address the student's underlying behavioral or
2.28 mental health issues, which may include counseling, social work services, character education
2.29 consistent with section 120B.232, social emotional learning, evidence-based academic and
2.30 positive behavioral interventions and supports, mental health services, and referrals for
2.31 special education or section 504 evaluations. Upon the request of a parent or guardian of a
2.32 student who is the subject of a safety assessment, a safety assessment team must provide
2.33 the parent or guardian with a copy of the data related to the safety assessment after the team
2.34 determines that the threat has been addressed, consistent with subdivision 5.

3.1 (d) Upon determining that a student exhibits suicidal ideation or self-harm, a school
 3.2 safety assessment team must follow the district's suicide prevention policy or protocol or
 3.3 refer the student to an appropriate school-linked mental health professional or other support
 3.4 personnel. Access to information regarding a student exhibiting suicidal ideation or self-harm
 3.5 is subject to section 13.32, subdivision 2.

3.6 (e) Nothing in this section precludes a school district official or employee from acting
 3.7 immediately to address an imminent threat.

3.8 (f) Nothing in this section modifies or affects a school district's obligations under state
 3.9 and federal law relating to students with disabilities.

3.10 Subd. 5. **Redislosure.** (a) A safety assessment team member must not redisclose
 3.11 educational records or use any record of an individual beyond the purpose for which the
 3.12 disclosure was made to the safety assessment team. A school district employee who has
 3.13 access to information related to a safety assessment is subject to this subdivision.

3.14 (b) Nothing in this section prohibits the disclosure of educational records in health,
 3.15 including mental health, and safety emergencies in accordance with state and federal law.
 3.16 Data related to a safety assessment must not be provided to law enforcement without a
 3.17 reasonable cause or need for law enforcement involvement or knowledge. A school district
 3.18 must notify a parent or guardian when data related to a safety assessment is provided to a
 3.19 law enforcement official who is not a member of the safety assessment team, unless notice
 3.20 to the parent or guardian is not in the student's best interests, consistent with sections 13.02,
 3.21 subdivision 8, and 13.32, subdivision 2.

3.22 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.23 Sec. 2. **APPROPRIATIONS.**

3.24 Subdivision 1. **Commissioner of education.** The sums indicated in this section are
 3.25 appropriated from the general fund to the commissioner of education in the fiscal years
 3.26 designated.

3.27 Subd. 2. **Safety assessment grants.** (a) For grants to school districts for training for
 3.28 members of safety assessment teams and oversight committees under Minnesota Statutes,
 3.29 section 121A.35:

3.30	<u>\$</u>	<u>300,000</u>	<u>.....</u>	<u>2020</u>
3.31	<u>\$</u>	<u>0</u>	<u>.....</u>	<u>2021</u>

4.1 (b) The commissioner and the director of the Minnesota School Safety Center are
4.2 encouraged to develop safety assessment training guidelines and provide school districts a
4.3 list of approved safety assessment training programs.

4.4 (c) Of these amounts, up to three percent is for administering the grant. The commissioner
4.5 may use the administration funds for developing model safety assessment policies,
4.6 procedures, and guidelines.

4.7 (d) This is a onetime appropriation. This appropriation is available until June 30, 2021.