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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3679

03/29/2016 Authored by Loon, Erickson, Bennett and Fenton
The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; requiring the publication of summary student disciplinary
1.3 data involving assaults on district employees; affirming teachers' interest in
1.4 receiving prior notice about students placed in their classroom who have a history
1.5 of violent behavior; affirming teachers' authority to manage student behavior in
1.6 their classrooms; establishing a state fund for district and school employees
1.7 harmed by student violence; appropriating money; amending Minnesota Statutes
1.8 2014, sections 121A.53; 121A.61, subdivision 1; 121A.64; 122A.42; proposing
1.9 coding for new law in Minnesota Statutes, chapter 121A.

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

1.11 Section 1. Minnesota Statutes 2014, section 121A.53, is amended to read:

1.12 **121A.53 REPORT TO COMMISSIONER OF EDUCATION.**

1.13 Subdivision 1. **Exclusions and expulsions; physical assaults.** The school board
1.14 must report through the department electronic reporting system each exclusion or
1.15 expulsion and each physical assault of a district employee by a student within 30 days
1.16 of the effective date of the dismissal action or assault to the commissioner of education.
1.17 This report must include a statement of alternative educational services, or other sanction,
1.18 intervention, or resolution in response to the assault given the pupil and the reason for,
1.19 the effective date, and the duration of the exclusion or expulsion or other sanction,
1.20 intervention, or resolution. The report must also include the student's age, grade, gender,
1.21 race, and special education status.

1.22 Subd. 2. **Report.** (a) The school board must include state student identification
1.23 numbers of affected pupils on all dismissal and other disciplinary reports required by the
1.24 department. The department must report annually to the commissioner summary data on the
1.25 number of dismissals and physical assaults of district employees by a student by age, grade,

2.1 gender, race, and special education status of the affected pupils. All dismissal and other
 2.2 disciplinary reports must be submitted through the department electronic reporting system.

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

2.6 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 2.7 later.

2.8 Sec. 2. **[121A.535] REPAYMENT FUND ESTABLISHED; VICTIMS OF**
 2.9 **SCHOOL VIOLENCE.**

2.10 A "Victims of School Violence" repayment fund is created for depositing money
 2.11 appropriated to or received by the commissioner for compensating teachers and other
 2.12 public school or school district employees who are reported victims of a physical assault by
 2.13 a student for the assault-related medical and legal costs the employee incurs for which other
 2.14 compensation is not available. Money deposited in the fund shall not revert to any state
 2.15 fund at the end of any fiscal year but remains in the "Victims of School Violence" repayment
 2.16 fund and is continuously available for victims of school violence under this section.

2.17 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 2.18 later.

2.19 Sec. 3. Minnesota Statutes 2014, section 121A.61, subdivision 1, is amended to read:

2.20 Subdivision 1. **Required policy.** Each school board must adopt a written
 2.21 districtwide school discipline policy which includes written rules of conduct for
 2.22 students, minimum consequences for violations of the rules, and grounds and procedures
 2.23 for removal of a student from class. The policy must be developed in consultation
 2.24 with administrators, teachers, employees, pupils, parents, community members, law
 2.25 enforcement agencies, county attorney offices, social service agencies, and such other
 2.26 individuals or organizations as the board determines appropriate. The policy must be
 2.27 consistent with a teacher's authority for controlling and managing student behavior in the
 2.28 classroom under section 122A.42. A school site council may adopt additional provisions
 2.29 to the policy subject to the approval of the school board.

2.30 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 2.31 later.

3.1 Sec. 4. Minnesota Statutes 2014, section 121A.64, is amended to read:

3.2 **121A.64 NOTIFICATION; TEACHERS' LEGITIMATE EDUCATIONAL**
 3.3 **INTEREST.**

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

3.8 (b) Representatives of the school board and the exclusive representative of the
 3.9 teachers shall discuss issues related to the model policy on student records adopted under
 3.10 Laws 1999, chapter 241, article 9, section 50, and any modifications adopted under Laws
 3.11 2003, First Special Session chapter 9, for notifying classroom teachers and other school
 3.12 district employees having a legitimate educational interest in knowing about students with
 3.13 a history of violent behavior, including any documented physical assault of a district
 3.14 employee by students placed in classrooms. The representatives of the school board and
 3.15 the exclusive representative of the teachers also may discuss the need for intervention
 3.16 services or conflict resolution or training for staff related to placing students with a history
 3.17 of violent behavior in teachers' classrooms.

3.18 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 3.19 later.

3.20 Sec. 5. Minnesota Statutes 2014, section 122A.42, is amended to read:

3.21 **122A.42 GENERAL CONTROL OF SCHOOLS.**

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

3.27 (b) Consistent with paragraph (a), the teacher may remove students from class under
 3.28 section 121A.61, subdivision 2, for violent or disruptive conduct or other misconduct.

3.29 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 3.30 later.

3.31 Sec. 6. **APPROPRIATION; "VICTIMS OF SCHOOL VIOLENCE"**
 3.32 **REPAYMENT FUND.**

4.1 (a) \$..... in fiscal year 2017 is appropriated from the general fund to the
4.2 commissioner of education for the "Victims of School Violence" repayment fund under
4.3 Minnesota Statutes, section 121A.535.

4.4 (b) The base appropriation is \$..... in fiscal year 2018 and later.

4.5 **EFFECTIVE DATE.** This section is effective beginning in fiscal year 2017.