

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1233

02/25/2015 Authored by Christensen, Erickson, Mariani, Moran and Murphy, M.,
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; modifying certain student discipline provisions; amending
1.3 Minnesota Statutes 2014, sections 121A.45, subdivision 3; 121A.46, by adding a
1.4 subdivision; 121A.53; 121A.55; 121A.575; 121A.61, subdivision 3; 121A.67, by
1.5 adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2014, section 121A.45, subdivision 3, is amended to read:

1.8 Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal
1.9 from school exceeds ten cumulative days in a school year, the school district shall make
1.10 reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian
1.11 before subsequently removing the pupil from school and, with the permission of the
1.12 parent or guardian, arrange for a mental health screening or initial special education
1.13 evaluation for the pupil. The district is not required to pay for the mental health screening,
1.14 but is required to pay for the special education evaluation when deemed necessary. The
1.15 purpose of this meeting is to attempt to determine the pupil's need for assessment or other
1.16 services or whether the parent or guardian should have the pupil assessed or diagnosed to
1.17 determine whether the pupil needs treatment for a mental health disorder.

1.18 Sec. 2. Minnesota Statutes 2014, section 121A.46, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 5. **Suspensions prohibited for young children.** School administrations shall
1.21 not suspend students in prekindergarten through grade 3. Alternatives to pupil suspension
1.22 under section 121A.575 shall be used.

Sec. 3. Minnesota Statutes 2014, section 121A.53, is amended to read:

121A.53 REPORT TO COMMISSIONER OF EDUCATION.

Subdivision 1. **Exclusions and expulsions.** The school board must report through the department electronic reporting system each exclusion ~~or~~, expulsion, and agreement of parents to withdraw a child from school as an alternative to expulsion within 30 days of the effective date of the action to the commissioner of education. This report must include a statement of alternative educational services given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status.

Subd. 2. **Report.** The school board must include state student identification numbers of affected pupils on all dismissal reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals, including early dismissals, by age, grade, gender, race, and special education status of the affected pupils. All dismissal reports must be submitted through the department electronic reporting system. The school board must also provide this summary data at the school level on the district Web site, except when doing so would unreasonably risk exposing student's personal identifiable information.

Sec. 4. Minnesota Statutes 2014, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems ~~and shall~~; avoid using suspension and expulsion from school as a consequence until alternatives have been tried under section 121A.575; be designed to address prevent students' inappropriate behavior from recurring; and include strategies to reengage the student in learning. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, ~~if the pupil wishes to take advantage of them~~, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

Sec. 5. Minnesota Statutes 2014, section 121A.575, is amended to read:

121A.575 ALTERNATIVES TO PUPIL SUSPENSION.

Notwithstanding any law to the contrary and in accordance with sections 121A.40 to 121A.56, after a school administration notifies a pupil of the grounds for suspension, the school administration may, instead of imposing the suspension, do one or more of the following:

~~(1) strongly encourage a parent or guardian of the pupil to attend school with the pupil for one day;~~

~~(2) assign the pupil to attend school on Saturday as supervised by the principal or the principal's designee; and~~

~~(3) petition the juvenile court that the student is in need of services under chapter 260C.~~

(1) implement an alternate restorative consequence such as restitution, community service, or circle of support;

(2) impose an in-school suspension;

(3) develop a positive behavior intervention plan based on a functional behavioral assessment; or

(4) coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program or 504 plan whose behavior may be addressed by crisis intervention.

Sec. 6. Minnesota Statutes 2014, section 121A.61, subdivision 3, is amended to read:

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

(a) rules governing student conduct and procedures for informing students of the rules;

(b) the grounds for removal of a student from a class;

(c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;

- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
- (f) provisions relating to the responsibility for and custody of a student removed from a class;
- (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
- (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
- (m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
- (n) the minimum consequences for violations of the code of conduct;
- (o) procedures for immediate and appropriate interventions tied to violations of the code;
- (p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws; and
- (q) an agreement regarding procedures to coordinate crisis services, including the use of mobile crisis response teams, to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention.

Sec. 7. Minnesota Statutes 2014, section 121A.67, is amended by adding a subdivision to read:

Subd. 3. Notification of parents. A school administrator must immediately contact the parent of any student who is removed from a classroom, school building, or school grounds by a peace officer.