

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3041

03/14/2016 Authored by Mariani, Moran, Bly and Fischer

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; affecting student inclusion and engagement; making  
1.3 nonexclusionary policies and practices a central focus of pupil discipline;  
1.4 appropriating money; amending Minnesota Statutes 2014, sections 120B.11,  
1.5 subdivision 1a; 120B.35, subdivision 3; 121A.41, by adding subdivisions;  
1.6 121A.42; 121A.45; 121A.46; 121A.47, subdivisions 2, 13, 14, by adding a  
1.7 subdivision; 121A.53; 121A.55; 121A.61; 121A.67, by adding a subdivision;  
1.8 123B.147, subdivision 3; Minnesota Statutes 2015 Supplement, sections  
1.9 122A.60, subdivision 1a; 124E.11.

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

1.11 Section 1. CITATION.

1.12 Sections 1 to 17 may be cited as "The Student Inclusion and Engagement Act."

1.13 Sec. 2. Minnesota Statutes 2014, section 120B.11, subdivision 1a, is amended to read:

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

1.16 (1) student performance on the National Assessment of Education Progress where  
1.17 applicable;

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

1.22 (3) student performance on the Minnesota Comprehensive Assessments;

1.23 (4) high school graduation rates; ~~and~~

1.24 (5) career and college readiness under section 120B.30, subdivision 1; and

1.25 (6) pupil dismissal and removal rates by student subgroup.

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

2.3 Sec. 3. Minnesota Statutes 2014, section 120B.35, subdivision 3, is amended to read:

2.4 Subd. 3. **State growth target; other state measures.** (a) The state's educational  
 2.5 assessment system measuring individual students' educational growth is based on  
 2.6 indicators of achievement growth that show an individual student's prior achievement.  
 2.7 Indicators of achievement and prior achievement must be based on highly reliable  
 2.8 statewide or districtwide assessments.

2.9 (b) The commissioner, in consultation with a stakeholder group that includes  
 2.10 assessment and evaluation directors, district staff, experts in culturally responsive teaching,  
 2.11 and researchers, must implement a model that uses a value-added growth indicator and  
 2.12 includes criteria for identifying schools and school districts that demonstrate medium and  
 2.13 high growth under section 120B.299, subdivisions 8 and 9, and may recommend other  
 2.14 value-added measures under section 120B.299, subdivision 3. The model may be used  
 2.15 to advance educators' professional development and replicate programs that succeed in  
 2.16 meeting students' diverse learning needs. Data on individual teachers generated under the  
 2.17 model are personnel data under section 13.43. The model must allow users to:

2.18 (1) report student growth consistent with this paragraph; and

2.19 (2) for all student categories, report and compare aggregated and disaggregated state  
 2.20 growth data using the ~~nine~~ student categories identified under the federal ~~2001 No Child~~  
 2.21 ~~Left Behind Act~~ and ~~two~~ student gender categories of male and female, respectively  
 2.22 2015 Every Student Succeeds Act, including racial and ethnic groups, economically  
 2.23 disadvantaged status, English proficiency status, gender, migrant status, homeless and  
 2.24 foster youth, and students with a parent in the military, following appropriate reporting  
 2.25 practices to protect nonpublic student data.

2.26 The commissioner must report measures of student growth, consistent with this  
 2.27 paragraph, including the English language development, academic progress, and oral  
 2.28 academic development of English learners and their native language development if the  
 2.29 native language is used as a language of instruction.

2.30 (c) When reporting student performance under section 120B.36, subdivision 1, the  
 2.31 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
 2.32 the extent to which current high school graduates are being prepared for postsecondary  
 2.33 academic and career opportunities:

2.34 (1) a preparation measure indicating the number and percentage of high school  
 2.35 graduates in the most recent school year who completed course work important to

3.1 preparing them for postsecondary academic and career opportunities, consistent with  
 3.2 the core academic subjects required for admission to Minnesota's public colleges and  
 3.3 universities as determined by the Office of Higher Education under chapter 136A; and

3.4 (2) a rigorous coursework measure indicating the number and percentage of high  
 3.5 school graduates in the most recent school year who successfully completed one or more  
 3.6 college-level advanced placement, international baccalaureate, postsecondary enrollment  
 3.7 options including concurrent enrollment, other rigorous courses of study under section  
 3.8 120B.021, subdivision 1a, or industry certification courses or programs.

3.9 When reporting the core measures under clauses (1) and (2), the commissioner must also  
 3.10 analyze and report separate categories of information using the ~~nine~~ student categories  
 3.11 identified under the federal ~~2001 No Child Left Behind Act~~ and two student gender  
 3.12 ~~categories of male and female, respectively~~ 2015 Every Student Succeeds Act, following  
 3.13 appropriate reporting practices to protect nonpublic student data.

3.14 (d) When reporting student performance under section 120B.36, subdivision 1, the  
 3.15 commissioner annually, beginning July 1, 2014, must report summary data on school  
 3.16 safety and students' engagement and connection at school. The summary data under this  
 3.17 paragraph are separate from and must not be used for any purpose related to measuring  
 3.18 or evaluating the performance of classroom teachers. The commissioner, in consultation  
 3.19 with qualified experts on student engagement and connection and classroom teachers,  
 3.20 must identify highly reliable variables that generate summary data under this paragraph.  
 3.21 The summary data may be used at school, district, and state levels only. Any data on  
 3.22 individuals received, collected, or created that are used to generate the summary data  
 3.23 under this paragraph are nonpublic data under section 13.02, subdivision 9.

3.24 (e) For purposes of statewide educational accountability, the commissioner must  
 3.25 identify and report measures that demonstrate the success of learning year program  
 3.26 providers under sections 123A.05 and 124D.68, among other such providers, in improving  
 3.27 students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually  
 3.28 report summary data on:

3.29 (1) the four- and six-year graduation rates of students under this paragraph;

3.30 (2) the percent of students under this paragraph whose progress and performance  
 3.31 levels are meeting career and college readiness benchmarks under section 120B.30,  
 3.32 subdivision 1; and

3.33 (3) the success that learning year program providers experience in:

3.34 (i) identifying at-risk and off-track student populations by grade;

3.35 (ii) providing successful prevention and intervention strategies for at-risk students;

4.1 (iii) providing successful recuperative and recovery or reenrollment strategies for  
4.2 off-track students; and

4.3 (iv) improving the graduation outcomes of at-risk and off-track students.

4.4 The commissioner may include in the annual report summary data on other education  
4.5 providers serving a majority of students eligible to participate in a learning year program.

4.6 (f) The commissioner, in consultation with recognized experts with knowledge and  
4.7 experience in assessing the language proficiency and academic performance of English  
4.8 learners, must identify and report appropriate and effective measures to improve current  
4.9 categories of language difficulty and assessments, and monitor and report data on students'  
4.10 English proficiency levels, program placement, and academic language development,  
4.11 including oral academic language.

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

4.14 Sec. 4. Minnesota Statutes 2014, section 121A.41, is amended by adding a subdivision  
4.15 to read:

4.16 **Subd. 12. Positive behavior interventions and support.** "Positive behavior  
4.17 interventions and support" has the meaning given in section 125A.0941, paragraph (d),  
4.18 and is consistent with section 125A.0942, subdivision 6.

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

4.21 Sec. 5. Minnesota Statutes 2014, section 121A.41, is amended by adding a subdivision  
4.22 to read:

4.23 **Subd. 13. Nonexclusionary disciplinary policies and practices; alternatives to**  
4.24 **pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices"  
4.25 means those policies and practices that are alternatives to removing a pupil from class  
4.26 or dismissing a pupil from school, including positive behavior interventions and support  
4.27 and alternative education services, which require school officials to intervene in, redirect,  
4.28 and support a pupil's behavior before removing a pupil from class or beginning dismissal  
4.29 proceedings. Nonexclusionary disciplinary policies and practices include those policies  
4.30 and practices under sections 121A.575, clause (1) or (2); 121A.031, subdivision 4,  
4.31 paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (q); 125A.0941; and  
4.32 125A.0942, subdivision 6, among other such related policies and practices.

5.1 Sec. 6. Minnesota Statutes 2014, section 121A.42, is amended to read:

5.2 **121A.42 POLICY.**

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

5.6 (b) School officials must use nonexclusionary disciplinary policies and practices,  
 5.7 including positive behavior interventions and support, and attempt to provide alternatives  
 5.8 under section 121A.575, clause (1) or (2), among other interventions and strategies, before  
 5.9 beginning dismissal proceedings and, to the extent practicable, must limit pupil dismissals,  
 5.10 consistent with section 121A.45, subdivision 1.

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

5.13 Sec. 7. Minnesota Statutes 2014, section 121A.45, is amended to read:

5.14 **121A.45 GROUNDS FOR DISMISSAL.**

5.15 Subdivision 1. ~~Provision of Providing alternative programs.~~ No school shall  
 5.16 dismiss any pupil without first attempting to use nonexclusionary disciplinary policies and  
 5.17 practices, including positive behavior interventions and support, and provide alternative  
 5.18 educational services interventions and strategies, including those under section 121A.575,  
 5.19 clause (1) or (2), before beginning dismissal proceedings, except where it appears that the  
 5.20 pupil will create an immediate and substantial danger to self or to surrounding persons or  
 5.21 property.

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

5.24 ~~(a) willful violation of any (1) willfully violating a reasonable school board~~  
 5.25 ~~regulation. Such regulation must be that is specific and sufficiently clear and definite to~~  
 5.26 ~~provide notice to notify pupils that they must to conform their conduct to its requirements~~  
 5.27 ~~and no school board regulation may include a "zero-tolerance" policy requiring a school~~  
 5.28 ~~official to automatically dismiss a pupil, except under clause (2); or~~

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

5.32 ~~(c) willful conduct that endangers the pupil or other pupils, or surrounding persons,~~  
 5.33 ~~including school district employees, or property of the school consistent with the Student~~  
 5.34 ~~Inclusion and Engagement Act.~~

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

6.4 Subd. 3. **Parent notification and meeting.** ~~If a pupil's total days of removal~~  
 6.5 ~~from school exceeds ten cumulative days in a school year, the school district shall~~ After  
 6.6 removing a pupil from a class under section 121A.61 or dismissing a pupil from school  
 6.7 under section 121A.41, subdivision 2, school officials must notify the pupil's parent or  
 6.8 guardian of the removal or dismissal and make reasonable attempts to convene a meeting  
 6.9 with the pupil and the pupil's parent or guardian before subsequently removing the pupil  
 6.10 from school and, with the permission of the parent or guardian, arrange for a mental health  
 6.11 screening for the pupil. The district is not required to pay for the mental health screening.  
 6.12 The purpose of this meeting is to develop a plan for using nonexclusionary practices,  
 6.13 including positive behavior interventions and support, and to attempt to determine the  
 6.14 pupil's need for assessment or other services or whether the parent or guardian should  
 6.15 have the pupil assessed or diagnosed to determine whether the pupil needs treatment for  
 6.16 a mental health disorder.

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

6.19 Sec. 8. Minnesota Statutes 2014, section 121A.46, is amended to read:

6.20 **121A.46 SUSPENSION PROCEDURES.**

6.21 Subdivision 1. **Informal Administrative conference before suspension.** (a)  
 6.22 The school administration shall not suspend a pupil from school without an ~~informal~~  
 6.23 administrative conference with the pupil. School officials must inform the pupil of the  
 6.24 pupil's right to have an adult advocate participate in the administrative conference and,  
 6.25 if the pupil informs a school official verbally or in writing that the pupil wants an adult  
 6.26 advocate to participate, school officials must make documented efforts to contact and  
 6.27 include that adult advocate in the administrative conference. All pupils through grade 5  
 6.28 and all pupils with disabilities must identify and have an adult advocate present at an  
 6.29 administrative conference. If the pupil is unable to identify an adult advocate, school  
 6.30 officials must assign an adult advocate that, to the extent practicable, the pupil trusts. The  
 6.31 ~~informal~~ administrative conference shall take place before the suspension, except where  
 6.32 it appears that the pupil will create an immediate and substantial danger to self or to  
 6.33 surrounding persons ~~or property~~, in which case the conference shall take place as soon  
 6.34 as practicable following the suspension.

7.1 (b) An adult advocate under paragraph (a) is a supportive person over age 18 who  
 7.2 helps the pupil subject to suspension understand the grounds for the suspension or other  
 7.3 discipline and secure the best interventions and strategies or other outcomes for the pupil  
 7.4 that are appropriate for meeting the pupil's needs.

7.5 Subd. 1a. **Nonexclusionary disciplinary policies and practices.** (a) To the extent  
 7.6 practicable, school officials must use nonexclusionary practices, including positive  
 7.7 behavior interventions and support, and attempt to provide alternative interventions and  
 7.8 strategies under section 121A.575, clause (1) or (2), among other interventions and  
 7.9 strategies, before suspending a pupil.

7.10 (b) A school superintendent annually must work with school administrators,  
 7.11 consistent with sections 122A.60 and 122A.61, to provide district educators with  
 7.12 professional development opportunities to acquire the knowledge and skills to use  
 7.13 nonexclusionary disciplinary policies and practices under section 121A.41, subdivision  
 7.14 13, and to use more serious forms of discipline involving dismissal only if the pupil's  
 7.15 conduct endangers the pupil or other pupils, or surrounding persons, including school  
 7.16 district employees.

7.17 Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the ~~informal~~  
 7.18 administrative conference, a school administrator shall notify the pupil of the grounds for  
 7.19 the suspension, ~~provide an explanation of and explain~~ the evidence the authorities have,  
 7.20 ~~and.~~ A school administrator must inform the pupil that the pupil ~~may~~ is not required to  
 7.21 present the pupil's version of the facts, and any testimony the pupil provides can be used  
 7.22 against the pupil in a subsequent court proceeding.

7.23 Subd. 3. **Written notice of grounds for suspension.** A written notice containing  
 7.24 the grounds for suspension, a brief statement of the facts, a description of the testimony,  
 7.25 documents indicating the nonexclusionary disciplinary policies and practices initially  
 7.26 used with the pupil, why school administrators are suspending the pupil, the length of  
 7.27 the suspension, a ~~readmission~~ re-engagement plan, and a copy of sections 121A.40 to  
 7.28 121A.56, shall be personally served upon the pupil at or before the time the suspension  
 7.29 is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of  
 7.30 the conference. The district shall make reasonable efforts to notify the parents of the  
 7.31 suspension by telephone or electronically as soon as possible following suspension. ~~In~~  
 7.32 ~~the event~~ If a pupil is suspended without an ~~informal~~ administrative conference on the  
 7.33 grounds that the pupil will create an immediate and substantial danger to surrounding  
 7.34 persons ~~or property~~, the written notice shall be served upon the pupil and the pupil's parent  
 7.35 or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

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

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

8.11 Subd. 5. **Minimum education services.** School officials must give each suspended  
8.12 pupil the opportunity to complete all school work assigned during the period of the pupil's  
8.13 suspension and to receive full credit for satisfactorily completing the assignments. The  
8.14 school principal or other person having administrative control of the school building  
8.15 or program must designate a district or school employee as a liaison to work with the  
8.16 pupil's teachers to allow the suspended pupil to receive timely course materials and other  
8.17 information, complete daily and weekly assignments, and receive teachers' feedback,  
8.18 and to otherwise interact with the pupil and the pupil's family to address concerns about  
8.19 the pupil and the school.

8.20 Subd. 6. **Re-engagement plan.** (a) Consistent with section 121A.55, each pupil who  
8.21 is suspended or transferred to an alternative learning program must have a re-engagement  
8.22 plan, developed in collaboration with the pupil's family, to the extent practicable, to  
8.23 re-engage and reconnect the pupil with the school and its learning opportunities and help  
8.24 the pupil avoid future suspensions or other discipline.

8.25 (b) The district must provide district educators with staff development opportunities  
8.26 under sections 122A.60 and 122A.61 to acquire the knowledge and skills to implement  
8.27 paragraph (a), consistent with subdivision 1a, paragraph (b).

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

8.30 Sec. 9. Minnesota Statutes 2014, section 121A.47, is amended by adding a subdivision  
8.31 to read:

8.32 Subd. 1a. **Nonexclusionary practices required first.** A school superintendent  
8.33 annually must work with school administrators, consistent with sections 122A.60 and  
8.34 122A.61 to: provide district educators with professional development opportunities to  
8.35 understand the significance, severity, and short- and long-term consequences of excluding

9.1 and expelling pupils, including the impact on pupils' learning and career and college  
 9.2 opportunities; initially use nonexclusionary disciplinary policies and practices under  
 9.3 section 121A.41, subdivision 13, including positive behavior interventions and support;  
 9.4 and use more serious forms of discipline, including exclusion and expulsion, only if the  
 9.5 pupil's conduct endangers the pupil or other pupils, or surrounding persons, including  
 9.6 school district employees.

9.7 Sec. 10. Minnesota Statutes 2014, section 121A.47, subdivision 2, is amended to read:

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

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

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

9.13 ~~(c)~~ (3) explain the rationale for excluding or expelling the pupil instead of imposing  
 9.14 nonexclusionary disciplinary practices under section 121A.41, subdivision 13, and the  
 9.15 term of the exclusion or expulsion;

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

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

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

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

9.21 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel,  
 9.22 at the hearing-, and have the district ~~shall~~ advise the pupil's parent or guardian that free  
 9.23 or low-cost legal assistance may be available and that a legal assistance resource list is  
 9.24 available from the ~~Department of Education~~ department;

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

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

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

9.28 Sec. 11. Minnesota Statutes 2014, section 121A.47, subdivision 13, is amended to read:

9.29 Subd. 13. **Basis of school board decision; opportunity for comment.** The  
 9.30 school board shall base its decision upon the recommendation of the hearing officer  
 9.31 or school board member or committee and shall render its decision at a meeting held  
 9.32 within five days after receiving the recommendation. The school board may provide the  
 9.33 parties with the opportunity to present exceptions and comments to the hearing officer's

10.1 recommendations provided that neither party presents any evidence not admitted at the  
 10.2 hearing. The decision by the school board must:

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

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

10.5 (3) explain the rationale for excluding or expelling the pupil instead of imposing  
 10.6 nonexclusionary disciplinary practices under section 121A.41, subdivision 13; and

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

10.10 Sec. 12. Minnesota Statutes 2014, section 121A.47, subdivision 14, is amended to read:

10.11 Subd. 14. ~~Admission or readmission~~ **Re-engagement plan.** (a) A school  
 10.12 administrator, after making efforts to the extent practicable to contact and solicit input  
 10.13 from the affected pupil's parent or guardian, and in consultation with the affected pupil's  
 10.14 teachers, shall prepare and enforce ~~an admission or readmission~~ a re-engagement plan  
 10.15 for any pupil who is excluded or expelled from school. The plan may include measures  
 10.16 to improve the pupil's behavior, including completing a character education program,  
 10.17 consistent with section 120B.232, subdivision 1, and require parental involvement in the  
 10.18 admission or readmission process, and may indicate the consequences to the pupil of not  
 10.19 improving the pupil's behavior must address and work to remedy the factors and other  
 10.20 circumstances leading to the pupil's exclusion or expulsion.

10.21 (b) ~~The definition of suspension under section 121A.41, subdivision 10, does~~  
 10.22 ~~not apply to a student's dismissal from school for one school day or less, except as~~  
 10.23 ~~provided under federal law for a student with a disability. Each suspension action may~~  
 10.24 exclusion and expulsion must include a readmission re-engagement plan. A readmission  
 10.25 re-engagement plan must be consistent with section 121A.46, subdivision 6, and provide,  
 10.26 where appropriate, alternative education services, which must not be used to extend the  
 10.27 student's pupil's current suspension dismissal period. Consistent with section 125A.091,  
 10.28 subdivision 5, a readmission re-engagement plan must not obligate a parent or guardian to  
 10.29 provide psychotropic drugs to their student pupil as a condition of readmission. School  
 10.30 officials must not use the refusal of a parent or guardian to consent to the administration  
 10.31 of psychotropic drugs to their student pupil or to consent to a psychiatric evaluation,  
 10.32 screening or examination of the student pupil as a ground, by itself, to prohibit the student  
 10.33 pupil from attending class or participating in a school-related activity, or as a basis of a  
 10.34 charge of child abuse, child neglect or medical or educational neglect.

11.1 (c) Districts and schools must provide teachers, school administrators, other licensed  
 11.2 professionals working with pupils, school board members, and school resources officers  
 11.3 with professional development opportunities to acquire and improve the knowledge and  
 11.4 skills needed to effectively provide positive behavior interventions and support, among  
 11.5 other nonexclusionary interventions and strategies used, and alternative educational  
 11.6 services.

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

11.9 Sec. 13. Minnesota Statutes 2014, section 121A.53, is amended to read:

11.10 **121A.53 REPORT TO COMMISSIONER OF EDUCATION.**

11.11 Subdivision 1. **Exclusions and expulsions.** (a) Consistent with subdivision 2, the  
 11.12 school board must report through use the department electronic reporting system to report  
 11.13 to the commissioner each exclusion or expulsion and each verbal or written agreement of a  
 11.14 parent or guardian to withdraw a pupil from the school or district instead of having the pupil  
 11.15 excluded or expelled within 30 days of the effective date of the action to the commissioner  
 11.16 of education. This report must include a statement of alternative educational services  
 11.17 given the pupil and the reason for, indicate the pupil's behavior being disciplined; the  
 11.18 positive behavior interventions and support, among other nonexclusionary interventions  
 11.19 and strategies used, and the attempts to provide the pupil with alternative education  
 11.20 services before excluding or expelling the pupil and explain why these interventions,  
 11.21 strategies, and services were inadequate; the effective date; of the action; and the duration  
 11.22 of the exclusion or expulsion. The report must also include the student's pupil's age, grade,  
 11.23 gender, race, and ethnicity, whether the pupil is homeless or highly mobile, whether the  
 11.24 pupil qualifies for a meal subsidy, whether a law enforcement agency or a school resource  
 11.25 officer participated in disciplining the pupil or a referral to a law enforcement agency or  
 11.26 school resource officer was made, and the special education status of the pupil.

11.27 (b) Consistent with the requirements of paragraph (a) and subdivision 2, the school  
 11.28 board also must report to the commissioner each removal of a pupil from class or dismissal  
 11.29 of a pupil from school.

11.30 Subd. 2. **Report to include both pupil dismissals from school and removals**  
 11.31 **from class; annual publication required.** (a) Consistent with the requirements under  
 11.32 subdivision 1, the school board must report the pupils removed from class and the  
 11.33 reason for and the date and length of the removal, and must include state student pupil  
 11.34 identification numbers of affected pupils on all state-required removal and dismissal

12.1 reports ~~required by the department~~. The department must report annually to the  
 12.2 commissioner summary data on the number of pupil removals and dismissals by age,  
 12.3 grade, gender, race, and ethnicity, whether the pupil is homeless or highly mobile, whether  
 12.4 the pupil qualifies for a meal subsidy, whether a law enforcement agency or a school  
 12.5 resource officer participated in disciplining the pupil or a referral to a law enforcement  
 12.6 agency or school resource officer was made, and special education status of the affected  
 12.7 pupils. The school board must submit all removal and dismissal reports ~~must be submitted~~  
 12.8 through the department electronic reporting system.

12.9 (b) The commissioner annually by October 31 must electronically publish on  
 12.10 the department Web site and otherwise make publicly available a longitudinal report  
 12.11 containing the summary data collected under this section. The commissioner must use  
 12.12 the summary data to compare and report the number of disciplinary incidents by type and  
 12.13 district in the three immediately preceding school years. Each school district must post on  
 12.14 its Web site at least that portion of the report concerning the district, ensuring the identity  
 12.15 of individual pupils is not ascertainable.

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

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

12.21 Sec. 14. Minnesota Statutes 2014, section 121A.55, is amended to read:

12.22 **121A.55 POLICIES TO BE ESTABLISHED.**

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

12.28 (1) avoid removing pupils from class or dismissing pupils from school before  
 12.29 attempting to use nonexclusionary programs, interventions, and strategies except where  
 12.30 the pupil's conduct endangers the pupil or other pupils, or surrounding persons, including  
 12.31 school district employees;

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

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

- 13.1 (4) engender positive pupil behavior;  
 13.2 (5) let pupils learn from and overcome their inappropriate behavior;  
 13.3 (6) give educators and other school officials discretion to determine appropriate  
 13.4 pupil discipline based on a pupil's individual capabilities and circumstances, consistent  
 13.5 with this act; and  
 13.6 (7) keep pupils in class and school in order to graduate from high school and become  
 13.7 career and college ready.

13.8 (b) The policies also shall recognize the continuing responsibility of the school for  
 13.9 the education of providing alternative education services to the pupil during the dismissal  
 13.10 period and during any prescribed period when a parent or guardian voluntarily agrees to  
 13.11 withdraw the pupil as an alternative to dismissal. The alternative educational services, if  
 13.12 the pupil wishes to take advantage of them, must be adequate to allow the pupil to make  
 13.13 progress towards meeting the graduation standards adopted under section 120B.02 and  
 13.14 help prepare the pupil for readmission and re-engagement. The school or district, in  
 13.15 collaboration with the affected parent or guardian to the extent practicable, must have a  
 13.16 re-engagement plan for each pupil subject to discipline who is dismissed or transferred  
 13.17 from and subsequently returns to the school or district.

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

13.22 ~~(e)~~ (d) Each school district shall develop a policy enter into a written memorandum  
 13.23 of understanding with its peace or school resource officers regarding the officers' role in  
 13.24 the school, and report it to the commissioner on the district's appropriate use of peace and  
 13.25 school officers and crisis teams to help with pupil discipline and to remove students pupils  
 13.26 who have an individualized education program from school grounds. The district also  
 13.27 must transmit to the commissioner a copy of its written memorandum of understanding.

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

13.30 Sec. 15. Minnesota Statutes 2014, section 121A.61, is amended to read:

13.31 **121A.61 DISCIPLINE AND REMOVAL OF STUDENTS PUPILS FROM**  
 13.32 **CLASS.**

13.33 Subdivision 1. **Required policy.** Each school board must adopt a written  
 13.34 districtwide school discipline policy which includes written rules of conduct for ~~students,~~

14.1 ~~minimum consequences for violations of the rules, pupils~~ and grounds and procedures for  
 14.2 ~~removal of removing a student pupil~~ from class. The board must develop the policy must  
 14.3 ~~be developed~~ in consultation with administrators, teachers, employees, pupils, parents,  
 14.4 community members, ~~law enforcement agencies, county attorney offices,~~ social service  
 14.5 agencies, and such other individuals or organizations as the board determines appropriate.  
 14.6 A school site council may adopt additional provisions to the policy subject to the approval  
 14.7 of the school board.

14.8 Subd. 2. **Grounds for removal from class.** The policy must establish the various  
 14.9 grounds for which a ~~student pupil~~ may be removed from a class in the district for a period  
 14.10 of time under the procedures specified in the policy and establish a protocol for notifying  
 14.11 the commissioner, consistent with section 121A.53. The policy must include a procedure  
 14.12 for notifying and meeting with a ~~student's pupil's~~ parent or guardian as soon as practicable  
 14.13 after a pupil is removed from class to discuss the problem that is causing the student to  
 14.14 be removed pupil's removal from class ~~after the student has been removed from class~~  
 14.15 ~~more than ten times in one school year~~ and to foster communication between the pupil's  
 14.16 family and the school to help the pupil remain in the classroom and succeed in school.  
 14.17 The grounds in the policy must ~~include at least the following provisions as well as other~~  
 14.18 ~~grounds determined appropriate by the board~~ address:

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

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

14.24 (c) (3) willful violation of any rule of conduct specified in the ~~discipline~~  
 14.25 board-adopted policy adopted by the board.

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

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

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

14.31 (c) (3) the authority of the classroom teacher to remove ~~students pupils~~ from the  
 14.32 classroom pursuant to under the procedures and rules established in the district's policy;

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

15.1 ~~(e)~~ (5) the period of time for which a ~~student~~ pupil may be removed from a class,  
 15.2 which ~~may~~ must not exceed ~~five~~ two class periods for a ~~violation of~~ violating a rule of  
 15.3 conduct;

15.4 ~~(f)~~ (6) provisions relating to the responsibility for and custody of a ~~student~~ pupil  
 15.5 removed from a class;

15.6 ~~(g)~~ (7) the procedures for ~~return of~~ a ~~student~~ pupil to ~~return to the~~ specified class  
 15.7 from which the ~~student has been~~ pupil was removed;

15.8 ~~(h)~~ (8) the procedures for notifying a ~~student~~ pupil and the ~~student's~~ pupil's parents  
 15.9 or guardian of violations of the rules of conduct ~~and of resulting in~~ disciplinary actions  
 15.10 and soliciting parents' participation in creating a plan to help the pupil remain in the  
 15.11 classroom and succeed in school;

15.12 ~~(i)~~ (9) any appropriate procedures ~~determined appropriate~~ for ~~encouraging early~~  
 15.13 ~~involvement of~~ involving parents or guardians in early attempts to improve a ~~student's~~  
 15.14 pupil's behavior;

15.15 ~~(j)~~ (10) any appropriate procedures ~~determined appropriate~~ for encouraging early  
 15.16 detection of behavioral problems;

15.17 ~~(k)~~ (11) any appropriate procedures ~~determined appropriate~~ for referring a ~~student~~  
 15.18 pupil in need of special education services to those services;

15.19 ~~(l)~~ (12) the procedures for ~~consideration of~~ considering whether ~~there is a need for a~~  
 15.20 to further assessment assess a pupil with a disability or ~~of whether there is a need for a~~  
 15.21 ~~review of the adequacy of~~ a current individualized education program of a ~~student~~ pupil  
 15.22 with a disability who is removed from class is adequate;

15.23 ~~(m)~~ (13) procedures for detecting and addressing chemical abuse problems of a  
 15.24 ~~student~~ pupil while on the school premises;

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

15.26 ~~(o)~~ (14) procedures for immediate and appropriate interventions tied to code  
 15.27 ~~violations of the code~~; and

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

15.31 ~~(q)~~ (15) an agreement ~~regarding~~ procedures to coordinate crisis services to the  
 15.32 extent funds are available with the county board responsible for implementing sections  
 15.33 245.487 to 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other  
 15.34 ~~students~~ pupils who have an individualized education program whose behavior may be  
 15.35 addressed by crisis intervention.

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

16.3 Sec. 16. Minnesota Statutes 2014, section 121A.67, is amended by adding a  
 16.4 subdivision to read:

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

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

16.10 Sec. 17. Minnesota Statutes 2015 Supplement, section 122A.60, subdivision 1a,  
 16.11 is amended to read:

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

16.14 (1) focus on the school classroom and nonexclusionary policies and practices  
 16.15 to keep students in the classroom and in school and on research-based strategies that  
 16.16 improve student learning;

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

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

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

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

16.25 (6) provide opportunities to build professional relationships, foster collaboration  
 16.26 among principals and staff who provide instruction, and provide opportunities for  
 16.27 teacher-to-teacher mentoring;

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

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

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

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

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

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

17.17 Sec. 18. Minnesota Statutes 2014, section 123B.147, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

18.11 (7) be linked to professional development that emphasizes improved teaching and  
 18.12 learning, curriculum and instruction, student learning, and a collaborative professional  
 18.13 culture; ~~and~~

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

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

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

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

18.24 Sec. 19. Minnesota Statutes 2015 Supplement, section 124E.11, is amended to read:

18.25 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

18.32 (b) A charter school shall enroll an eligible pupil who submits a timely application,  
 18.33 unless the number of applications exceeds the capacity of a program, class, grade level, or  
 18.34 building. In this case, pupils must be accepted by lot. The charter school must develop

19.1 and publish, including on its Web site, a lottery policy and process that it must use when  
19.2 accepting pupils by lot.

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

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

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

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

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

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

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

20.2 Sec. 20. **APPROPRIATION.**

20.3 (a) \$..... in fiscal year 2017 is appropriated from the general fund to the  
20.4 commissioner of education to provide technical assistance to, and help school districts with  
20.5 the professional development needed for, teachers, school administrators, other licensed  
20.6 school professionals, school board members, school resource officers, and other district  
20.7 staff to fully and effectively implement the Pupil Fair Dismissal Act under Minnesota  
20.8 Statutes, sections 121A.40 to 121A.56, and related pupil discipline law. The professional  
20.9 development must focus on creating a positive school culture, preventing and addressing  
20.10 pupil misconduct, complying with applicable pupil discipline laws and rules, using  
20.11 effective classroom management and problem-solving strategies and conflict resolution  
20.12 inside and outside the classroom, understanding the adverse consequence of dismissing  
20.13 pupils and involving them with the juvenile justice and adult criminal justice systems,  
20.14 and exploring alternative strategies such as restorative practices, peer mediation, positive  
20.15 behavioral intervention and support, culturally responsive discipline, and developmentally  
20.16 appropriate discipline that fosters positive, healthy, and productive school climates.

20.17 (b) The base for this program in fiscal year 2018 and later is \$.....

20.18 **EFFECTIVE DATE.** This section is effective for fiscal year 2017.