

**SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION**

S.F. No. 2411

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DATE	D-PG	OFFICIAL STATUS
03/06/2014	6000	Introduction and first reading Referred to Education
04/01/2014	7345	Author added Pratt

1.1 A bill for an act
1.2 relating to education; modifying state bullying policies; amending Minnesota
1.3 Statutes 2012, section 122A.60, subdivision 3; proposing coding for new law in
1.4 Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2012, section
1.5 121A.0695.

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

1.7 Section 1. [121A.031] SCHOOL BULLYING PROHIBITION POLICY.

1.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
1.9 section.

1.10 (b) "Bullying" means conduct that occurs in a school, on school district or charter
1.11 school premises, in a school bus or school vehicle owned or leased by a district or charter
1.12 school, or at any activity or event sanctioned or sponsored by a school or school district
1.13 and that:

1.14 (1) is so severe, pervasive, or objectively offensive that it substantially interferes
1.15 with the student's educational opportunities;

1.16 (2) places the student in actual and reasonable fear of harm;

1.17 (3) places the student in actual and reasonable fear of damage to property of the
1.18 student; or

1.19 (4) substantially disrupts the orderly operation of the school.

1.20 (c) "Conduct" includes the use of technology or other electronic media.

1.21 (d) "School" means a public school under section 120A.22, subdivision 4, or charter
1.22 school under section 124D.10.

1.23 Subd. 2. **Policy development.** (a) Before September 1, 2014, each school district
1.24 and charter school must adopt a policy providing that while at a school, on school district
1.25 or charter school premises, in a school bus or school vehicle owned or leased by a district

2.1 or charter school, or at any activity or event sanctioned or sponsored by a school or school
2.2 district, a student may not engage in bullying or engage in reprisal or retaliation against:

2.3 (1) a victim of bullying;

2.4 (2) an individual who witnesses an alleged act of bullying;

2.5 (3) an individual who reports an alleged act of bullying; or

2.6 (4) an individual who provides information about an alleged act of bullying.

2.7 (b) In developing the bullying prohibition policy required by this section, a school
2.8 district or charter school shall involve parents, school district or charter school employees,
2.9 volunteers, and students.

2.10 Subd. 3. **Policy requirements.** (a) The policy required by this section must:

2.11 (1) include a definition of bullying that at least encompasses the conduct described
2.12 in subdivision 1;

2.13 (2) establish procedures for reporting and documenting alleged acts of bullying,
2.14 reprisal, or retaliation;

2.15 (3) establish procedures, including timelines, for school district or charter school
2.16 personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

2.17 (4) protect information in an investigative report, consistent with section 13.32
2.18 and related law, and establish a schedule for retention and destruction of data related
2.19 to incidents of prohibited conduct, including expedited destruction of data related to
2.20 allegations of prohibited conduct determined to be without factual basis, and destruction
2.21 of all data gathered under this section when the student reaches the age of 18 or no longer
2.22 attends school, whichever is later;

2.23 (5) set forth the disciplinary measures applicable to an individual who engaged in
2.24 bullying or who engaged in reprisal or retaliation, as required in subdivision 2;

2.25 (6) require the notification of law enforcement personnel if an investigation by
2.26 school district or charter school personnel results in a reasonable suspicion that a crime
2.27 has occurred;

2.28 (7) establish strategies to protect a victim of bullying, reprisal, or retaliation;

2.29 (8) establish disciplinary measures to be imposed upon an individual who makes a
2.30 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation; and

2.31 (9) in accordance with federal and state law, require notifying the parent or legal
2.32 guardian of a student allegedly bullied and the parent or legal guardian of a student
2.33 allegedly bullying when school personnel receive a report of prohibited conduct,
2.34 throughout and upon completion of the investigation, and upon determining the course of
2.35 disciplinary action, if any.

3.1 (b) Each school district or charter school shall review and revise its policy as
 3.2 it determines necessary.

3.3 Subd. 4. **Policy dissemination.** A school shall ensure that the policy is explained to
 3.4 and discussed with its students and school personnel who have direct contact with students.
 3.5 The policy must be readily available, included in each school's student and personnel
 3.6 handbooks on school policies, and posted on the district or charter school's official Web site.
 3.7 Each school district or charter school shall provide information regarding the prevention of
 3.8 bullying to all volunteers and nonlicensed personnel who have direct contact with students.

3.9 Subd. 5. **Prevention programs.** Each school district or charter school shall provide
 3.10 bullying prevention programs to all students from kindergarten through grade 12.

3.11 Subd. 6. **Causes of action.** This section does not prevent a victim from seeking
 3.12 redress pursuant to any other applicable civil or criminal law. This section does not create
 3.13 or alter any civil cause of action for monetary damages against any person or school
 3.14 district, nor does this section constitute grounds for any claim or motion raised by either
 3.15 the state or a defendant in any proceedings.

3.16 Subd. 7. **Immunity.** (a) An individual who promptly, reasonably, and in good faith
 3.17 reports an incident of bullying, reprisal, or retaliation to the school district or charter
 3.18 school employee or official designated in the school bullying prohibition policy is immune
 3.19 from civil or criminal liability resulting from or relating to the report and the resulting
 3.20 proceedings.

3.21 (b) A school district or charter school and its employees and volunteers are immune
 3.22 from any liability that might otherwise be incurred as a result of a student having been
 3.23 the recipient of bullying if the school district or charter school implemented a bullying
 3.24 prohibition policy as required in this section and substantially complied with that policy.

3.25 Sec. 2. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

3.26 Subd. 3. **Staff development outcomes.** The advisory staff development committee
 3.27 must adopt a staff development plan for improving student achievement. The plan must
 3.28 be consistent with education outcomes that the school board determines. The plan
 3.29 must include ongoing staff development activities that contribute toward continuous
 3.30 improvement in achievement of the following goals:

3.31 (1) improve student achievement of state and local education standards in all areas
 3.32 of the curriculum by using best practices methods;

3.33 (2) effectively meet the needs of a diverse student population, including at-risk
 3.34 children, children with disabilities, and gifted children, within the regular classroom
 3.35 and other settings;

4.1 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse
4.2 student population that is consistent with the state education diversity rule and the district's
4.3 education diversity plan;

4.4 (4) improve staff collaboration and develop mentoring and peer coaching programs
4.5 for teachers new to the school or district;

4.6 (5) effectively teach and model violence prevention policy and curriculum that
4.7 address the school's bullying prohibition policy under section 121A.031, early intervention
4.8 alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;

4.9 (6) effectively deliver digital and blended learning and curriculum and engage
4.10 students with technology; and

4.11 (7) provide teachers and other members of site-based management teams with
4.12 appropriate management and financial management skills.

4.13 Sec. 3. **REPEALER.**

4.14 Minnesota Statutes 2012, section 121A.0695, is repealed for the 2014-2015 school
4.15 year and later.

121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.

Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.