

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 3863

(SENATE AUTHORS: KUNESH and Port)

DATE
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Introduction and first reading
Referred to Education Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; modifying student bullying policy provisions; amending
1.3 Minnesota Statutes 2020, section 121A.031, subdivision 4, by adding subdivisions.

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

1.5 Section 1. Minnesota Statutes 2020, section 121A.031, subdivision 4, is amended to read:

1.6 Subd. 4. **Local policy components.** (a) Each district and school policy implemented
1.7 under this section must, at a minimum:

1.8 (1) designate a staff member as the primary contact person in the school building to
1.9 receive reports of prohibited conduct under clause (3), ensure the policy and its procedures
1.10 including restorative practices, consequences, and sanctions are fairly and fully implemented,
1.11 and serve as the primary contact on policy and procedural matters implicating both the
1.12 district or school and the department;

1.13 (2) require school employees who witness prohibited conduct or possess reliable
1.14 information that would lead a reasonable person to suspect that a student is a target of
1.15 prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;

1.16 (3) provide a procedure to begin to investigate reports of prohibited conduct within three
1.17 school days of the report, and make the primary contact person responsible for the
1.18 investigation and any resulting record and for keeping and regulating access to any record;

1.19 (4) indicate how a school will respond to an identified incident of prohibited conduct,
1.20 including immediately intervening to protect the target of the prohibited conduct; at the
1.21 school administrator's discretion and consistent with state and federal data practices law
1.22 governing access to data, including section 13.02, subdivision 8, a presumption that a district

2.1 or school official will notify the parent of the reported target of the prohibited conduct and
2.2 the parent of the actor engaged in the prohibited conduct; providing other remedial responses
2.3 to the prohibited conduct; and ensuring that remedial responses are tailored to the particular
2.4 incident and nature of the conduct and the student's developmental age and behavioral
2.5 history;

2.6 (5) prohibit reprisals or retaliation against any person who asserts, alleges, or reports
2.7 prohibited conduct or provides information about such conduct and establish appropriate
2.8 consequences for a person who engages in reprisal or retaliation;

2.9 (6) allow anonymous reporting but do not rely solely on an anonymous report to
2.10 determine discipline;

2.11 (7) provide information about available community resources to the target, actor, and
2.12 other affected individuals, as appropriate;

2.13 (8) where appropriate for a child with a disability to prevent or respond to prohibited
2.14 conduct, allow the child's individualized education program or section 504 plan to address
2.15 the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;

2.16 (9) use new employee training materials, the school publication on school rules,
2.17 procedures, and standards of conduct, and the student handbook on school policies to
2.18 publicize the policy;

2.19 (10) require ongoing professional development, consistent with section 122A.60, to
2.20 build the skills of all school personnel who regularly interact with students, including but
2.21 not limited to educators, administrators, school counselors, social workers, psychologists,
2.22 other school mental health professionals, school nurses, cafeteria workers, custodians, bus
2.23 drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to identify,
2.24 prevent, and appropriately address prohibited conduct;

2.25 (11) allow the alleged actor in an investigation of prohibited conduct to present a defense;
2.26 and

2.27 (12) inform affected students and their parents of their rights under state and federal
2.28 data practices laws to obtain access to data related to the incident and their right to contest
2.29 the accuracy or completeness of the data.

2.30 (b) Professional development under a local policy includes, but is not limited to,
2.31 information about:

2.32 (1) developmentally appropriate strategies both to prevent and to immediately and
2.33 effectively intervene to stop prohibited conduct;

- 3.1 (2) the complex dynamics affecting an actor, target, and witnesses to prohibited conduct;
- 3.2 (3) research on prohibited conduct, including specific categories of students at risk for
- 3.3 prohibited conduct in school;
- 3.4 (4) the incidence and nature of cyberbullying; and
- 3.5 (5) Internet safety and cyberbullying.

3.6 (c) Each district and school under this subdivision must annually certify to the

3.7 commissioner of education that the bullying prevention policy implemented under this

3.8 section has been discussed with students, school personnel, and volunteers, consistent with

3.9 subdivision 3. Each district must also certify to the commissioner that it has implemented

3.10 and is following a three-year training cycle for all school personnel that includes discussion

3.11 of its bullying prevention policy. Consistent with section 127A.42, the commissioner may

3.12 reduce state aid for a failure to implement any portion of this section.

3.13 Sec. 2. Minnesota Statutes 2020, section 121A.031, is amended by adding a subdivision

3.14 to read:

3.15 Subd. 8. **Retaliation prohibited.** Consistent with the provisions of sections 181.931 to

3.16 181.937, an employer may not retaliate against a school employee for making a complaint

3.17 pursuant to this section or a policy adopted as required under subdivision 3.

3.18 Sec. 3. Minnesota Statutes 2020, section 121A.031, is amended by adding a subdivision

3.19 to read:

3.20 Subd. 9. **Civil penalty.** Failure to comply with this section shall result in a civil penalty

3.21 of \$5,000 per violation.