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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3388

02/17/2020 Authored by Youakim and Kunesh-Podein
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying provisions requiring a safe and supportive school
1.3 environment and student admission or readmission plan; amending Minnesota
1.4 Statutes 2018, sections 121A.031, subdivisions 5, 6; 121A.47, subdivision 14.

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

1.6 Section 1. Minnesota Statutes 2018, section 121A.031, subdivision 5, is amended to read:

1.7 Subd. 5. Safe and supportive schools programming. (a) Districts and schools are
1.8 encouraged to provide developmentally appropriate programmatic instruction to help students
1.9 identify, prevent, and reduce prohibited conduct; value diversity in school and society;
1.10 develop and improve students' knowledge and skills for solving problems, managing conflict,
1.11 engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;
1.12 and make effective prevention and intervention programs available to students. Upon request,
1.13 the school safety technical assistance center under section 127A.052 must assist a district
1.14 or school in helping students understand social media and cyberbullying. Districts and
1.15 schools must establish strategies for creating a positive school climate and use evidence-based
1.16 social-emotional learning to prevent and reduce discrimination and other improper conduct.

1.17 (b) Districts and schools are encouraged to must:

1.18 (1) engage all students in creating a safe and supportive school environment;

1.19 (2) partner with parents and other community members to develop and implement
1.20 prevention and intervention programs;

1.21 (3) engage all students and adults in integrating education, intervention, and other
1.22 remedial responses into the school environment;

2.1 (4) train student bystanders to intervene in and report incidents of prohibited conduct to
2.2 the school's primary contact person;

2.3 (5) teach students to advocate for themselves and others;

2.4 (6) prevent inappropriate referrals to special education of students who may engage in
2.5 prohibited conduct; and

2.6 (7) foster student collaborations that foster a safe and supportive school climate.

2.7 Sec. 2. Minnesota Statutes 2018, section 121A.031, subdivision 6, is amended to read:

2.8 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
2.9 commissioner of human rights, shall develop and maintain a state model policy. A district
2.10 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
2.11 implement and may supplement the provisions of the state model policy. The commissioner
2.12 must assist districts and schools under this subdivision to implement the state policy. The
2.13 state model policy must:

2.14 (1) define prohibited conduct, consistent with this section;

2.15 (2) apply the prohibited conduct policy components in this section;

2.16 (3) for a child with a disability, whenever an evaluation by an individualized education
2.17 program team or a section 504 team indicates that the child's disability affects the child's
2.18 social skills development or the child is vulnerable to prohibited conduct because of the
2.19 child's disability, the child's individualized education program or section 504 plan may
2.20 address the skills and proficiencies the child needs to not engage in and respond to such
2.21 conduct; and

2.22 (4) encourage violence prevention and character development education programs under
2.23 section 120B.232, subdivision 1.

2.24 (b) The commissioner shall develop and post departmental procedures for:

2.25 (1) periodically reviewing district and school programs and policies for compliance with
2.26 this section;

2.27 (2) investigating, reporting, and responding to noncompliance with this section, which
2.28 may include an annual review of plans to improve and provide a safe and supportive school
2.29 climate; and

2.30 (3) allowing students, parents, and educators to file a complaint about noncompliance
2.31 with the commissioner.

3.1 (c) The commissioner must post on the department's website information indicating that
 3.2 when districts and schools allow non-curriculum-related student groups access to school
 3.3 facilities, the district or school must give all student groups equal access to the school
 3.4 facilities regardless of the content of the group members' speech.

3.5 (d) The commissioner must develop and maintain resources to assist a district or school
 3.6 in implementing strategies for creating a positive school climate and using evidence-based
 3.7 social-emotional learning to prevent and reduce discrimination and other improper conduct.

3.8 (e) The commissioner must develop and adopt state level standards for social, emotional,
 3.9 and cognitive development.

3.10 Sec. 3. Minnesota Statutes 2018, section 121A.47, subdivision 14, is amended to read:

3.11 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
 3.12 and enforce an admission or readmission plan for any pupil who is excluded or expelled
 3.13 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
 3.14 which may include completing a character education program, consistent with section
 3.15 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
 3.16 mental health services, referrals for special education or 504 evaluation, and evidence-based
 3.17 academic interventions. The plan must require parental involvement in the admission or
 3.18 readmission process, and may indicate the consequences to the pupil of not improving the
 3.19 pupil's behavior.

3.20 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
 3.21 to a student's dismissal from school for less than one school day ~~or less~~, except as provided
 3.22 under federal law for a student with a disability. Each suspension action may include a
 3.23 readmission plan. A readmission plan must provide, where appropriate, alternative education
 3.24 services, which must not be used to extend the student's current suspension period. Consistent
 3.25 with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or
 3.26 guardian to provide psychotropic drugs to their student as a condition of readmission. School
 3.27 officials must not use the refusal of a parent or guardian to consent to the administration of
 3.28 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
 3.29 examination of the student as a ground, by itself, to prohibit the student from attending class
 3.30 or participating in a school-related activity, or as a basis of a charge of child abuse, child
 3.31 neglect or medical or educational neglect.

3.32 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.