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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3370**

03/05/2018 Authored by Franke, Jurgens, Hilstrom, Ugem, Loon and others
The bill was read for the first time and referred to the Committee on Education Innovation Policy
03/14/2018 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to education; requiring threat assessment teams and oversight committees;
1.3 providing access to criminal history records and health records; allowing
1.4 educational data sharing with school threat assessment teams; appropriating money;
1.5 amending Minnesota Statutes 2016, section 13.32, subdivision 3; proposing coding
1.6 for new law in Minnesota Statutes, chapter 121A.

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

1.8 Section 1. Minnesota Statutes 2016, section 13.32, subdivision 3, is amended to read:

1.9 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
1.10 5, educational data is private data on individuals and shall not be disclosed except as follows:

1.11 (a) pursuant to section 13.05;

1.12 (b) pursuant to a valid court order;

1.13 (c) pursuant to a statute specifically authorizing access to the private data;

1.14 (d) to disclose information in health, including mental health, and safety emergencies
1.15 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
1.16 of Federal Regulations, title 34, section 99.36;

1.17 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
1.18 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
1.19 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

1.20 (f) to appropriate health authorities to the extent necessary to administer immunization
1.21 programs and for bona fide epidemiologic investigations which the commissioner of health
1.22 determines are necessary to prevent disease or disability to individuals in the public
1.23 educational agency or institution in which the investigation is being conducted;

2.1 (g) when disclosure is required for institutions that participate in a program under title
2.2 IV of the Higher Education Act, United States Code, title 20, section 1092;

2.3 (h) to the appropriate school district officials to the extent necessary under subdivision
2.4 6, annually to indicate the extent and content of remedial instruction, including the results
2.5 of assessment testing and academic performance at a postsecondary institution during the
2.6 previous academic year by a student who graduated from a Minnesota school district within
2.7 two years before receiving the remedial instruction;

2.8 (i) to appropriate authorities as provided in United States Code, title 20, section
2.9 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
2.10 system to effectively serve, prior to adjudication, the student whose records are released;
2.11 provided that the authorities to whom the data are released submit a written request for the
2.12 data that certifies that the data will not be disclosed to any other person except as authorized
2.13 by law without the written consent of the parent of the student and the request and a record
2.14 of the release are maintained in the student's file;

2.15 (j) to volunteers who are determined to have a legitimate educational interest in the data
2.16 and who are conducting activities and events sponsored by or endorsed by the educational
2.17 agency or institution for students or former students;

2.18 (k) to provide student recruiting information, from educational data held by colleges
2.19 and universities, as required by and subject to Code of Federal Regulations, title 32, section
2.20 216;

2.21 (l) to the juvenile justice system if information about the behavior of a student who poses
2.22 a risk of harm is reasonably necessary to protect the health or safety of the student or other
2.23 individuals;

2.24 (m) with respect to Social Security numbers of students in the adult basic education
2.25 system, to Minnesota State Colleges and Universities and the Department of Employment
2.26 and Economic Development for the purpose and in the manner described in section 124D.52,
2.27 subdivision 7;

2.28 (n) to the commissioner of education for purposes of an assessment or investigation of
2.29 a report of alleged maltreatment of a student as mandated by section 626.556. Upon request
2.30 by the commissioner of education, data that are relevant to a report of maltreatment and are
2.31 from charter school and school district investigations of alleged maltreatment of a student
2.32 must be disclosed to the commissioner, including, but not limited to, the following:

2.33 (1) information regarding the student alleged to have been maltreated;

3.1 (2) information regarding student and employee witnesses;

3.2 (3) information regarding the alleged perpetrator; and

3.3 (4) what corrective or protective action was taken, if any, by the school facility in response
3.4 to a report of maltreatment by an employee or agent of the school or school district;

3.5 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
3.6 of a crime of violence or nonforcible sex offense to the extent authorized under United
3.7 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
3.8 34, sections 99.31 (a)(13) and (14);

3.9 (p) when the disclosure is information provided to the institution under United States
3.10 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
3.11 under United States Code, title 20, section 1232g(b)(7); ~~or~~

3.12 (q) when the disclosure is to a parent of a student at an institution of postsecondary
3.13 education regarding the student's violation of any federal, state, or local law or of any rule
3.14 or policy of the institution, governing the use or possession of alcohol or of a controlled
3.15 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
3.16 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
3.17 has an information release form signed by the student authorizing disclosure to a parent.
3.18 The institution must notify parents and students about the purpose and availability of the
3.19 information release forms. At a minimum, the institution must distribute the information
3.20 release forms at parent and student orientation meetings; or

3.21 (r) to a member of a school threat assessment team under section 121A.0351.

3.22 Sec. 2. **[121A.0351] SCHOOL THREAT ASSESSMENT TEAM AND OVERSIGHT**
3.23 **COMMITTEE.**

3.24 Subdivision 1. School threat assessment team; membership. A school district must
3.25 establish a threat assessment team for every school within the district. One threat assessment
3.26 team may serve one or more schools as determined by the school district. The threat
3.27 assessment team membership must include individuals with expertise in counseling, mental
3.28 health, kindergarten through grade 12 instruction, school administration, and law
3.29 enforcement. The membership may include the juvenile prosecutor whose jurisdiction
3.30 includes the area within the school district.

3.31 Subd. 2. Threat assessment team; duties. (a) The threat assessment team is responsible
3.32 for the assessment of and intervention with individuals whose behavior may pose a threat

4.1 to the safety of school staff or students. The team must establish a process for referrals to
4.2 community services or health care providers for evaluation or treatment, where appropriate.

4.3 (b) A threat assessment team must:

4.4 (1) provide guidance to students, faculty, and staff regarding recognition of threatening
4.5 or aberrant behavior that may represent a threat to the community, school, or self;

4.6 (2) identify members of the school community to whom threatening behavior should be
4.7 reported; and

4.8 (3) implement threat assessment policies adopted by the school board.

4.9 Subd. 3. **Report to superintendent; records.** (a) Upon a preliminary determination that
4.10 an individual poses a threat of violence or physical harm to self or others, a threat assessment
4.11 team shall immediately report its determination to the superintendent or the superintendent's
4.12 designee. The superintendent or the superintendent's designee shall immediately attempt to
4.13 notify the individual's parent or guardian. Upon a preliminary determination by the threat
4.14 assessment team that an individual poses a threat of violence to self or others or exhibits
4.15 significantly disruptive behavior or need for assistance, the team may obtain criminal history
4.16 record information and health records. Health records are limited to those records retained
4.17 by the school or school district. A member of the threat assessment team must not disclose
4.18 any criminal history record information or health information obtained pursuant to this
4.19 section or use any record of an individual beyond the purpose for which the disclosure was
4.20 made to the threat assessment team.

4.21 (b) Nothing in this subdivision shall preclude school personnel from acting immediately
4.22 to address an imminent threat. A school threat assessment team must annually report summary
4.23 data on its activities to the superintendent.

4.24 Subd. 4. **Oversight committee; membership.** The school district may establish a
4.25 committee charged with oversight of the threat assessment teams within the district.
4.26 Membership of the oversight committee must include individuals with expertise in human
4.27 resources, education, school administration, mental health, and law enforcement.

4.28 Sec. 3. **APPROPRIATION.**

4.29 \$850,000 in fiscal year 2019 is appropriated from the general fund to the commissioner
4.30 of education for threat assessment teams and oversight committees under Minnesota Statutes,
4.31 section 121A.0351.