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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3884

03/15/2018 Authored by Theis, Christensen, Slocum and Moran 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; providing a complaint procedure for certain pupil dismissals;
1.3 amending Minnesota Statutes 2016, section 121A.46, by adding a subdivision.

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

1.5 Section 1. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
1.6 to read:

1.7 Subd. 5. Complaint procedure. A party to a suspension under this section may file a
1.8 signed written complaint with the commissioner alleging that the requirements of sections
1.9 121A.40 to 121A.56 have not been met. Upon receiving a signed, written complaint, the
1.10 commissioner must, at the commissioner's discretion, conduct an independent investigation.
1.11 The complainant shall have an opportunity to submit additional information to the
1.12 commissioner, and the school board shall have an opportunity to respond to the complaint.
1.13 The commissioner must review all relevant information and make an independent
1.14 determination as to whether the school board or school is violating or has violated a
1.15 requirement of sections 121A.40 to 121A.56. Within 30 days of receiving the complaint,
1.16 the commissioner must issue a written decision to the complainant that addresses each
1.17 allegation in the complaint and contains findings of fact and conclusions. If the commissioner
1.18 finds that the school board or school failed to meet the requirements of sections 121A.40
1.19 to 121A.56, the commissioner shall order corrective action that may include compensatory
1.20 education for the pupil or training for school staff, if appropriate. Complaints must allege
1.21 a violation that occurred not more than 180 days prior to the date that the complaint is
1.22 received. The party filing the complaint must forward a copy of the complaint to the school
1.23 or school board.