

State of Minnesota

H. F. No. **4439**

2.1 district that enrolls students equals \$7.50 times the district's adjusted pupil units for the
2.2 school year.

2.3 (c) For fiscal year 2020 and later, the initial safe schools revenue for a school district
2.4 equals the greater of \$72 times the district's adjusted pupil units for the school year, or
2.5 \$30,000.

2.6 (d) For fiscal year 2020 and later, the cooperative safe schools revenue for a school
2.7 district that is a member of an intermediate school district equals \$30 times the district's
2.8 adjusted pupil units for the school year. For fiscal year 2020 and later, the cooperative safe
2.9 schools revenue for a school district that is a member of a cooperative unit other than an
2.10 intermediate district that enrolls students equals \$15 times the district's adjusted pupil units
2.11 for the school year. Revenue raised under this paragraph and paragraph (b) must be
2.12 transferred to the intermediate school district or other cooperative unit of which the district
2.13 is a member and used only for costs associated with safe schools activities authorized under
2.14 subdivision 5, paragraph (a), clauses (1) to (9). If the district is a member of more than one
2.15 cooperative unit that enrolls students, the revenue must be allocated among the cooperative
2.16 units.

2.17 (e) For fiscal year 2019 and later, the safe schools revenue for a school district equals
2.18 the sum of the district's initial safe schools revenue and the district's cooperative safe schools
2.19 revenue.

2.20 Subd. 2. **Safe schools levy.** (a) For fiscal year 2019 only, a district's safe schools levy
2.21 equals \$36 times the district's adjusted pupil units for the school year.

2.22 (b) For fiscal year 2019 only, the safe schools levy for a school district that is a member
2.23 of an intermediate school district is increased by an amount equal to \$15 times the district's
2.24 adjusted pupil units for the school year.

2.25 (c) To obtain safe schools revenue for fiscal year 2020 and later, a district may levy an
2.26 amount not more than the product of its safe schools revenue for the fiscal year times the
2.27 lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the safe
2.28 schools equalizing factor. The safe schools equalizing factor equals 60 percent of the state
2.29 average net tax capacity per adjusted pupil unit for all school districts.

2.30 Subd. 3. **Safe schools aid.** For fiscal year 2019, a district's safe schools aid equals its
2.31 safe schools revenue minus its safe schools levy. For fiscal year 2020 and later, a district's
2.32 safe schools aid equals its safe schools revenue minus its safe schools levy, times the ratio
2.33 of the actual amount levied to the permitted levy.

3.1 Subd. 4. Safe schools revenue for a charter school. (a) For fiscal year 2019, safe
3.2 schools revenue for a charter school equals \$18 times the adjusted pupil units for the school
3.3 year. For fiscal year 2020 and later, safe schools revenue for a charter school equals \$36
3.4 times the adjusted pupil units for the school year.

3.5 (b) The revenue must be reserved and used only for costs associated with safe schools
3.6 activities authorized under subdivision 5, paragraph (a), clauses (1) to (9), or for building
3.7 lease expenses not funded by charter school building lease aid that are attributable to facility
3.8 security enhancements made by the landlord after March 1, 2018.

3.9 Subd. 5. Uses of safe schools revenue. (a) ~~The proceeds of the levy~~ revenue must be
3.10 reserved and used for directly funding the following purposes or for reimbursing the cities
3.11 and counties who contract with the district for the following purposes:

3.12 (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace
3.13 officers and sheriffs for liaison in services in the district's schools;

3.14 (2) to pay the costs for a drug abuse prevention program as defined in section 609.101,
3.15 subdivision 3, paragraph (e), in the elementary schools;

3.16 (3) to pay the costs for a gang resistance education training curriculum in the district's
3.17 schools;

3.18 (4) to pay the costs for security in the district's schools and on school property;

3.19 (5) to pay the costs for other crime prevention, drug abuse, student and staff safety,
3.20 voluntary opt-in suicide prevention tools, and violence prevention measures taken by the
3.21 school district;

3.22 (6) to pay costs for licensed school counselors, licensed school nurses, licensed school
3.23 social workers, licensed school psychologists, and licensed alcohol and chemical dependency
3.24 counselors to help provide early responses to problems;

3.25 (7) to pay for facility security enhancements including laminated glass, public
3.26 announcement systems, emergency communications devices, and equipment and facility
3.27 modifications related to violence prevention and facility security;

3.28 (8) to pay for costs associated with improving the school climate; ~~or~~

3.29 (9) to pay costs for colocating and collaborating with mental health professionals who
3.30 are not district employees or contractors; or

(10) by board resolution, to transfer money into the debt redemption fund to pay the amounts needed to meet, when due, principal and interest payments on obligations issued under sections 123B.61 and 123B.62 for purposes included in clause (7).

(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

~~(c) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed \$15 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district.~~

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2019 and later.

Sec. 2. **APPROPRIATION.**

Subdivision 1. Department of Education. The sum indicated in this section is appropriated from the general fund to the Department of Education for the fiscal year designated.

Subd. 2. Safe schools revenue. For safe schools revenue under Minnesota Statutes, section 126C.44, subdivision 1:

§ 19,814,000 2019

ARTICLE 2

PUPIL DISCIPLINE

Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under

sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections 121A.40 to 121A.56. The transmitted records must include any school threat assessment records, including services a pupil needs to prevent the inappropriate behavior from recurring.

The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 2. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal. "Nonexclusionary disciplinary policies and practices" means

policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavioral interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title I services or reading interventions, and alternative education services.

Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 121A.031, subdivision 4, paragraph (a), clause (1); 121A.55; 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (q); and 122A.627, clause (3).

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 3. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 13. School threat assessment. "School threat assessment" means a fact-based process using an integrated team approach that helps schools evaluate and assess potentially threatening pupils or situations. The threat assessment results will address whether there is sufficient information to determine whether or not a pupil poses a threat and services needed to address a pupil's underlying issues, which may include counseling, social work services, evidence-based academic and positive behavioral interventions and supports, mental health services, and referrals for special education or 504 evaluations.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 4. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 14. Pupil withdrawal agreement. "Pupil withdrawal agreement" means a verbal or written agreement between a school or district administrator and a pupil's parent or guardian to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement may be no longer than 12 months.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

7.1 Sec. 5. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

7.2 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
7.3 without attempting to ~~provide alternative educational services~~ use nonexclusionary
7.4 disciplinary policies and practices before dismissal proceedings or a pupil withdrawal
7.5 agreement, except where it appears that the pupil will create an immediate and substantial
7.6 danger to self or to surrounding persons or property.

7.7 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

7.8 Sec. 6. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to
7.9 read:

7.10 Subd. 5. **Suspensions exceeding five consecutive school days.** The school administrator
7.11 must ensure that when a pupil is suspended for more than five consecutive school days,
7.12 alternative education services are provided.

7.13 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

7.14 Sec. 7. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to
7.15 read:

7.16 Subd. 6. **Minimum education services.** School officials must give a suspended pupil
7.17 the opportunity to complete all school work assigned during the pupil's suspension and to
7.18 receive full credit for satisfactorily completing the assignments. The school principal or
7.19 other person having administrative control of the school building or program is encouraged
7.20 to designate a district or school employee as a liaison to work with the pupil's teachers to
7.21 allow the suspended pupil to: (1) receive timely course materials and other information;
7.22 and (2) complete daily and weekly assignments and receive teachers' feedback.

7.23 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

7.24 Sec. 8. Minnesota Statutes 2016, section 121A.47, is amended by adding a subdivision to
7.25 read:

7.26 Subd. 1a. **Threat assessment requirement.** Prior to providing notice of expulsion or
7.27 exclusion under subdivision 2 or accepting a pupil withdrawal agreement, the school's
7.28 integrated threat assessment team must conduct a school threat assessment of the pupil
7.29 consistent with section 121A.41, subdivision 13. The assessment must address the pupil's
7.30 underlying issues that led to the expulsion, exclusion, or pupil withdrawal agreement in
7.31 order to prevent behaviors from recurring.

8.1 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

8.2 Sec. 9. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

8.3 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

8.4 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

8.5 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses, excluding student
8.6 witnesses, and a description of their testimony;

8.7 ~~(c)~~ (3) state the date, time, and place of the hearing;

8.8 ~~(d)~~ (4) be accompanied by a copy of sections 121A.40 to 121A.56;

8.9 ~~(e)~~ (5) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies
8.10 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

8.11 ~~(f)~~ (6) inform the pupil and parent or guardian of the right to:

8.12 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
8.13 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
8.14 legal assistance may be available and that a legal assistance resource list is available from
8.15 the Department of Education and is posted on the department's Web site;

8.16 ~~(2)~~ (ii) examine the pupil's records before the hearing;

8.17 ~~(3)~~ (iii) present evidence; and

8.18 ~~(4)~~ (iv) confront and cross-examine witnesses.

8.19 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

8.20 Sec. 10. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

8.21 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
8.22 and enforce an admission or readmission plan for any pupil who is excluded or expelled
8.23 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
8.24 which may include completing a character education program, consistent with section
8.25 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
8.26 mental health services, referrals for special education or 504 evaluation, and evidence-based
8.27 academic interventions. The plan must require parental involvement in the admission or
8.28 readmission process, and may indicate the consequences to the pupil of not improving the
8.29 pupil's behavior.

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

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 11. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.** Consistent with subdivision 2, the school board must report to the commissioner of education through the department electronic reporting system each exclusion or expulsion ~~and~~ each physical assault of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault ~~to the commissioner of education~~. This report must include a statement of ~~alternative educational services~~ nonexclusionary disciplinary policies and practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 12. Minnesota Statutes 2016, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of

10.1 problems ~~and shall~~. The policies must be designed to address students' inappropriate behavior
10.2 from recurring.

10.3 (b) The policies shall recognize the continuing responsibility of the school for the
10.4 education of the pupil during the dismissal period. The school is responsible for ensuring
10.5 that the alternative educational services, if to be provided to the pupil wishes to take
10.6 advantage of them, must be are adequate to allow the pupil to make progress towards meeting
10.7 the graduation standards adopted under section 120B.02 ~~and~~, help prepare the pupil for
10.8 readmission, and are consistent with section 121A.46, subdivision 6.

10.9 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as
10.10 defined in section 121A.41, subdivision 14:

10.11 (1) the school district's continuing responsibility includes reviewing the pupil's school
10.12 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
10.13 the pupil's peers. School districts must communicate on a regular basis with the pupil's
10.14 parent or guardian to ensure the pupil is completing the work assigned through the alternative
10.15 educational services;

10.16 (2) if school-based mental health services are provided in the district under section
10.17 245.4889, pupils must continue to be eligible for those services until they are enrolled in a
10.18 new district; and

10.19 (3) the school district must provide to the pupil's parent or guardian a list of mental
10.20 health and counseling services available to the pupil after expulsion. The list must also be
10.21 posted on the district's Web site.

10.22 ~~(b)~~ (d) An area learning center under section 123A.05 may not prohibit an expelled or
10.23 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
10.24 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
10.25 exclude a pupil or to require an admission plan.

10.26 ~~(e)~~ (e) Each school district shall develop a policy and report it to the commissioner on
10.27 the appropriate use of peace officers and crisis teams to remove students who have an
10.28 individualized education program from school grounds.

10.29 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

11.1 **ARTICLE 3**

11.2 **SCHOOL-LINKED MENTAL HEALTH GRANTS**

11.3 Section 1. Minnesota Statutes 2017 Supplement, section 245.4889, subdivision 1, is
11.4 amended to read:

11.5 Subdivision 1. **Establishment and authority.** (a) The commissioner is authorized to
11.6 make grants from available appropriations to assist:

11.7 (1) counties;

11.8 (2) Indian tribes;

11.9 (3) children's collaboratives under section 124D.23 or 245.493; or

11.10 (4) mental health service providers.

11.11 (b) The following services are eligible for grants under this section:

11.12 (1) services to children with emotional disturbances as defined in section 245.4871,
11.13 subdivision 15, and their families;

11.14 (2) transition services under section 245.4875, subdivision 8, for young adults under
11.15 age 21 and their families;

11.16 (3) respite care services for children with severe emotional disturbances who are at risk
11.17 of out-of-home placement;

11.18 (4) children's mental health crisis services;

11.19 (5) mental health services for people from cultural and ethnic minorities;

11.20 (6) children's mental health screening and follow-up diagnostic assessment and treatment;

11.21 (7) services to promote and develop the capacity of providers to use evidence-based
11.22 practices in providing children's mental health services;

11.23 (8) school-linked mental health services, including transportation for children receiving
11.24 school-linked mental health services when school is not in session;

11.25 (9) building evidence-based mental health intervention capacity for children birth to age
11.26 five;

11.27 (10) suicide prevention and counseling services that use text messaging statewide;

11.28 (11) mental health first aid training;

12.1 (12) training for parents, collaborative partners, and mental health providers on the
12.2 impact of adverse childhood experiences and trauma and development of an interactive
12.3 Web site to share information and strategies to promote resilience and prevent trauma;

12.4 (13) transition age services to develop or expand mental health treatment and supports
12.5 for adolescents and young adults 26 years of age or younger;

12.6 (14) early childhood mental health consultation;

12.7 (15) evidence-based interventions for youth at risk of developing or experiencing a first
12.8 episode of psychosis, and a public awareness campaign on the signs and symptoms of
12.9 psychosis;

12.10 (16) psychiatric consultation for primary care practitioners; and

12.11 (17) providers to begin operations and meet program requirements when establishing a
12.12 new children's mental health program. These may be start-up grants.

12.13 (c) Services under paragraph (b) must be designed to help each child to function and
12.14 remain with the child's family in the community and delivered consistent with the child's
12.15 treatment plan. Transition services to eligible young adults under this paragraph must be
12.16 designed to foster independent living in the community.

12.17 (d) Grantees shall obtain all available third-party reimbursement sources as a condition
12.18 of receiving grant funds when applicable.

12.19 Sec. 2. Minnesota Statutes 2016, section 245.4889, is amended by adding a subdivision
12.20 to read:

12.21 Subd. 1a. **School-linked mental health grants.** (a) An eligible applicant for school-linked
12.22 mental health grants under subdivision 1, paragraph (b), clause (8), is an entity that is:

12.23 (1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;

12.24 (2) a community mental health center under section 256B.0625, subdivision 5;

12.25 (3) an Indian health service facility or facility owned and operated by a tribe or tribal
12.26 organization operating under United States Code, title 25, section 5321;

12.27 (4) a provider of children's therapeutic services and supports as defined in section
12.28 256B.0943; or

12.29 (5) enrolled in medical assistance as a mental health or substance use disorder provider
12.30 agency and employs at least two full-time equivalent mental health professionals as defined
12.31 in section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors

13.1 licensed or exempt from licensure under chapter 148F who are qualified to provide clinical
13.2 services to children and families.

13.3 (b) The commissioner shall consult with school districts when selecting school-linked
13.4 mental health grantees and shall ensure access to school-linked mental health services in
13.5 both urban and rural areas.

13.6 Sec. 3. **APPROPRIATION; SCHOOL-LINKED MENTAL HEALTH GRANTS.**

13.7 \$5,000,000 in fiscal year 2019 is appropriated from the general fund to the commissioner
13.8 of human services for school-linked mental health grants under Minnesota Statutes, section
13.9 245.4889. This is an ongoing appropriation and shall be added to the base for fiscal year
13.10 2020 and later.

APPENDIX
Article locations in HF4439-0

ARTICLE 1 SAFE SCHOOLS REVENUE..... Page.Ln 1.11

ARTICLE 2 PUPIL DISCIPLINE..... Page.Ln 4.25

ARTICLE 3 SCHOOL-LINKED MENTAL HEALTH GRANTS..... Page.Ln 11.1