

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 1861**

(SENATE AUTHORS: HOFFMAN and Kent)

DATE  
03/06/2017

D-PG  
1080 Introduction and first reading  
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to education; affecting student inclusion and engagement; making

1.3 nonexclusionary policies and practices a central focus of pupil discipline;

1.4 appropriating money; amending Minnesota Statutes 2016, sections 121A.41, by

1.5 adding subdivisions; 121A.46, by adding a subdivision; 121A.47, by adding a

1.6 subdivision; 122A.60, subdivision 1a.

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

1.8 Section 1. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 12. **Positive behavior interventions and supports.** "Positive behavior

1.11 interventions and supports" has the meaning given in section 125A.0941, paragraph (d),

1.12 and is consistent with section 125A.0942, subdivision 6.

1.13 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

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

1.15 read:

1.16 Subd. 13. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**

1.17 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means those

1.18 policies and practices that are alternatives to removing a pupil from class or dismissing a

1.19 pupil from school, including positive behavior interventions and supports and alternative

1.20 education services, which require school officials to intervene in, redirect, and support a

1.21 pupil's behavior before removing a pupil from class or beginning dismissal proceedings.

1.22 Nonexclusionary disciplinary policies and practices include those policies and practices

1.23 under sections 121A.575, clause (1) or (2); 121A.031, subdivision 4, paragraph (a), clause

(1); 121A.61, subdivision 3, paragraph (q); 125A.0941; and 125A.0942, subdivision 6, among other such related policies and practices.

**EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

Sec. 3. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

**Subd. 1a. Nonexclusionary disciplinary policies and practices.** (a) To the extent practicable, school officials must use nonexclusionary practices, including positive behavior interventions and supports, and attempt to provide alternative interventions and strategies under section 121A.575, clause (1) or (2), among other interventions and strategies, before suspending a pupil.

(b) A school superintendent must work annually with school administrators, consistent with sections 122A.60 and 122A.61, to provide district educators with professional development opportunities to acquire the knowledge and skills to use nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 13, and to use more serious forms of discipline involving dismissal only if the pupil's conduct endangers the pupil, other pupils, or surrounding persons, including school district employees.

**EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

Sec. 4. Minnesota Statutes 2016, section 121A.47, is amended by adding a subdivision to read:

**Subd. 1a. Nonexclusionary practices required first.** A school superintendent must work annually with school administrators, consistent with sections 122A.60 and 122A.61 to: provide district educators with professional development opportunities to understand the significance, severity, and short- and long-term consequences of excluding and expelling pupils, including the impact on pupils' learning and career and college opportunities; initially use nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 13, including positive behavior interventions and supports; and use more serious forms of discipline, including exclusion and expulsion, only if the pupil's conduct endangers the pupil, other pupils, or surrounding persons, including school district employees.

**EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

Sec. 5. Minnesota Statutes 2016, section 122A.60, subdivision 1a, is amended to read:

**Subd. 1a. Effective staff development activities.** (a) Staff development activities must:

(1) focus on the school classroom and nonexclusionary policies and practices to keep students in the classroom and in school and on research-based strategies that improve student learning;

(2) provide opportunities for teachers to practice and improve their instructional skills over time;

(3) provide opportunities for teachers to use student data as part of their daily work to increase student achievement;

(4) enhance teacher content knowledge and instructional skills, including to accommodate the delivery of digital and blended learning and curriculum and engage students with technology;

(5) align with state and local academic standards;

(6) provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring;

(7) align with the plan of the district or site for an alternative teacher professional pay system;

(8) provide teachers of English learners, including English as a second language and content teachers, with differentiated instructional strategies critical for ensuring students' long-term academic success; the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners; and skills to support native and English language development across the curriculum; ~~and~~

(9) provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options; and

(10) provide opportunities for teachers to understand the significance, severity, and short- and long-term consequences of removing, excluding, and expelling pupils, including the impact on pupils' learning and career and college opportunities.

Staff development activities may include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. The school district also may implement other staff development activities required by law and activities associated with professional teacher compensation models.

(b) Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

**EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

Sec. 6. **APPROPRIATION.**

**Subdivision 1. Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

**Subd. 2. Staff development activities.** For schools to provide staff development and training opportunities related to nonexclusionary policies and practices under Minnesota Statutes, section 122A.60, subdivision 1a:

\$	.....	.....	<u>2018</u>
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\$	.....	.....	<u>2019</u>
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Any appropriation in the first year does not cancel but is available in the second year.