

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3664

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DATE
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6864 Introduction and first reading
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; providing for school safety, including requiring a school
1.3 district to publish a summary of its crisis management policy, establishing school
1.4 threat assessment teams and oversight committees, authorizing school boards to
1.5 bond for certain security-related equipment, modifying the requirements of the
1.6 commissioner's review and comment process, establishing safe schools revenue,
1.7 and modifying the allowable uses of safe schools revenue; appropriating money
1.8 for student support services and other purposes; amending Minnesota Statutes
1.9 2016, sections 121A.035, subdivision 2; 123B.61; 123B.71, subdivision 9; 126C.44;
1.10 proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.12 Section 1. Minnesota Statutes 2016, section 121A.035, subdivision 2, is amended to read:

1.13 Subd. 2. **School district and charter school policy.** A school board and a charter school
1.14 must adopt a crisis management policy to address potential violent crisis situations in the
1.15 district or charter school. The policy must be developed cooperatively with administrators,
1.16 teachers, employees, students, parents, community members, law enforcement agencies,
1.17 other emergency management officials, county attorney offices, social service agencies,
1.18 emergency medical responders, and any other appropriate individuals or organizations. The
1.19 policy must include at least five school lock-down drills, five school fire drills consistent
1.20 with section 299F.30, and one tornado drill. The school board and charter school must
1.21 publish a summary of the policy in its student handbook and on the school's Web site.

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

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

2.3 **Subdivision 1. School threat assessment team; membership.** A school district must
2.4 establish a threat assessment team for every school within the district. One threat assessment
2.5 team may serve one or more schools as determined by the school district. The threat
2.6 assessment team membership must include individuals with expertise in counseling, mental
2.7 health, kindergarten through grade 12 instruction, school administration, and law
2.8 enforcement. The membership may include the juvenile prosecutor whose jurisdiction
2.9 includes the area within the school district.

2.10 **Subd. 2. Threat assessment team; duties.** (a) The threat assessment team is responsible
2.11 for the assessment of and intervention with individuals whose behavior may pose a threat
2.12 to the safety of school staff or students. The team must establish a process for referrals to
2.13 community services or health care providers for evaluation or treatment, where appropriate.

2.14 **(b) A threat assessment team must:**

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

2.17 **(2) identify members of the school community to whom threatening behavior should be**
2.18 **reported; and**

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

2.20 **Subd. 3. Report to superintendent; records.** (a) Upon a preliminary determination that
2.21 a student poses a threat of violence or physical harm to self or others, a threat assessment
2.22 team shall immediately report its determination to the superintendent or the superintendent's
2.23 designee. The superintendent shall immediately attempt to notify the student's parent or
2.24 guardian. Upon a preliminary determination by the threat assessment team that an individual
2.25 poses a threat of violence to self or others or exhibits significantly disruptive behavior or
2.26 need for assistance, the team may obtain criminal history record information and health
2.27 records. Health records are limited to those records retained by the school or school district.
2.28 A member of the threat assessment team must not disclose any criminal history record
2.29 information or health information obtained pursuant to this section or use any record of an
2.30 individual beyond the purpose for which the disclosure was made to the threat assessment
2.31 team.

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

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

3.8 Sec. 3. Minnesota Statutes 2016, section 123B.61, is amended to read:

3.9 **123B.61 PURCHASE OF CERTAIN EQUIPMENT.**

3.10 The board of a district may issue general obligation certificates of indebtedness or capital
3.11 notes subject to the district debt limits to: (a) purchase vehicles, computers, telephone
3.12 systems, cable equipment, photocopy and office equipment, technological equipment for
3.13 instruction, public announcement systems, emergency communications devices, other
3.14 equipment related to violence prevention and facility security, and other capital equipment
3.15 having an expected useful life at least as long as the terms of the certificates or notes; (b)
3.16 purchase computer hardware and software, without regard to its expected useful life, whether
3.17 bundled with machinery or equipment or unbundled, together with application development
3.18 services and training related to the use of the computer; and (c) prepay special assessments.
3.19 The certificates or notes must be payable in not more than ten years and must be issued on
3.20 the terms and in the manner determined by the board, except that certificates or notes issued
3.21 to prepay special assessments must be payable in not more than 20 years. The certificates
3.22 or notes may be issued by resolution and without the requirement for an election. The
3.23 certificates or notes are general obligation bonds for purposes of section 126C.55. A tax
3.24 levy must be made for the payment of the principal and interest on the certificates or notes,
3.25 in accordance with section 475.61, as in the case of bonds. The sum of the tax levies under
3.26 this section and section 123B.62 for each year must not exceed the lesser of the sum of the
3.27 amount of the district's total operating capital revenue and safe schools revenue, or the sum
3.28 of the district's levy in the general and community service funds excluding the adjustments
3.29 under this section for the year preceding the year the initial debt service levies are certified.
3.30 The district's general fund levy for each year must be reduced by the sum of (1) the amount
3.31 of the tax levies for debt service certified for each year for payment of the principal and
3.32 interest on the certificates or notes issued under this section as required by section 475.61,
3.33 (2) the amount of the tax levies for debt service certified for each year for payment of the
3.34 principal and interest on bonds issued under section 123B.62, and (3) any excess amount

4.1 in the debt redemption fund used to retire bonds, certificates, or notes issued under this
4.2 section or section 123B.62 after April 1, 1997, other than amounts used to pay capitalized
4.3 interest. If the district's general fund levy is less than the amount of the reduction, the balance
4.4 shall be deducted first from the district's community service fund levy, and next from the
4.5 district's general fund or community service fund levies for the following year. A district
4.6 using an excess amount in the debt redemption fund to retire the certificates or notes shall
4.7 report the amount used for this purpose to the commissioner by July 15 of the following
4.8 fiscal year. A district having an outstanding capital loan under section 126C.69 or an
4.9 outstanding debt service loan under section 126C.68 must not use an excess amount in the
4.10 debt redemption fund to retire the certificates or notes.

4.11 **EFFECTIVE DATE.** This section is effective July 1, 2018.

4.12 Sec. 4. Minnesota Statutes 2016, section 123B.71, subdivision 9, is amended to read:

4.13 Subd. 9. **Information required.** A school board proposing to construct, expand, or
4.14 remodel a facility that requires a review and comment under subdivision 8 shall submit to
4.15 the commissioner a proposal containing information including at least the following:

4.16 (1) the geographic area and population to be served, preschool through grade 12 student
4.17 enrollments for the past five years, and student enrollment projections for the next five
4.18 years;

4.19 (2) a list of existing facilities by year constructed, their uses, and an assessment of the
4.20 extent to which alternate facilities are available within the school district boundaries and in
4.21 adjacent school districts;

4.22 (3) a list of the specific deficiencies of the facility that demonstrate the need for a new
4.23 or renovated facility to be provided, the process used to determine the deficiencies, a list
4.24 of those deficiencies that will and will not be addressed by the proposed project, and a list
4.25 of the specific benefits that the new or renovated facility will provide to the students, teachers,
4.26 and community users served by the facility;

4.27 (4) a description of the project, including the specification of site and outdoor space
4.28 acreage and square footage allocations for classrooms, laboratories, and support spaces;
4.29 estimated expenditures for the major portions of the project; and the dates the project will
4.30 begin and be completed;

4.31 (5) a specification of the source of financing the project, including applicable statutory
4.32 citations; the scheduled date for a bond issue or school board action; a schedule of payments,

5.1 including debt service equalization aid; and the effect of a bond issue on local property
 5.2 taxes by the property class and valuation; ~~and~~

5.3 (6) documents obligating the school district and contractors to comply with items (i) to
 5.4 (vii) in planning and executing the project:

5.5 (i) section 471.345 governing municipal contracts;

5.6 (ii) sustainable design;

5.7 (iii) school facility commissioning under section 123B.72 certifying the plans and designs
 5.8 for the heating, ventilating, air conditioning, and air filtration for an extensively renovated
 5.9 or new facility meet or exceed current code standards, including the ASHRAE air filtration
 5.10 standard 52.1;

5.11 (iv) American National Standards Institute Acoustical Performance Criteria, Design
 5.12 Requirements and Guidelines for Schools on maximum background noise level and
 5.13 reverberation times;

5.14 (v) State Fire Code;

5.15 (vi) chapter 326B governing building codes; and

5.16 (vii) consultation with affected government units about the impact of the project on
 5.17 utilities, roads, sewers, sidewalks, retention ponds, school bus and automobile traffic, access
 5.18 to mass transit, and safe access for pedestrians and cyclists; and

5.19 (7) a description of how the new or renovated facility will protect students and staff
 5.20 from violence.

5.21 **EFFECTIVE DATE.** This section is effective for proposals submitted to the
 5.22 commissioner of education after June 30, 2018.

5.23 Sec. 5. Minnesota Statutes 2016, section 126C.44, is amended to read:

5.24 **126C.44 SAFE SCHOOLS LEVY REVENUE.**

5.25 Subdivision 1. Safe schools revenue. (a) ~~Each district may make a levy on all taxable~~
 5.26 ~~property located within the district for the purposes specified in this section. The maximum~~
 5.27 ~~amount which may be levied for all costs under this section shall be equal to \$36 multiplied~~
 5.28 ~~by~~ For fiscal year 2019 only, safe schools revenue for a school district equals the greater
 5.29 of \$54 times the district's adjusted pupil units for the school year, or \$22,500.

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

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

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

6.8 (c) A school district that is a member of a cooperative unit may include in its levy
6.9 authority under this section the costs associated with safe schools activities authorized under
6.10 subdivision 5, paragraph (a), clauses (1) to (9), for cooperative unit programs. This authority
6.11 must not exceed the product of:

6.12 (1) the ratio of the safe schools allowance in paragraph (a) for the current year to the
6.13 allowance for taxes payable in 2018;

6.14 (2) \$15 times; and

6.15 (3) the adjusted pupil units of the member districts.

6.16 This authority is in addition to any other authority authorized under this section. Revenue
6.17 raised under this paragraph must be transferred to the cooperative unit. For the purposes of
6.18 this paragraph, "cooperative unit" includes entities defined under section 123A.24,
6.19 subdivision 2, and other joint powers districts.

6.20 Subd. 3. **Safe schools aid.** A district's safe schools aid equals its safe schools revenue
6.21 minus its safe schools levy times the ratio of the actual amount levied to the permitted levy.

6.22 Subd. 4. **Safe schools revenue for a charter school.** (a) For fiscal year 2019, safe
6.23 schools revenue for a charter school equals \$18 times the adjusted pupil units for the school
6.24 year. For fiscal year 2020 and later, safe schools revenue for a charter school equals \$36
6.25 times the adjusted pupil units for the school year.

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

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

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

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

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

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

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

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

7.14 (7) to pay for facility security enhancements including laminated glass, public
7.15 announcement systems, interior classroom security enhancements, emergency
7.16 communications devices, and equipment and facility modifications related to violence
7.17 prevention and facility security;

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

7.19 (9) to pay costs for collocating and collaborating with mental health professionals who
7.20 are not district employees or contractors;

7.21 (10) to pay the costs of enhancing cybersecurity in the district's information systems; or

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

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

8.1 ~~(e) A school district that is a member of an intermediate school district may include in~~
 8.2 ~~its authority under this section the costs associated with safe schools activities authorized~~
 8.3 ~~under paragraph (a) for intermediate school district programs. This authority must not exceed~~
 8.4 ~~\$15 times the adjusted pupil units of the member districts. This authority is in addition to~~
 8.5 ~~any other authority authorized under this section. Revenue raised under this paragraph must~~
 8.6 ~~be transferred to the intermediate school district.~~

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

8.8 **Sec. 6. APPROPRIATION.**

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

8.12 **Sec. 7. APPROPRIATION.**

8.13 Subdivision 1. **Department of Education.** The sum indicated in this section is
 8.14 appropriated from the general fund to the commissioner of education for the fiscal year
 8.15 designated.

8.16 Subd. 2. **Support our students grant program.** (a) For grants to eligible schools under
 8.17 the support our students grant program:

8.18 \$ 22,000,000 2019

8.19 (b) To the extent practicable, the commissioner should allot amounts in each year of the
 8.20 six-year grant period to ensure that adequate funds are available for the entirety of the grant.
 8.21 Up to \$100,000 in each fiscal year may be retained by the commissioner for administration
 8.22 of the grant program. The base in fiscal year 2020 and later is \$22,000,000.

8.23 (c) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019
 8.24 appropriation is available until June 30, 2024. Any remaining balance shall cancel to the
 8.25 general fund.

8.26 **Sec. 8. REVISOR'S INSTRUCTION.**

8.27 The revisor of statutes shall codify Laws 2016, chapter 189, article 25, section 56, in
 8.28 the next publication of Minnesota Statutes.

8.29 **EFFECTIVE DATE.** This section is effective July 1, 2018.