

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 540**

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DATE  
01/23/2023

D-PG  
335 Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; requiring parental notification of adverse incidents; amending  
1.3 Minnesota Statutes 2022, section 121A.031, subdivision 4; proposing coding for  
1.4 new law in Minnesota Statutes, chapter 121A.

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

1.6 Section 1. Minnesota Statutes 2022, section 121A.031, subdivision 4, is amended to read:

1.7 Subd. 4. **Local policy components.** (a) Each district and school policy implemented  
1.8 under this section must, at a minimum:

1.9 (1) designate a staff member as the primary contact person in the school building to  
1.10 receive reports of prohibited conduct under clause (3), ensure the policy and its procedures  
1.11 including restorative practices, consequences, and sanctions are fairly and fully implemented,  
1.12 and serve as the primary contact on policy and procedural matters implicating both the  
1.13 district or school and the department;

1.14 (2) require school employees who witness prohibited conduct or possess reliable  
1.15 information that would lead a reasonable person to suspect that a student is a target of  
1.16 prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;

1.17 (3) provide a procedure to begin to investigate reports of prohibited conduct within three  
1.18 school days of the report, and make the primary contact person responsible for the  
1.19 investigation and any resulting record and for keeping and regulating access to any record;

1.20 (4) indicate how a school will respond to an identified incident of prohibited conduct,  
1.21 including immediately intervening to protect the target of the prohibited conduct; ~~at the~~  
1.22 ~~school administrator's discretion and~~ consistent with state and federal data practices law

2.1 governing access to data, including section 13.02, subdivision 8, ~~a presumption that requiring~~  
2.2 a district or school official will to notify the parent of the reported target of the prohibited  
2.3 conduct and the parent of the actor engaged in the prohibited conduct within 24 hours of  
2.4 receiving the report of the incident; providing other remedial responses to the prohibited  
2.5 conduct; and ensuring that remedial responses are tailored to the particular incident and  
2.6 nature of the conduct and the student's developmental age and behavioral history;

2.7 (5) prohibit reprisals or retaliation against any person who asserts, alleges, or reports  
2.8 prohibited conduct or provides information about such conduct and establish appropriate  
2.9 consequences for a person who engages in reprisal or retaliation;

2.10 (6) allow anonymous reporting but do not rely solely on an anonymous report to  
2.11 determine discipline;

2.12 (7) provide information about available community resources to the target, actor, and  
2.13 other affected individuals, as appropriate;

2.14 (8) where appropriate for a child with a disability to prevent or respond to prohibited  
2.15 conduct, allow the child's individualized education program or section 504 plan to address  
2.16 the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;

2.17 (9) use new employee training materials, the school publication on school rules,  
2.18 procedures, and standards of conduct, and the student handbook on school policies to  
2.19 publicize the policy;

2.20 (10) require ongoing professional development, consistent with section 122A.60, to  
2.21 build the skills of all school personnel who regularly interact with students, including but  
2.22 not limited to educators, administrators, school counselors, social workers, psychologists,  
2.23 other school mental health professionals, school nurses, cafeteria workers, custodians, bus  
2.24 drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to identify,  
2.25 prevent, and appropriately address prohibited conduct;

2.26 (11) allow the alleged actor in an investigation of prohibited conduct to present a defense;  
2.27 and

2.28 (12) inform affected students and their parents of their rights under state and federal  
2.29 data practices laws to obtain access to data related to the incident and their right to contest  
2.30 the accuracy or completeness of the data.

2.31 (b) Professional development under a local policy includes, but is not limited to,  
2.32 information about:

- 3.1 (1) developmentally appropriate strategies both to prevent and to immediately and  
3.2 effectively intervene to stop prohibited conduct;
- 3.3 (2) the complex dynamics affecting an actor, target, and witnesses to prohibited conduct;
- 3.4 (3) research on prohibited conduct, including specific categories of students at risk for  
3.5 prohibited conduct in school;
- 3.6 (4) the incidence and nature of cyberbullying; and
- 3.7 (5) Internet safety and cyberbullying.

3.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.9 Sec. 2. **[121A.07] NOTIFICATION OF ADVERSE INCIDENTS.**

3.10 **Subdivision 1. Definitions.** For purposes of this section, "prohibited conduct" has the  
3.11 meaning given in section 121A.031, subdivision 2.

3.12 **Subd. 2. Notification.** A school district or charter school must notify the parent or  
3.13 guardian of a student within 24 hours of receiving a report that:

3.14 **(1) the student was the target of violence, harassment, or prohibited conduct by another**  
3.15 **student or district or school employee or agent;**

3.16 **(2) the student engaged in violence, harassment, or prohibited conduct; or**

3.17 **(3) a teacher, principal, employee, bus driver, or other agent of the district or school has**  
3.18 **used reasonable force against the student under section 121A.582.**

3.19 **Subd. 3. Access to data.** A notification under this section must be consistent with state  
3.20 and federal data practices law governing access to data, including section 13.02, subdivision  
3.21 **8.**

3.22 **EFFECTIVE DATE.** This section is effective July 1, 2023.