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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 271

01/11/2023 Authored by Edelson, Keeler, Sencer-Mura, Greenman, Frazier and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for nonexclusionary discipline; amending
1.3 Minnesota Statutes 2022, section 121A.61, by adding a subdivision; proposing
1.4 coding for 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.61, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 4. School supports. (a) A school board is strongly encouraged to adopt a policy
1.9 that promotes the understanding in school staff that when a student is unable to meet adult
1.10 expectations it is often because the student lacks the skills to respond to a situation
1.11 appropriately. A school district must support school staff in using tiered interventions that
1.12 teach students skills and prioritize relationships between students and teachers.

1.13 (b) A school board is strongly encouraged to adopt a policy that discourages teachers
1.14 and staff from reacting to unwanted student behavior with approaches that take away the
1.15 student's opportunity to build skills for responding more appropriately.

1.16 Sec. 2. [121A.611] RECESS AND OTHER BREAKS.

1.17 (a) "Recess detention" as used in this chapter means excluding or excessively delaying
1.18 a student from participating in a scheduled recess period as a consequence for student
1.19 behavior. Recess detention does not include, among other things, providing alternative
1.20 recess at the student's choice.

1.21 (b) A school district or charter school is encouraged to ensure student access to structured
1.22 breaks from the demands of school and to support teachers, principals, and other school

2.1 staff in their efforts to use evidence-based approaches to reduce exclusionary forms of
2.2 discipline.

2.3 (c) A school district or charter school must not use recess detention unless:

2.4 (1) a student causes or is likely to cause serious physical harm to other students or staff;

2.5 (2) the student's parent or guardian specifically consents to the use of recess detention;

2.6 or

2.7 (3) for students receiving special education services, the student's individualized education
2.8 program team has determined that withholding recess is appropriate based on the
2.9 individualized needs of the student.

2.10 (d) A school district or charter school must not withhold recess from a student based on
2.11 incomplete homework.

2.12 (e) A school district or charter school must require school staff to make a reasonable
2.13 attempt to notify a parent or guardian within 24 hours of using recess detention.

2.14 (f) A school district or charter school must compile information on each recess detention
2.15 at the end of each school year, including the student's age, grade, gender, race or ethnicity,
2.16 and special education status. This information must be available to the public upon request.
2.17 A school district or charter school is encouraged to use the data in professional development
2.18 promoting the use of nonexclusionary discipline.

2.19 (g) A school district or charter school must not withhold or excessively delay a student's
2.20 participation in scheduled mealtimes. This section does not alter a district or school's existing
2.21 responsibilities under section 124D.111 or other state or federal law.