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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1953

01/26/2012 Authored by Abeler, Hilstrom, Benson, J., Fritz and Slocum
The bill was read for the first time and referred to the Committee on Education Reform

1.1 A bill for an act
1.2 relating to education; prohibiting bullying in public schools; amending Minnesota
1.3 Statutes 2010, section 122A.60, subdivision 3; proposing coding for new law
1.4 in Minnesota Statutes, chapter 121A.

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

1.6 Section 1. **[121A.07] DEFINITIONS.**

1.7 Subdivision 1. **Application.** The definitions in this section apply to sections
1.8 121A.07 to 121A.09.

1.9 Subd. 2. **Bullying.** "Bullying" means conduct that occurs in a school, on school
1.10 district or charter school premises, in a district or charter school owned or leased school
1.11 bus or school vehicle, or at any school or school district sanctioned or sponsored activity
1.12 or event and that:

1.13 (1) is so severe, pervasive, or objectively offensive that it substantially interferes
1.14 with the student's educational opportunities;

1.15 (2) places the student in actual and reasonable fear of harm;

1.16 (3) places the student in actual and reasonable fear of damage to property of the
1.17 student; or

1.18 (4) substantially disrupts the orderly operation of the school.

1.19 Subd. 3. **Conduct.** "Conduct" includes the use of technology or other electronic
1.20 media.

1.21 Subd. 4. **School.** "School" means a public school under section 120A.22,
1.22 subdivision 4, or charter school under section 124D.10.

1.23 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
1.24 later.

2.1 **Sec. 2. [121A.08] BULLYING PROHIBITION POLICY.**

2.2 **Subdivision 1. Policy development and adoption.** (a) Each school district and
2.3 charter school shall adopt a policy providing that while at a school, on school district or
2.4 charter school premises, in a district or charter school owned or leased school bus or
2.5 school vehicle, or at any school or school district sanctioned or sponsored activity or
2.6 event, a student may not engage in bullying or engage in reprisal or retaliation against:

2.7 (1) a victim of bullying;

2.8 (2) an individual who witnesses an alleged act of bullying;

2.9 (3) an individual who reports an alleged act of bullying; or

2.10 (4) an individual who provides information about an alleged act of bullying.

2.11 (b) In developing the bullying policy required by this section, a school district
2.12 or charter school shall involve parents, school district or charter school employees,
2.13 volunteers, students, school district or charter school administrators, law enforcement
2.14 personnel, domestic violence and sexual assault organizations, and community
2.15 representatives.

2.16 **Subd. 2. Policy requirements.** (a) The policy required by this section must:

2.17 (1) include a definition of bullying that at least encompasses the conduct described
2.18 in section 121A.07;

2.19 (2) establish procedures for reporting and documenting alleged acts of bullying,
2.20 reprisal, or retaliation, and include procedures for anonymous reporting of such acts;

2.21 (3) establish procedures, including timelines, for school district or charter school
2.22 personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;

2.23 (4) establish a schedule for the retention of any documents generated while
2.24 investigating reports of alleged bullying, reprisal, or retaliation;

2.25 (5) set forth the disciplinary measures applicable to an individual who engaged in
2.26 bullying or who engaged in reprisal or retaliation, as set forth in subdivision 1;

2.27 (6) require the notification of law enforcement personnel if an investigation by
2.28 school district or charter school personnel results in a reasonable suspicion that a crime
2.29 might have occurred;

2.30 (7) establish strategies to protect a victim of bullying, reprisal, or retaliation; and

2.31 (8) establish disciplinary measures to be imposed upon an individual who makes a
2.32 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

2.33 (b) Upon completion of the policy required by this section, a school district or
2.34 charter school shall:

2.35 (1) ensure that the policy is explained to and discussed with its students; and

2.36 (2) make the policy available in student and personnel handbooks.

3.1 (c) Each school district or charter school shall review and revise its policy as it
 3.2 determines necessary.

3.3 (d) Each school district or charter school shall provide information regarding the
 3.4 prevention of bullying to all volunteers and nonlicensed personnel who have contact
 3.5 with students.

3.6 Subd. 3. **Immunity.** (a) An individual who promptly, reasonably, and in good faith
 3.7 reports an incident of bullying, reprisal, or retaliation to the school district or charter
 3.8 school employee or official designated in the school bullying policy is immune from civil
 3.9 or criminal liability resulting from or relating to the report and the resulting proceedings.

3.10 (b) A school district or charter school and its employees are immune from any
 3.11 liability that might otherwise be incurred as a result of a student having been the recipient
 3.12 of bullying, if the school district or charter school implemented a bullying policy as
 3.13 required in this section and substantially complied with that policy.

3.14 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 3.15 later.

3.16 Sec. 3. **[121A.09] BULLYING PREVENTION PROGRAMS.**

3.17 Each school district or charter school shall provide bullying prevention programs to
 3.18 all students from kindergarten through grade 12.

3.19 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 3.20 later.

3.21 Sec. 4. Minnesota Statutes 2010, section 122A.60, subdivision 3, is amended to read:

3.22 Subd. 3. **Staff development outcomes.** The advisory staff development committee
 3.23 must adopt a staff development plan for improving student achievement. The plan must
 3.24 be consistent with education outcomes that the school board determines. The plan
 3.25 must include ongoing staff development activities that contribute toward continuous
 3.26 improvement in achievement of the following goals:

3.27 (1) improve student achievement of state and local education standards in all areas
 3.28 of the curriculum by using best practices methods;

3.29 (2) effectively meet the needs of a diverse student population, including at-risk
 3.30 children, children with disabilities, and gifted children, within the regular classroom
 3.31 and other settings;

4.1 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse
4.2 student population that is consistent with the state education diversity rule and the district's
4.3 education diversity plan;

4.4 (4) improve staff collaboration and develop mentoring and peer coaching programs
4.5 for teachers new to the school or district;

4.6 (5) effectively teach and model violence prevention policy and curriculum that
4.7 address the school's bullying policy under section 121A.08, early intervention alternatives,
4.8 issues of harassment, and teach nonviolent alternatives for conflict resolution; and

4.9 (6) provide teachers and other members of site-based management teams with
4.10 appropriate management and financial management skills.

4.11 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
4.12 later.