

UNOFFICIAL ENGROSSMENT

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**H.F. No. 826**

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DATE	D-PG	OFFICIAL STATUS
05/07/2013	3256	Received from House
	3256	Introduction and first reading
		Referred to Finance
05/14/2013	3664a	Comm report: To pass as amended
	3680	Second reading
05/19/2013	5216a	Special Order: Amended
	5220	Laid on table
	5793	Rule 47, referred to Finance
03/06/2014	6009	Withdrawn and re-referred to Education

A bill for an act

1.1 relating to education; providing for safe and supportive schools by prohibiting  
1.2 bullying; authorizing rulemaking; amending Minnesota Statutes 2012, sections  
1.3 121A.55; 122A.60, subdivisions 1a, 3; 124D.895, subdivision 1; 124D.8955;  
1.4 125B.15; 127A.42, subdivision 2; Minnesota Statutes 2013 Supplement, sections  
1.5 120B.36, subdivision 1; 124D.10, subdivision 8; proposing coding for new law  
1.6 in Minnesota Statutes, chapters 121A; 127A; repealing Minnesota Statutes 2012,  
1.7 sections 121A.03; 121A.0695.  
1.8

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

1.10 Section 1. **LEGISLATIVE PURPOSE AND INTENT.**

1.11 Bullying by a student against another student is a significant problem in our schools.

1.12 Such conduct cannot only adversely impact the educational opportunities of another  
1.13 student or students, but it may also substantially disrupt the orderly functioning of a  
1.14 school. Schools have a responsibility to try to prevent such adverse consequences and  
1.15 disruptions for the benefit of all students.

1.16 Consistent with United States Supreme Court precedent, under this Act, which may  
1.17 be cited as the "Safe and Supportive Minnesota Schools Act," bullying involves plainly  
1.18 offensive conduct that improperly interferes with the rights of other students and the work  
1.19 or discipline of the school. Bullying may occur on school premises or school buses, at  
1.20 school events or functions, or by use of technology. This legislation is intended to prevent  
1.21 bullying by a student to facilitate a safe and conducive educational environment for all  
1.22 students, ameliorate the effects of bullying and teach students the boundaries of socially  
1.23 appropriate behavior.

1.24 Sec. 2. Minnesota Statutes 2013 Supplement, section 120B.36, subdivision 1, is  
1.25 amended to read:

2.1           Subdivision 1. **School performance reports.** (a) The commissioner shall report  
2.2 student academic performance under section 120B.35, subdivision 2; the percentages of  
2.3 students showing low, medium, and high growth under section 120B.35, subdivision  
2.4 3, paragraph (b); school safety and student engagement and connection under section  
2.5 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,  
2.6 subdivision 3, paragraph (c); the percentage of students under section 120B.35,  
2.7 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are  
2.8 meeting career and college readiness benchmarks under sections 120B.30, subdivision 1,  
2.9 and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible  
2.10 districts in reducing disparities in students' academic achievement and realizing racial and  
2.11 economic integration under section 124D.861; two separate student-to-teacher ratios that  
2.12 clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15  
2.13 for purposes of determining these ratios; staff characteristics excluding salaries; student  
2.14 enrollment demographics; district mobility; summary data on incidents of prohibited  
2.15 conduct and remedial responses to the incidents under section 121A.031, subdivision 4,  
2.16 paragraph (a), clause (10); and extracurricular activities. The report also must indicate a  
2.17 school's adequate yearly progress status under applicable federal law, and must not set any  
2.18 designations applicable to high- and low-performing schools due solely to adequate yearly  
2.19 progress status. The commissioner must use the summary data on prohibited conduct  
2.20 reported under section 121A.031, subdivision 4, paragraph (a), clause (10), to inform  
2.21 the work of the school climate center under section 127A.052 and to assist districts and  
2.22 schools in improving the educational outcomes of all students and specific categories of  
2.23 students affected by such prohibited conduct.

2.24           (b) The commissioner shall develop, annually update, and post on the department  
2.25 Web site school performance reports.

2.26           (c) The commissioner must make available performance reports by the beginning  
2.27 of each school year.

2.28           (d) A school or district may appeal its adequate yearly progress status in writing to  
2.29 the commissioner within 30 days of receiving the notice of its status. The commissioner's  
2.30 decision to uphold or deny an appeal is final.

2.31           (e) School performance data are nonpublic data under section 13.02, subdivision 9,  
2.32 until the commissioner publicly releases the data. The commissioner shall annually post  
2.33 school performance reports to the department's public Web site no later than September 1,  
2.34 except that in years when the reports reflect new performance standards, the commissioner  
2.35 shall post the school performance reports no later than October 1.

3.1 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
3.2 later.

3.3 **Sec. 3. [121A.031] SCHOOL STUDENT BULLYING POLICY.**

3.4 Subdivision 1. **Student bullying policy; scope and application.** (a) This section  
3.5 applies to bullying by a student against another student attending or enrolled in the same  
3.6 school which occurs:

3.7 (1) on the school premises, at the school functions or activities, or on the school  
3.8 transportation;

3.9 (2) by use of electronic technology and communications on the school premises,  
3.10 during the school functions or activities, on the school transportation, or on the school  
3.11 computers, networks, forums, and mailing lists; or

3.12 (3) by use of electronic technology and communications off the school premises  
3.13 to the extent such use is reasonably foreseeable to substantially and materially disrupt  
3.14 student learning or the school environment.

3.15 (b) "District" under this section means a district as defined in section 120A.05,  
3.16 subdivision 8. "School" under this section means a public school as defined in section  
3.17 120A.05, subdivisions 9, 11, 13, and 17, and a charter school formed under section  
3.18 124D.10. "Student" under this section means a person enrolled in and attending a school  
3.19 as defined under this paragraph.

3.20 (c) A nonpublic school under section 123B.41, subdivision 9, consistent with its  
3.21 school accreditation cycle, is encouraged to electronically transmit to the commissioner its  
3.22 antibullying policy, if any, and any summary data on its bullying incidents.

3.23 (d) This section does not apply to a home school under sections 120A.22,  
3.24 subdivision 4, and 120A.24.

3.25 Subd. 2. **Local district and school policy.** (a) Districts and schools, in consultation  
3.26 with students, parents, and community organizations, shall adopt, implement, and annually  
3.27 review, and revise where appropriate, a written policy to prevent and prohibit student  
3.28 bullying consistent with this section. The policy must conform with sections 121A.41 to  
3.29 121A.56. A district or school must adopt and implement a local policy under subdivisions  
3.30 2 to 5 or comply with the provisions of the state model policy in subdivision 6.

3.31 (b) Each local district and school policy must establish research-based,  
3.32 developmentally appropriate best practices that include preventive and remedial measures  
3.33 and effective discipline for deterring policy violations; apply throughout the school or  
3.34 district; and foster active student, parent, and community participation. A district or

4.1 school may request assistance from the school climate center under section 127A.052 in  
 4.2 complying with local policy requirements. The policy shall:

4.3 (1) apply to all students, school personnel, and volunteers;

4.4 (2) specifically list the characteristics contained in subdivision 3, paragraph (d);

4.5 (3) emphasize remedial responses over punitive measures;

4.6 (4) be conspicuously posted throughout the school building;

4.7 (5) be given to each school employee and independent contractor, if a contractor  
 4.8 regularly interacts with students, at the time of employment with the district or school;

4.9 (6) be included in the student handbook on school policies; and

4.10 (7) be available to all parents and other school community members in accessible  
 4.11 languages and format on the district or school Web site.

4.12 (c) Each district and school under this subdivision must discuss its policy with  
 4.13 students, school personnel, and volunteers and provide training for all school personnel  
 4.14 and volunteers to prevent, identify, and appropriately respond to prohibited conduct.

4.15 Districts and schools must establish a training cycle, not to exceed a period of three  
 4.16 school years, for school personnel and volunteers under this paragraph. Newly employed  
 4.17 school personnel and new volunteers must receive the training within the first year of  
 4.18 their employment with or volunteer service to the district or school. A district or school  
 4.19 administrator may accelerate the training cycle or provide additional training based on a  
 4.20 particular need or circumstance.

4.21 (d) Each district and school under this subdivision must submit an electronic copy of  
 4.22 its prohibited conduct policy to the commissioner.

4.23 Subd. 3. **Definitions.** (a) The terms defined in this subdivision have the meanings  
 4.24 given them for purposes of this section.

4.25 (b) "Bullying" means intimidating, threatening, abusive, or harassing conduct that is  
 4.26 objectively offensive and:

4.27 (1) causes physical harm to a student or a student's property or causes a student to be  
 4.28 in reasonable fear of harm to person or property;

4.29 (2) materially and substantially interferes with a student's educational opportunities  
 4.30 or performance or ability to participate in the school functions or activities or receive  
 4.31 the school benefits, services, or privileges;

4.32 (3) under Minnesota common law, violates a student's reasonable expectation  
 4.33 of privacy, defames a student, or constitutes intentional infliction of emotional distress  
 4.34 against a student; or

4.35 (4) materially and substantially disrupts the work and discipline of the school.

5.1 (c) "Cyberbullying" means bullying using technology or other electronic  
5.2 communication, including, but not limited to, a transfer of a sign, signal, writing, image,  
5.3 sound, or data, including a post on a social network Internet Web site or forum, transmitted  
5.4 through a computer, cell phone, or other electronic device.

5.5 (d) Intimidating, threatening, abusive, or harassing conduct may involve, but is not  
5.6 limited to, conduct that is directed at a student or students based on a person's actual or  
5.7 perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex,  
5.8 age, marital status, familial status, socioeconomic status, physical appearance, sexual  
5.9 orientation, gender identity and expression, academic status, disability, or status with  
5.10 regard to public assistance, age, or any additional characteristic defined in chapter 363A.  
5.11 However, prohibited conduct need not be based on any particular characteristic defined in  
5.12 this paragraph or chapter 363A.

5.13 (e) "Prohibited conduct" means bullying or cyberbullying as defined under this  
5.14 subdivision or retaliation for asserting, alleging, reporting, or providing information about  
5.15 such conduct.

5.16 (f) "Remedial response" means a measure to stop and correct prohibited conduct,  
5.17 prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of  
5.18 the student who is the target of the prohibited conduct. Districts and schools may seek the  
5.19 assistance of the school climate center under section 127A.052 to develop and implement  
5.20 remedial responses on behalf of a student who is the target of prohibited conduct, to  
5.21 stop and correct a student engaging in prohibited conduct, and for use with students and  
5.22 adults in the school community. Districts and schools need not report the use of remedial  
5.23 responses when their use is unrelated to any particular incident of prohibited conduct.

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

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

5.31 (2) require school employees and trained volunteers who witness prohibited conduct  
5.32 or possess reliable information that would lead a reasonable person to suspect that a  
5.33 student is a target of prohibited conduct to make reasonable efforts to address and resolve  
5.34 the prohibited conduct;

5.35 (3) provide a procedure to promptly begin to investigate reports of prohibited  
5.36 conduct within three school days of the report, and make the primary contact person

6.1 responsible for the investigation and any resulting record and for keeping and regulating  
6.2 access to any record;

6.3 (4) indicate how a school will respond to an identified incident of prohibited conduct,  
6.4 including immediately intervening to protect the target of the prohibited conduct; at the  
6.5 school administrator's discretion and consistent with state and federal data practices law  
6.6 governing access to data, a presumption that a district or school official will notify the  
6.7 parent of the reported target of the prohibited conduct and the parent of the actor engaged  
6.8 in the prohibited conduct, or law enforcement officials or officials of a park and recreation  
6.9 public agency that has adopted a policy substantially similar to the requirements of section  
6.10 121A.031 and provides training to those who have regular contact with youth patrons and  
6.11 personnel who have access to private data on youth patrons; providing other remedial  
6.12 responses to the prohibited conduct; and ensuring that remedial responses are tailored to  
6.13 the particular incident and nature of the conduct and the student's developmental age and  
6.14 behavioral history;

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

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

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

6.22 (8) where appropriate for a child with a disability to prevent or respond to prohibited  
6.23 conduct, require the child's individualized education program or section 504 plan to  
6.24 address the skills and proficiencies the child needs to respond to or not engage in  
6.25 prohibited conduct;

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

6.29 (10) require annual reporting, collection, and analysis of summary data on incidents  
6.30 of prohibited conduct and on remedial responses both to students and throughout the  
6.31 school; and

6.32 (11) require ongoing professional development, consistent with section 122A.60,  
6.33 to build the skills of all school personnel and volunteers, including, but not limited to,  
6.34 educators, administrators, school nurses, cafeteria workers, custodians, bus drivers,  
6.35 athletic coaches, extracurricular activities advisors, volunteers, and paraprofessionals to  
6.36 identify, prevent, and appropriately address prohibited conduct.

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

7.3 (1) developmentally appropriate strategies both to prevent and to immediately and  
 7.4 effectively intervene to stop prohibited conduct;

7.5 (2) the complex dynamics affecting an actor, target, and witnesses to prohibited  
 7.6 conduct;

7.7 (3) research on prohibited conduct, including specific categories of students at risk  
 7.8 for prohibited conduct in school;

7.9 (4) the incidence and nature of cyberbullying; and

7.10 (5) Internet safety and cyberbullying.

7.11 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools  
 7.12 are encouraged to provide developmentally appropriate programmatic instruction  
 7.13 to help students identify, prevent, and reduce prohibited conduct; value diversity in  
 7.14 school and society; develop and improve students' knowledge and skills for solving  
 7.15 problems, managing conflict, engaging in civil discourse, and recognizing, responding  
 7.16 to, and reporting prohibited conduct; and make effective prevention and intervention  
 7.17 programs available to students. Upon request, the school climate center under section  
 7.18 127A.052 must assist a district or school in helping students understand social media  
 7.19 and cyberbullying. Districts and schools must establish strategies for creating a positive  
 7.20 school climate and use evidence-based social-emotional learning to prevent and reduce  
 7.21 discrimination and other improper conduct.

7.22 (b) Districts and schools are encouraged to:

7.23 (1) engage all students in creating a safe and supportive school environment;

7.24 (2) partner with parents and other community members to develop and implement  
 7.25 prevention and intervention programs;

7.26 (3) engage all students and adults in integrating education, intervention, and other  
 7.27 remedial responses into the school environment;

7.28 (4) train student bystanders to intervene in and report incidents of prohibited conduct  
 7.29 to the school's primary contact person;

7.30 (5) teach students to advocate for themselves and others;

7.31 (6) prevent inappropriate referrals to special education of students who may engage  
 7.32 in prohibited conduct; and

7.33 (7) foster student collaborations that foster a safe and supportive school climate.

7.34 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the  
 7.35 commissioner of human rights, shall develop and maintain a state model policy. A district  
 7.36 or school that does not adopt and implement a local policy under subdivisions 2 to 5

8.1 must implement and may supplement the provisions of the state model policy. The  
8.2 commissioner must assist districts and schools under this subdivision to implement the  
8.3 state policy. The state model policy must:

8.4 (1) define prohibited conduct, consistent with this section;

8.5 (2) apply the prohibited conduct policy components in this section;

8.6 (3) for a child with a disability, whenever an evaluation by an individualized  
8.7 education program team or a section 504 team indicates that the child's disability affects  
8.8 the child's social skills development or the child is vulnerable to prohibited conduct  
8.9 because of the child's disability, the child's individualized education program or section  
8.10 504 plan must address the skills and proficiencies the child needs to not engage in and  
8.11 respond to such conduct; and

8.12 (4) encourage violence prevention and character development education programs  
8.13 under section 120B.232, subdivision 1.

8.14 (b) The commissioner shall develop and post departmental procedures for:

8.15 (1) periodically reviewing district and school programs and policies for compliance  
8.16 with this section;

8.17 (2) investigating, reporting, and responding to noncompliance with this section,  
8.18 which may include an annual review of plans to improve and provide a safe and supportive  
8.19 school climate;

8.20 (3) allowing students, parents, and educators to file a complaint about noncompliance  
8.21 with the commissioner; and

8.22 (4) annually publishing statewide summary data on incidents of prohibited conduct,  
8.23 consistent with section 120B.36, subdivision 1.

8.24 (c) Department records under this subdivision are private data on individuals. An  
8.25 individual subject of the data shall have access to the data except that the name of a  
8.26 reporter is confidential.

8.27 (d) The commissioner must post on the department's Web site information indicating  
8.28 that when districts and schools allow noncurriculum-related student groups access to  
8.29 school facilities, the district or school must give all student groups equal access to the  
8.30 school facilities regardless of the content of the group members' speech.

8.31 Subd. 7. **Relation to existing law.** This section does not:

8.32 (1) establish any private right of action;

8.33 (2) limit rights currently available to an individual under other civil or criminal law,  
8.34 including, but not limited to, chapter 363A; or

8.35 (3) interfere with a person's rights of religious expression and free speech and  
8.36 expression under the First Amendment of the United States Constitution.



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

9.3 Sec. 4. **[121A.0311] NOTICE OF THE RIGHTS AND RESPONSIBILITIES**  
 9.4 **OF STUDENTS AND PARENTS UNDER THE SAFE AND SUPPORTIVE**  
 9.5 **MINNESOTA SCHOOLS ACT.**

9.6 A district or school subject to section 121A.031 must include in the student  
 9.7 discipline policy it distributes or otherwise transmits to students and their parents annually  
 9.8 at the beginning of each school year notice about the rights and responsibilities of students  
 9.9 and their parents under the Safe and Supportive Minnesota Schools Act.

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

9.12 Sec. 5. Minnesota Statutes 2012, section 121A.55, is amended to read:

9.13 **121A.55 POLICIES TO BE ESTABLISHED.**

9.14 (a) The commissioner of education shall promulgate guidelines to assist each school  
 9.15 board. ~~Each school board shall~~ to establish uniform criteria for dismissal and adopt  
 9.16 written policies and rules to effectuate ~~the purposes of~~ sections 121A.031 and 121A.40 to  
 9.17 121A.56. The policies shall emphasize preventing dismissals through early detection of  
 9.18 problems and ~~shall~~ be designed to address prevent students' inappropriate behavior from  
 9.19 recurring. The policies shall recognize the continuing responsibility of the school ~~for the~~  
 9.20 ~~education of~~ to educate the pupil during the dismissal period. The alternative educational  
 9.21 services, if the pupil wishes to take advantage of them, must be adequate to allow the  
 9.22 pupil to make progress towards meeting the graduation standards adopted under section  
 9.23 120B.02 and help prepare the pupil for readmission.

9.24 (b) An area learning center under section 123A.05 may not prohibit an expelled or  
 9.25 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The  
 9.26 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to  
 9.27 exclude a pupil or to require an admission plan.

9.28 (c) Each school district shall develop a policy and report it to the commissioner on  
 9.29 the appropriate use of peace officers and crisis teams to remove students who have an  
 9.30 individualized education program from school grounds.

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

10.1 Sec. 6. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

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

10.4 (1) focus on the school classroom and research-based strategies that improve student  
10.5 learning;

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

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

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

10.13 (5) align with state and local academic standards;

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

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

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

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

10.29 (c) Staff development activities also may include training for school counselors,  
10.30 school nurses, social workers, psychologists, and other mental health professionals  
10.31 to support students, teachers, and school administrators in implementing restorative  
10.32 and reparative best practices to prevent and appropriately address prohibited conduct,  
10.33 consistent with section 121A.031.

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

11.1 Sec. 7. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

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

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

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

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

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

11.17 (5) effectively teach and model violence prevention policy and curriculum that  
 11.18 address early intervention alternatives, ~~issues of harassment~~, train all school staff and  
 11.19 school volunteers who regularly interact with students in best practices to create and  
 11.20 maintain a safe and supportive learning environment, consistent with section 121A.031,  
 11.21 and teach nonviolent alternatives for conflict resolution, including restorative and  
 11.22 reparative processes;

11.23 (6) effectively deliver digital and blended learning and curriculum and engage  
 11.24 students with technology; and

11.25 (7) provide teachers and other members of site-based management teams with  
 11.26 appropriate management and financial management skills.

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

11.29 Sec. 8. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 8, is  
 11.30 amended to read:

11.31 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
 11.32 federal, state, and local health and safety requirements applicable to school districts.

11.33 (b) A school must comply with statewide accountability requirements governing  
 11.34 standards and assessments in chapter 120B.

12.1 (c) A school authorized by a school board may be located in any district, unless the  
12.2 school board of the district of the proposed location disapproves by written resolution.

12.3 (d) A charter school must be nonsectarian in its programs, admission policies,  
12.4 employment practices, and all other operations. An authorizer may not authorize a charter  
12.5 school or program that is affiliated with a nonpublic sectarian school or a religious  
12.6 institution. A charter school student must be released for religious instruction, consistent  
12.7 with section 120A.22, subdivision 12, clause (3).

12.8 (e) Charter schools must not be used as a method of providing education or  
12.9 generating revenue for students who are being home-schooled. This paragraph does not  
12.10 apply to shared time aid under section 126C.19.

12.11 (f) The primary focus of a charter school must be to provide a comprehensive  
12.12 program of instruction for at least one grade or age group from five through 18 years  
12.13 of age. Instruction may be provided to people younger than five years and older than  
12.14 18 years of age.

12.15 (g) A charter school may not charge tuition.

12.16 (h) A charter school is subject to and must comply with chapter 363A and section  
12.17 121A.04.

12.18 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
12.19 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
12.20 123B.34 to 123B.39.

12.21 (j) A charter school is subject to the same financial audits, audit procedures, and  
12.22 audit requirements as a district, except as required under subdivision 6a. Audits must be  
12.23 conducted in compliance with generally accepted governmental auditing standards, the  
12.24 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
12.25 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
12.26 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
12.27 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
12.28 necessary because of the program at the school. Deviations must be approved by the  
12.29 commissioner and authorizer. The Department of Education, state auditor, legislative  
12.30 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
12.31 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
12.32 must submit a plan under section 123B.81, subdivision 4.

12.33 (k) A charter school is a district for the purposes of tort liability under chapter 466.

12.34 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,  
12.35 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

13.1 (m) A charter school is subject to the Pledge of Allegiance requirement under  
13.2 section 121A.11, subdivision 3.

13.3 (n) A charter school offering online courses or programs must comply with section  
13.4 124D.095.

13.5 (o) A charter school and charter school board of directors are subject to chapter 181.

13.6 (p) A charter school must comply with section 120A.22, subdivision 7, governing  
13.7 the transfer of students' educational records and sections 138.163 and 138.17 governing  
13.8 the management of local records.

13.9 (q) A charter school that provides early childhood health and developmental  
13.10 screening must comply with sections 121A.16 to 121A.19.

13.11 (r) A charter school that provides school-sponsored youth athletic activities must  
13.12 comply with section 121A.38.

13.13 (s) A charter school is subject to and must comply with continuing truant notification  
13.14 under section 260A.03.

13.15 (t) A charter school must develop and implement a teacher evaluation and peer  
13.16 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (12).

13.17 (u) A charter school must adopt a policy, plan, budget, and process, consistent with  
13.18 section 120B.11, to review curriculum, instruction, and student achievement and strive  
13.19 for the world's best workforce.

13.20 (v) A charter school must comply with section 121A.031 governing policies on  
13.21 prohibited conduct.

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

13.24 Sec. 9. Minnesota Statutes 2012, section 124D.895, subdivision 1, is amended to read:

13.25 Subdivision 1. **Program goals.** The department, in consultation with the state  
13.26 curriculum advisory committee, must develop guidelines and model plans for parental  
13.27 involvement programs that will:

13.28 (1) engage the interests and talents of parents or guardians in recognizing and  
13.29 meeting the emotional, intellectual, and physical needs of their school-age children;

13.30 (2) promote healthy self-concepts among parents or guardians and other family  
13.31 members;

13.32 (3) offer parents or guardians a chance to share and learn about educational skills,  
13.33 techniques, and ideas;

13.34 (4) provide creative learning experiences for parents or guardians and their  
13.35 school-age children, including involvement from parents or guardians of color;

14.1 (5) encourage parents to actively participate in their district's curriculum advisory  
 14.2 committee under section 120B.11 in order to assist the school board in improving  
 14.3 children's education programs; ~~and~~

14.4 (6) encourage parents to help in promoting school desegregation/integration; and

14.5 (7) partner with parents in establishing a positive school climate by developing  
 14.6 and implementing prevention and intervention programs on prohibited conduct under  
 14.7 section 121A.031.

14.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.9 Sec. 10. Minnesota Statutes 2012, section 124D.8955, is amended to read:

14.10 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

14.11 (a) In order to promote and support student achievement, a local school board is  
 14.12 encouraged to formally adopt and implement a parent and family involvement policy that  
 14.13 promotes and supports:

14.14 (1) communication between home and school that is regular, two-way, and  
 14.15 meaningful;

14.16 (2) parenting skills;

14.17 (3) parents and caregivers who play an integral role in assisting student learning and  
 14.18 learn about fostering students' academic success and learning at home and school;

14.19 (4) welcoming parents in the school and seeking their support and assistance;

14.20 (5) partnerships with parents in the decisions that affect children and families  
 14.21 in the schools; and

14.22 (6) providing community resources to strengthen schools, families, and student  
 14.23 learning, including establishing a safe and supportive school climate by developing and  
 14.24 implementing prevention and intervention programs on prohibited conduct under section  
 14.25 121A.031.

14.26 (b) A school board that implements a parent and family involvement policy under  
 14.27 paragraph (a) must convene an advisory committee composed of an equal number of  
 14.28 resident parents who are not district employees and school staff to make recommendations  
 14.29 to the board on developing and evaluating the board's parent and family involvement  
 14.30 policy. If possible, the advisory committee must represent the diversity of the district. The  
 14.31 advisory committee must consider the district's demographic diversity and barriers to  
 14.32 parent involvement when developing its recommendations. The advisory committee must  
 14.33 recommend to the school board and district or school how programs serving children and  
 14.34 adolescents can collaborate on:

- 15.1 (1) understanding child and adolescent development;  
 15.2 (2) encouraging healthy communication between parents and children;  
 15.3 (3) managing students' behavior through positive reinforcement;  
 15.4 (4) establishing expectations for student behavior;  
 15.5 (5) providing media and Internet guidance, limits, and supervision; and  
 15.6 (6) promoting resilience and reducing risks for children.

15.7 The advisory committee must present its recommendations to the board for board  
 15.8 consideration.

15.9 (c) The board must consider best practices when implementing this policy.

15.10 (d) The board periodically must review this policy to determine whether it is aligned  
 15.11 with the most current research findings on parent involvement policies and practices and  
 15.12 how effective the policy is in supporting increased student achievement.

15.13 (e) Nothing in this section obligates a school district to exceed any parent or family  
 15.14 involvement requirement under federal law.

15.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.16 Sec. 11. Minnesota Statutes 2012, section 125B.15, is amended to read:

15.17 **125B.15 INTERNET ACCESS FOR STUDENTS.**

15.18 (a) Recognizing the difference between school libraries, school computer labs, and  
 15.19 school media centers, which serve unique educational purposes, and public libraries,  
 15.20 which are designed for public inquiry, all computers at a school site with access to the  
 15.21 Internet available for student use must be equipped to restrict, including by use of  
 15.22 available software filtering technology or other effective methods, all student access  
 15.23 to material that is reasonably believed to be obscene or child pornography or material  
 15.24 harmful to minors under federal or state law.

15.25 (b) A school site is not required to purchase filtering technology if the school site  
 15.26 would incur more than incidental expense in making the purchase.

15.27 (c) A school district receiving technology revenue under section 125B.26 must  
 15.28 prohibit, including through use of available software filtering technology or other effective  
 15.29 methods, adult access to material that under federal or state law is reasonably believed to  
 15.30 be obscene or child pornography.

15.31 (d) A school district, its agents or employees, are immune from liability for failure  
 15.32 to comply with this section if they have made a good faith effort to comply with the  
 15.33 requirements of this section.

16.1 (e) "School site" means an education site as defined in section 123B.04, subdivision  
 16.2 1, or charter school under section 124D.10.

16.3 (f) All school sites having computers with Internet access must adopt and implement  
 16.4 a policy to prohibit cyberbullying, consistent with section 121A.031.

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

16.7 Sec. 12. **[127A.051] SCHOOL CLIMATE COUNCIL.**

16.8 **Subdivision 1. Establishment and membership; terms.** (a) A 24-member  
 16.9 multiagency leadership council is established to improve school climate and school  
 16.10 safety so that all Minnesota students in prekindergarten through grade 12 schools and  
 16.11 higher education institutions have a safe and supportive learning environment in order to  
 16.12 maximize each student's learning potential.

16.13 (b) The council shall consist of:

16.14 (1) the commissioners or their designees from the Departments of Education,  
 16.15 Health, Human Rights, Human Services, Public Safety, and Corrections, and the Office of  
 16.16 Higher Education;

16.17 (2) one representative each from the Board of Teaching, Board of School  
 16.18 Administrators, Minnesota School Boards Association, Elementary School Principals  
 16.19 Association, Association of Secondary School Principals, and Education Minnesota as  
 16.20 selected by each organization;

16.21 (3) two representatives each of student support personnel, parents, and students as  
 16.22 selected by the commissioner of education;

16.23 (4) two representatives of local law enforcement as selected by the commissioner of  
 16.24 public safety;

16.25 (5) two representatives of the judicial branch as selected by the chief justice of  
 16.26 the Supreme Court; and

16.27 (6) one charter school representative selected by the Minnesota Association of  
 16.28 Charter Schools.

16.29 (c) A member serves at the pleasure of their appointing authority and continues  
 16.30 to serve until their successor is appointed.

16.31 **Subd. 2. Duties.** The council must provide leadership for the following activities:

16.32 (1) establishment of norms and standards for prevention, intervention, and support  
 16.33 around issues of prohibited conduct;

16.34 (2) advancement of evidence-based policy and best practices to improve school  
 16.35 climate and promote school safety; and



17.1 (3) development and dissemination of resources and training for schools and  
 17.2 communities about issues of prohibited conduct under section 121A.031, and other school  
 17.3 safety-related issues.

17.4 Subd. 3. **Meetings; chair.** The commissioner of education must convene the first  
 17.5 meeting of the council by October 1, 2013, and must serve as chair. The council must meet  
 17.6 at least one time per year. The council does not need a quorum to conduct its meetings.

17.7 Subd. 4. **Compensation.** Council members are not eligible for compensation or  
 17.8 reimbursement for expenses related to council activities.

17.9 Subd. 5. **Support.** The Department of Education and the Department of Public  
 17.10 Safety must provide technical assistance to council members upon request. The council,  
 17.11 upon request, must consult with the school climate center and the school safety center.

17.12 Subd. 6. **Reporting.** The council must report its activities annually by October 1,  
 17.13 to the commissioner of education. The Department of Education must post the council's  
 17.14 meeting notices and other relevant information regarding its duties on the agency's Web site.

17.15 Subd. 7. **Expiration.** The school climate council does not expire.

17.16 Sec. 13. **[127A.052] SCHOOL CLIMATE CENTER.**

17.17 (a) The commissioner shall establish a school climate center at the department to  
 17.18 help districts and schools under section 121A.031 provide a safe and supportive learning  
 17.19 environment and foster academic achievement for all students by focusing on prevention,  
 17.20 intervention, support, and recovery efforts to develop and maintain safe and supportive  
 17.21 schools. The center must work collaboratively with implicated state agencies identified  
 17.22 by the center and schools, communities, and interested individuals and organizations to  
 17.23 determine how to best use available resources.

17.24 (b) The center's services shall include:

17.25 (1) evidence-based policy review, development, and dissemination;

17.26 (2) single, point-of-contact services designed for schools, parents, and students  
 17.27 seeking information or other help;

17.28 (3) qualitative and quantitative data gathering, interpretation, and dissemination of  
 17.29 summary data for existing reporting systems and student surveys and the identification  
 17.30 and pursuit of emerging trends and issues;

17.31 (4) assistance to districts and schools in using Minnesota student survey results to  
 17.32 inform intervention and prevention programs;

17.33 (5) education and skill building;

17.34 (6) multisector and multiagency planning and advisory activities incorporating  
 17.35 best practices and research; and

18.1 (7) administrative and financial support for school and district planning, schools  
18.2 recovering from incidents of violence, and school and district violence prevention  
18.3 education.

18.4 (c) The center shall:

18.5 (1) compile and make available to all districts and schools evidence-based elements  
18.6 and resources to develop and maintain safe and supportive schools;

18.7 (2) establish and maintain a central repository for collecting and analyzing  
18.8 information about prohibited conduct under section 121A.031, including, but not limited to:

18.9 (i) training materials on strategies and techniques to prevent and appropriately  
18.10 address prohibited conduct under section 121A.031;

18.11 (ii) model programming;

18.12 (iii) remedial responses consistent with section 121A.031, subdivision 3, paragraph

18.13 (f); and

18.14 (iv) other resources for improving the school climate and preventing prohibited  
18.15 conduct under section 121A.031;

18.16 (3) assist districts and schools to develop strategies and techniques for effectively  
18.17 communicating with and engaging parents in efforts to protect and deter students from  
18.18 prohibited conduct under section 121A.031; and

18.19 (4) solicit input from social media experts on implementing this section.

18.20 (d) The commissioner shall provide administrative services including personnel,

18.21 budget, payroll and contract services, and staff support for center activities including

18.22 developing and disseminating materials, providing seminars, and developing and

18.23 maintaining a Web site. Center staff shall include a center director, a data analyst

18.24 coordinator, and trainers who provide training to affected state and local organizations

18.25 under a fee-for-service agreement. The financial, administrative, and staff support the

18.26 commissioner provides under this section must be based on an annual budget and work

18.27 program developed by the center and submitted to the commissioner by the center director.

18.28 (e) School climate center staff may consult with school safety center staff at the

18.29 Department of Public Safety in providing services under this section.

18.30 **EFFECTIVE DATE.** This section is effective beginning July 1, 2013.

18.31 Sec. 14. Minnesota Statutes 2012, section 127A.42, subdivision 2, is amended to read:

18.32 Subd. 2. **Violations of law.** The commissioner may reduce or withhold the district's  
18.33 state aid for any school year whenever the board of the district authorizes or permits  
18.34 violations of law within the district by:

19.1 (1) employing a teacher who does not hold a valid teaching license or permit in a  
19.2 public school;

19.3 (2) noncompliance with a mandatory rule of general application promulgated by the  
19.4 commissioner in accordance with statute, unless special circumstances make enforcement  
19.5 inequitable, impose an extraordinary hardship on the district, or the rule is contrary to  
19.6 the district's best interests;

19.7 (3) the district's continued performance of a contract made for the rental of rooms  
19.8 or buildings for school purposes or for the rental of any facility owned or operated by or  
19.9 under the direction of any private organization, if the contract has been disapproved, the  
19.10 time for review of the determination of disapproval has expired, and no proceeding for  
19.11 review is pending;

19.12 (4) any practice which is a violation of sections 1 and 2 of article 13 of the  
19.13 Constitution of the state of Minnesota;

19.14 (5) failure to reasonably provide for a resident pupil's school attendance under  
19.15 Minnesota Statutes;

19.16 (6) noncompliance with state laws prohibiting discrimination because of race, color,  
19.17 creed, religion, national origin, sex, sexual orientation, gender identity and expression,  
19.18 age, marital status, status with regard to public assistance or disability, as defined in  
19.19 sections 363A.08 to 363A.19 and 363A.28, subdivision 10, or noncompliance with  
19.20 prohibited conduct under section 121A.031; or

19.21 (7) using funds contrary to the statutory purpose of the funds.

19.22 The reduction or withholding must be made in the amount and upon the procedure  
19.23 provided in this section, or, in the case of the violation stated in clause (1), upon the  
19.24 procedure provided in section 127A.43.

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

19.27 Sec. 15. **REPEALER.**

19.28 Minnesota Statutes 2012, sections 121A.03; and 121A.0695, are repealed effective  
19.29 July 1, 2013.

**121A.03 MODEL POLICY.**

Subdivision 1. **Model policy.** The commissioner shall maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. The model policy shall address the requirements of subdivision 2, and may encourage violence prevention and character development education programs, consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.

Subd. 2. **Sexual, religious, and racial harassment and violence policy.** A school board must adopt a written sexual, religious, and racial harassment and sexual, religious, and racial violence policy that conforms with chapter 363A. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56. The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's sexual, religious, and racial harassment and violence policy with students and school employees.

Subd. 3. **Submission to commissioner.** Each school board must submit to the commissioner a copy of the sexual, religious, and racial harassment and sexual, religious, and racial violence policy the board has adopted.

**121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.**

Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.