

CHAPTER 121A

STUDENT RIGHTS, RESPONSIBILITIES, AND
BEHAVIOR

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121A.04 ATHLETIC PROGRAMS; SEX DISCRIMINATION.

[For text of subs 1 to 4, see M R 1998]

Subd 5 **Rules.** The commissioner of children, families, and learning, after consultation with the commissioner of human rights must promulgate rules in accordance with chapter 14 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the commissioner pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall provide rules and regulations and conduct its activities so as to permit its members to comply fully with this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

History: 1998 c 398 art 5 s 55

121A.19 DEVELOPMENTAL SCREENING AID.

Each school year, the state must pay a district \$40 for each child screened according to the requirements of section 121A 17. If this amount of aid is insufficient, the district may permanently transfer from the general fund an amount that, when added to the aid, is sufficient.

History: 1999 c 205 art 1 s 40

121A.22 ADMINISTRATION OF DRUGS AND MEDICINE.

[For text of subs 1 to 3, see M S 1998]

Subd 4 **Administration.** Drugs and medicine subject to this section must be administered in a manner consistent with instructions on the label. Drugs and medicine subject to this section must be administered, to the extent possible, according to school board procedures that must be developed in consultation

- (1) with a school nurse, in a district that employs a school nurse,
- (2) with a licensed school nurse, in a district that employs a licensed school nurse,
- (3) with a public or private health or health-related organization, in a district that contracts with a public or private health or health-related organization, according to section 121A 21, or

(4) with the appropriate party, in a district that has an arrangement approved by the commissioner of children, families, and learning, according to section 121A.21

[For text of subs 5 and 6, see M S 1998]

History: 1998 c 398 art 5 s 55

121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES.

Subdivision 1 Sexually transmitted diseases program. The commissioner of children, families, and learning, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least

(1) planning materials, guidelines, and other technically accurate and updated information,

(2) a comprehensive, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage,

(3) cooperation and coordination among districts and SCs,

(4) a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts,

(5) involvement of parents and other community members,

(6) in-service training for appropriate district staff and school board members,

(7) collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program,

(8) collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program, and

(9) participation by state and local student organizations.

The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.

If a district fails to develop and implement a program to prevent and reduce the risk of sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program.

Subd 2 Funding sources. Districts may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

History: 1999 c 241 art 2 s 1

121A.36 MOTORCYCLE SAFETY EDUCATION PROGRAM.

[For text of subs 1 and 2, see M S 1998]

Subd 3 Appropriation: (a) All funds in the motorcycle safety fund created by section 171.06, subdivision 2a, are hereby annually appropriated to the commissioner of public safety to carry out the purposes of subdivisions 1 and 2. The commissioner of public safety may make grants from the fund to the commissioner of children, families, and learning at such times and in such amounts as the commissioner deems necessary to carry out the purposes of subdivisions 1 and 2.

(b) Of the money appropriated under paragraph (a)

(1) not more than five percent shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2, and

(2) not more than 65 percent shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations

History: 1999 c 238 art 2 s 1

121A.41 DEFINITIONS.

[For text of subs 1 to 9, see M S 1998]

Subd 10 Suspension. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a student with a disability, the student's individual education plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education plan team shall at that meeting conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action, and determine the appropriateness of the child's education plan.

The requirements of the individual education plan team meeting apply when

- (1) the parent requests a meeting,
- (2) the student is removed from the student's current placement for five or more consecutive days, or
- (3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

[For text of subd 11, see M S 1998]

History: 1999 c 123 s 1

121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.

When a pupil who has an individual education plan is excluded or expelled under sections 121A 40 to 121A 56 for misbehavior that is not a manifestation of the pupil's disability, the district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The district shall initiate a review of the pupil's individual education plan and conduct a review of the relationship between the pupil's disability and the behavior subject to disciplinary action and determine the appropriateness of the pupil's education plan before commencing an expulsion or exclusion.

History: 1999 c 123 s 2, 1999 c 241 art 2 s 2

121A.57 CRISIS MANAGEMENT POLICY.

Subdivision 1 Model policy. By December 1, 1999, the commissioner shall maintain and make available to school boards a model crisis management policy.

Subd 2 School district policy. By July 1, 2000, a school board must adopt a district crisis management policy to address potential violent crisis situations in the district. The policy must be developed in consultation with administrators, teachers, employees, students,

parents, community members, law enforcement agencies, county attorney offices, social service agencies, and any other appropriate individuals or organizations

History: 1999 c 241 art 9 s 6

121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.

Subdivision 1 **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

[For text of subs 2 and 3, see MS 1998]

History: 1999 c 241 art 9 s 5

121A.67 AVERSIVE AND DEPRIVATION PROCEDURES.

The commissioner must adopt rules governing the use of aversive and deprivation procedures by school district employees or persons under contract with a school district. The rules must

- (1) promote the use of positive approaches and must not encourage or require the use of aversive or deprivation procedures,
- (2) require that planned application of aversive and deprivation procedures be a part of an individual education plan,
- (3) require parents or guardians to be notified after the use of aversive or deprivation procedures in an emergency,
- (4) establish health and safety standards for the use of time-out procedures that require a safe environment, continuous monitoring of the child, ventilation, and adequate space, and
- (5) contain a list of prohibited procedures.

History: 1998 c 398 art 5 s 55