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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3793**

March 4, 2008

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The bill was read for the first time and referred to the Committee on E-12 Education

March 10, 2008

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Public Safety and Civil Justice

March 19, 2008

Committee Recommendation and Adoption of Report:  
To Pass as Amended  
Read Second Time

1.1 A bill for an act  
1.2 relating to education; clarifying a student policy on cooperating and providing  
1.3 educators with information about school matters; amending Minnesota Statutes  
1.4 2006, section 121A.55.

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

1.6 Section 1. Minnesota Statutes 2006, section 121A.55, is amended to read:

1.7 **121A.55 POLICIES TO BE ESTABLISHED.**

1.8 (a) The commissioner of education shall promulgate guidelines to assist each  
1.9 school board. Each school board shall establish uniform criteria for dismissal and adopt  
1.10 written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56.  
1.11 The policies shall emphasize preventing dismissals through early detection of problems  
1.12 and shall be designed to address students' inappropriate behavior from recurring. The  
1.13 policies shall recognize the continuing responsibility of the school for the education of  
1.14 the pupil during the dismissal period. The alternative educational services, if the pupil  
1.15 wishes to take advantage of them, must be adequate to allow the pupil to make progress  
1.16 towards meeting the graduation standards adopted under section 120B.02 and help prepare  
1.17 the pupil for readmission.

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

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

2.1           (d) Each school district must include in the student policies it annually disseminates  
2.2 to students and their parents an expectation that students cooperate with educators and,  
2.3 as educators and circumstances direct, provide information to educators on school  
2.4 disciplinary, classroom, and other education and school matters, consistent with the due  
2.5 process provisions of the Pupil Fair Dismissal Act. For purposes of this paragraph, the  
2.6 requirements of section 13.04 apply only when a school administrator asks a student  
2.7 to provide information that the school administrator reasonably believes may lead to  
2.8 the student's expulsion.

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