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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1198

March 2, 2009

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

1.1 A bill for an act
1.2 relating to education; providing for harassment, bullying, intimidation, and
1.3 violence policies; amending Minnesota Statutes 2008, section 121A.03; repealing
1.4 Minnesota Statutes 2008, section 121A.0695.

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

1.6 Section 1. Minnesota Statutes 2008, section 121A.03, is amended to read:

1.7 **121A.03 MODEL POLICY SCHOOL BOARD POLICY; PROHIBITING**
1.8 **HARASSMENT, BULLYING, INTIMIDATION, AND VIOLENCE.**

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

1.14 Subd. 2. ~~Sexual, religious, and racial harassment and violence policy~~
1.15 **Harassment, bullying, intimidation, and violence policy.** ~~A school board must adopt a~~
1.16 ~~written sexual, religious, and racial harassment and sexual, religious, and racial violence~~
1.17 ~~policy that conforms with chapter 363A. By January 1, 2010, a school board must adopt a~~
1.18 written policy that prohibits harassment, bullying, intimidation, and violence based on, but
1.19 not limited to, actual or perceived race, color, creed, religion, national origin, sex, marital
1.20 status, disability, socioeconomic status, sexual orientation, gender identity or expression,
1.21 age, physical characteristics, and association with a person or group with one or more of
1.22 these actual or perceived characteristics. The policy shall address harassment, bullying,
1.23 intimidation, and violence in all forms, including, but not limited to, electronic forms and
1.24 forms requiring internet use. The policy shall apply to pupils, teachers, administrators,

2.1 and other school personnel, include reporting procedures, and set forth disciplinary
2.2 actions that will be taken for violation of the policy. Disciplinary actions must conform
2.3 with collective bargaining agreements and sections 121A.41 to 121A.56. The policy must
2.4 be conspicuously posted throughout each school building, posted on the district's Web
2.5 site, given to each district employee and independent contractor at the time of entering
2.6 into the person's employment contract, and included in each school's student handbook
2.7 on school policies. Each school must develop a process for discussing the school's
2.8 sexual, religious, and racial harassment, bullying, intimidation, and violence policy with
2.9 students and school employees. School employees shall receive training on preventing
2.10 and responding to harassment, bullying, intimidation, and violence. The board of directors
2.11 of a school district shall develop and maintain a system to collect harassment, bullying,
2.12 intimidation, and violence incidents data.

2.13 Subd. 3. **Submission to commissioner.** Each school board must submit to
2.14 the commissioner a copy of the ~~sexual, religious, and racial~~ harassment, bullying,
2.15 intimidation, and ~~sexual, religious, and racial~~ violence policy the board has adopted.
2.16 The commissioner shall review the policies for compliance and make them available to
2.17 the public upon request.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2010.

2.19 Sec. 2. **REPEALER.**

2.20 Minnesota Statutes 2008, section 121A.0695, is repealed.

APPENDIX

Repealed Minnesota Statutes: 09-2283

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.