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State of Minnesota

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Page No.

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

April 6, 2009

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; providing for harassment, bullying, intimidation, and
1.3 violence policies; amending Minnesota Statutes 2008, sections 121A.03;
1.4 124D.10, subdivision 8; repealing 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.**

1.8 Subdivision 1. ~~Model School board policy; prohibiting harassment, bullying,~~
1.9 ~~intimidation, and violence.~~ **intimidation, and violence.** The commissioner shall maintain and make available to
1.10 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, bullying, intimidation, and~~
1.15 ~~violence policy.~~ **violence policy.** (a) A school board must adopt a written ~~sexual, religious, and racial~~
1.16 ~~harassment and sexual, religious, and racial violence~~ policy that conforms, consistent with
1.17 chapter 363A, and this section, that prohibits harassment, bullying, intimidation, and
1.18 violence based on characteristics such as actual or perceived race, color, creed, religion,
1.19 national origin, sex, marital status, disability, socioeconomic status, sexual orientation,
1.20 gender identity or expression, age, physical characteristics, or association with a person or
1.21 group with one or more of these actual or perceived characteristics. The policy shall:

1.22 (1) address all forms of harassment, bullying, intimidation, and violence, including
1.23 electronic forms and forms involving Internet use, among other forms;

1.24 (2) apply to pupils, teachers, administrators, and other school personnel;

2.1 (3) include reporting procedures; and

2.2 (4) set forth disciplinary actions that will be taken for violation of the policy.

2.3 Disciplinary actions must conform with collective bargaining agreements and sections
2.4 121A.41 to 121A.56. The policy must be conspicuously posted throughout each school
2.5 building, posted on the district's Web site, given to each district employee and independent
2.6 contractor at the time of entering into the person's employment contract, and included in
2.7 each school's student handbook on school policies. Each school must develop a process
2.8 for discussing the school's ~~sexual, religious, and racial~~ harassment, bullying, intimidation,
2.9 and violence policy with students and school employees. School employees shall receive
2.10 training on preventing and responding to harassment, bullying, intimidation, and violence.
2.11 The training must reflect what is age-appropriate policy for the school's students.

2.12 (b) The school board policy under paragraph (a) also must address student and
2.13 staff hazing and include reporting procedures and disciplinary consequences for hazing,
2.14 consistent with section 121A.69.

2.15 Subd. 3. **Submission to commissioner.** Each school board must submit to the
2.16 commissioner a copy of the ~~sexual, religious, and racial harassment and sexual, religious,~~
2.17 ~~and racial violence~~ policy the board has adopted under subdivision 2.

2.18 Sec. 2. Minnesota Statutes 2008, section 124D.10, subdivision 8, is amended to read:

2.19 Subd. 8. **State and local requirements.** (a) A charter school shall meet all
2.20 applicable state and local health and safety requirements.

2.21 (b) A school sponsored by a school board may be located in any district, unless the
2.22 school board of the district of the proposed location disapproves by written resolution.

2.23 (c) A charter school must be nonsectarian in its programs, admission policies,
2.24 employment practices, and all other operations. A sponsor may not authorize a charter
2.25 school or program that is affiliated with a nonpublic sectarian school or a religious
2.26 institution.

2.27 (d) Charter schools must not be used as a method of providing education or
2.28 generating revenue for students who are being home-schooled.

2.29 (e) The primary focus of a charter school must be to provide a comprehensive
2.30 program of instruction for at least one grade or age group from five through 18 years
2.31 of age. Instruction may be provided to people younger than five years and older than
2.32 18 years of age.

2.33 (f) A charter school may not charge tuition.

2.34 (g) A charter school is subject to and must comply with chapter 363A and ~~section~~
2.35 sections 121A.03 and 121A.04.

3.1 (h) A charter school is subject to and must comply with the Pupil Fair Dismissal
3.2 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
3.3 123B.34 to 123B.39.

3.4 (i) A charter school is subject to the same financial audits, audit procedures, and
3.5 audit requirements as a district. Audits must be conducted in compliance with generally
3.6 accepted governmental auditing standards, the Federal Single Audit Act, if applicable,
3.7 and section 6.65. A charter school is subject to and must comply with sections 15.054;
3.8 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5;
3.9 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13,
3.10 and 15; 471.881; and 471.89. The audit must comply with the requirements of sections
3.11 123B.75 to 123B.83, except to the extent deviations are necessary because of the program
3.12 at the school. Deviations must be approved by the commissioner. The Department
3.13 of Education, state auditor, or legislative auditor may conduct financial, program, or
3.14 compliance audits. A charter school determined to be in statutory operating debt under
3.15 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

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

3.17 (k) A charter school must comply with sections 13.32; 120A.22, subdivision 7;
3.18 121A.75; and 260B.171, subdivisions 3 and 5.

3.19 (l) A charter school is subject to the Pledge of Allegiance requirement under section
3.20 121A.11, subdivision 3.

3.21 Sec. 3. **REPEALER.**

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

APPENDIX
Repealed Minnesota Statutes: H1198-1

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.