

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **826**

02/21/2013 Authored by Davnie, Yarusso, Melin, Mariani, Bernardy and others
The bill was read for the first time and referred to the Committee on Education Policy

03/04/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law

03/06/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations

03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Education Finance

04/02/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

04/20/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act

1.2 relating to education; providing for safe and supportive schools; authorizing

1.3 rulemaking; amending Minnesota Statutes 2012, sections 120B.36, subdivision

1.4 1; 121A.55; 121A.69, subdivision 3; 122A.60, subdivisions 1a, 3; 124D.10,

1.5 subdivision 8; 124D.895, subdivision 1; 124D.8955; 125B.15; 127A.42,

1.6 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters

1.7 121A; 127A; repealing Minnesota Statutes 2012, sections 121A.03; 121A.0695.

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

1.9 Section 1. **TITLE.**

1.10 This act may be cited as the "Safe and Supportive Minnesota Schools Act."

1.11 Sec. 2. Minnesota Statutes 2012, section 120B.36, subdivision 1, is amended to read:

1.12 Subdivision 1. **School performance report cards.** (a) The commissioner

1.13 shall report student academic performance under section 120B.35, subdivision 2; the

1.14 percentages of students showing low, medium, and high growth under section 120B.35,

1.15 subdivision 3, paragraph (b); school safety and student engagement and connection

1.16 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section

1.17 120B.35, subdivision 3, paragraph (c); two separate student-to-teacher ratios that clearly

1.18 indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for

1.19 purposes of determining these ratios; staff characteristics excluding salaries; student

1.20 enrollment demographics; district mobility; summary data on incidents of prohibited

1.21 conduct and remedial responses to the incidents under section 121A.031, subdivision 4,

1.22 paragraph (a), clause (10); and extracurricular activities. The report also must indicate

1.23 a school's adequate yearly progress status, and must not set any designations applicable

1.24 to high- and low-performing schools due solely to adequate yearly progress status. The

2.1 commissioner must use the summary data on prohibited conduct reported under section
2.2 121A.031, subdivision 4, paragraph (a), clause (10), to inform the work of the school
2.3 climate center under section 127A.052 and to assist districts and schools in improving
2.4 the educational outcomes of all students and specific categories of students affected by
2.5 such prohibited conduct.

2.6 (b) The commissioner shall develop, annually update, and post on the department
2.7 Web site school performance report cards.

2.8 (c) The commissioner must make available performance report cards by the
2.9 beginning of each school year.

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

2.13 (e) School performance report card data are nonpublic data under section 13.02,
2.14 subdivision 9, until the commissioner publicly releases the data. The commissioner shall
2.15 annually post school performance report cards to the department's public Web site no later
2.16 than September 1, except that in years when the report card reflects new performance
2.17 standards, the commissioner shall post the school performance report cards no later than
2.18 October 1.

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

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

2.22 **Subdivision 1. Student bullying policy; scope and application.** (a) This section
2.23 applies to bullying by a student against another student attending the same school which
2.24 occurs:

2.25 (1) on the school premises, at the school function or activity, or on the school
2.26 transportation;

2.27 (2) by use of electronic technology and communications on the school premises,
2.28 during the school function or activity, on the school transportation, or on the school
2.29 computers, networks, forums, and mailing lists; or

2.30 (3) by use of electronic technology and communications off the school premises.

2.31 (b) "District" under this section means a district as defined in section 120A.05,
2.32 subdivision 8. "School" under this section means a public school as defined in section
2.33 120A.05, subdivisions 9, 11, 13, and 17, and a charter school as defined in section
2.34 124D.10. "Student" under this section means a person enrolled in and attending a school
2.35 as defined under this paragraph.

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

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

3.6 Subd. 2. **Local district and school policy.** (a) Districts and schools, in consultation
3.7 with students, parents, and community organizations, shall adopt, implement, and annually
3.8 review, and revise where appropriate, a written policy to prevent and prohibit student
3.9 bullying, cyberbullying, harassment, and intimidation, consistent with this section. The
3.10 policy must conform with sections 121A.41 to 121A.56. A district or school must adopt
3.11 and implement a local policy under subdivisions 2 to 5 or comply with the provisions of
3.12 the state model policy in subdivision 6.

3.13 (b) Each local district and school policy must establish research-based,
3.14 developmentally appropriate best practices that include preventive and remedial measures
3.15 and effective discipline for deterring policy violations; apply throughout the school or
3.16 district; and foster active student, parent, and community participation. A district or
3.17 school may request assistance from the school climate center under section 127A.052 in
3.18 complying with local policy requirements. The policy shall:

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

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

3.21 (3) emphasize remedial responses over punitive measures;

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

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

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

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

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

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

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

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

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

4.3 (2) materially and substantially interferes with a student's educational opportunities
4.4 or performance or ability to participate in the school function or activity or receive the
4.5 school benefit, service, or privilege;

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

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

4.10 (c) "Cyberbullying" means bullying using technology or other electronic
4.11 communication, including, but not limited to, a transfer of a sign, signal, writing, image,
4.12 sound, or data, including a post on a social network Internet Web site or forum, to transmit
4.13 through a computer, cell phone, or other electronic device speech that contains obscene
4.14 words or images, advocates illegal conduct, or otherwise materially and substantially
4.15 disrupts a student's learning environment.

4.16 (d) Intimidating, threatening, abusive, or harassing conduct may involve, but is not
4.17 limited to, conduct that is directed at a student or students based on a person's actual or
4.18 perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex,
4.19 age, marital status, familial status, socioeconomic status, physical appearance, sexual
4.20 orientation, gender identity and expression, academic status, disability, or status with
4.21 regard to public assistance, age, or any additional characteristic defined in chapter 363A.

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

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

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

4.35 (1) designate a staff member as the primary contact person in the school building
4.36 to receive reports of prohibited conduct under clause (3), ensure the policy and its

5.1 procedures including restorative practices, consequences, and sanctions are fairly and
5.2 fully implemented, and serve as the primary contact on policy and procedural matters
5.3 implicating both the district or school and the department;

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

5.8 (3) provide a procedure to promptly investigate reports of prohibited conduct within
5.9 three school days of the report, and make the primary contact person responsible for the
5.10 investigation and any resulting record and for keeping and regulating access to any record;

5.11 (4) indicate how a school will respond to an identified incident of prohibited
5.12 conduct, including immediately intervening to protect the target of the prohibited conduct;
5.13 at the school administrator's discretion and consistent with state and federal data practices
5.14 law governing access to private data, notifying the parent of the reported target of the
5.15 prohibited conduct and the parent of the actor engaged in the prohibited conduct, or law
5.16 enforcement officials; providing other remedial responses to the prohibited conduct; and
5.17 ensuring that remedial responses are tailored to the particular incident and nature of the
5.18 conduct and the student's developmental age and behavioral history;

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

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

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

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

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

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

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

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

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

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

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

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

6.15 (5) Internet safety and cyberbullying.

6.16 **Subd. 5. Safe and supportive schools programming.** (a) Districts and schools
6.17 are encouraged to provide developmentally appropriate programmatic instruction
6.18 to help students identify, prevent, and reduce prohibited conduct; value diversity in
6.19 school and society; develop and improve students' knowledge and skills for solving
6.20 problems, managing conflict, engaging in civil discourse, and recognizing, responding
6.21 to, and reporting prohibited conduct; and make effective prevention and intervention
6.22 programs available to students. Upon request, the school climate center under section
6.23 127A.052 must assist a district or school in helping students understand social media
6.24 and cyberbullying. Districts and schools must establish strategies for creating a positive
6.25 school climate and use evidence-based social-emotional learning to prevent and reduce
6.26 discrimination and other improper conduct.

6.27 (b) Districts and schools are encouraged to:

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

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

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

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

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

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

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

7.4 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
7.5 commissioner of human rights, shall develop and maintain a state model policy. A district
7.6 or school that does not adopt and implement a local policy under subdivisions 2 to 5
7.7 must implement and may supplement the provisions of the state model policy. The
7.8 commissioner must assist districts and schools under this subdivision to implement the
7.9 state policy. The state model policy must:

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

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

7.12 (3) for a child with a disability, whenever an evaluation by an individualized
7.13 education program team or a section 504 team indicates that the child's disability affects
7.14 the child's social skills development or the child is vulnerable to bullying, cyberbullying,
7.15 harassment, or intimidation because of the child's disability, the child's individualized
7.16 education program or section 504 plan must address the skills and proficiencies the child
7.17 needs to avoid and respond to such conduct; and

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

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

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

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

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

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

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

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

8.1 Subd. 7. **Relation to existing law.** This section does not:
8.2 (1) establish any private right of action; or
8.3 (2) limit rights currently available to an individual under other civil or criminal law,
8.4 including, but not limited to, chapter 363A.

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

8.6 Sec. 4. Minnesota Statutes 2012, section 121A.55, is amended to read:

8.7 **121A.55 POLICIES TO BE ESTABLISHED.**

8.8 (a) The commissioner of education shall promulgate guidelines to assist each school
8.9 board. ~~Each school board shall~~ to establish uniform criteria for dismissal and adopt
8.10 written policies and rules to effectuate ~~the purposes of~~ sections 121A.031 and 121A.40 to
8.11 121A.56. The policies shall emphasize preventing dismissals through early detection of
8.12 problems and ~~shall~~ be designed to address prevent students' inappropriate behavior from
8.13 recurring. The policies shall recognize the continuing responsibility of the school ~~for the~~
8.14 ~~education of~~ to educate the pupil during the dismissal period. The alternative educational
8.15 services, if the pupil wishes to take advantage of them, must be adequate to allow the
8.16 pupil to make progress towards meeting the graduation standards adopted under section
8.17 120B.02 and help prepare the pupil for readmission.

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

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

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

8.26 Sec. 5. Minnesota Statutes 2012, section 121A.69, subdivision 3, is amended to read:

8.27 Subd. 3. **School board policy.** Each school board shall adopt a written policy
8.28 governing student or staff hazing. The policy must apply to student behavior that occurs
8.29 on or off school property and during and after school hours and be consistent with section
8.30 121A.031. The policy must include reporting procedures and disciplinary consequences
8.31 for violating the policy. Disciplinary consequences must be sufficiently severe to deter
8.32 violations and appropriately discipline prohibited behavior. Disciplinary consequences

9.1 must conform with sections 121A.031 and 121A.41 to 121A.56. Each school must include
9.2 the policy in the student handbook on school policies.

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

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

9.5 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
9.6 must:

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

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

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

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

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

9.17 (6) provide opportunities to build professional relationships, foster collaboration
9.18 among principals and staff who provide instruction, and provide opportunities for
9.19 teacher-to-teacher mentoring; and

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

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

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

9.32 (c) Staff development activities also may include training for school counselors,
9.33 school nurses, social workers, psychologists, and other mental health professionals to
9.34 support students, teachers, and school administrators in implementing restorative and

10.1 reparative best practices to prevent and appropriately address student prohibited conduct,
10.2 consistent with section 121A.031, subdivision 4, paragraph (b).

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

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

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

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

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

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

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

10.21 (5) effectively teach and model violence prevention policy and curriculum that
10.22 address early intervention alternatives, ~~issues of harassment~~, annually train all school
10.23 staff and school volunteers who regularly interact with students in best practices to
10.24 create and maintain a safe and supportive learning environment, consistent with section
10.25 121A.031, and teach nonviolent alternatives for conflict resolution, including restorative
10.26 and reparative processes;

10.27 (6) effectively deliver digital and blended learning and curriculum and engage
10.28 students with technology; and

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

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

10.33 Sec. 8. Minnesota Statutes 2012, section 124D.10, subdivision 8, is amended to read:

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

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

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

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

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

11.15 (f) The primary focus of a charter school must be to provide a comprehensive
11.16 program of instruction for at least one grade or age group from five through 18 years
11.17 of age. Instruction may be provided to people younger than five years and older than
11.18 18 years of age.

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

11.20 (h) A charter school is subject to and must comply with chapter 363A and section
11.21 121A.04.

11.22 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
11.23 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
11.24 123B.34 to 123B.39.

11.25 (j) A charter school is subject to the same financial audits, audit procedures, and
11.26 audit requirements as a district. Audits must be conducted in compliance with generally
11.27 accepted governmental auditing standards, the federal Single Audit Act, if applicable,
11.28 and section 6.65. A charter school is subject to and must comply with sections 15.054;
11.29 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and
11.30 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83,
11.31 except to the extent deviations are necessary because of the program at the school.
11.32 Deviations must be approved by the commissioner and authorizer. The Department of
11.33 Education, state auditor, legislative auditor, or authorizer may conduct financial, program,
11.34 or compliance audits. A charter school determined to be in statutory operating debt under
11.35 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

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

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

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

12.5 (n) A charter school offering online courses or programs must comply with section
12.6 124D.095.

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

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

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

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

12.15 (s) A charter school must comply with section 121A.031 governing policies on
12.16 prohibited conduct.

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

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

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

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

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

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

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

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

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

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

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

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

13.6 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

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

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

13.12 (2) parenting skills;

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

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

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

13.18 (6) providing community resources to strengthen schools, families, and student
13.19 learning, including establishing a safe and supportive school climate by developing and
13.20 implementing prevention and intervention programs on prohibited conduct under section
13.21 121A.031.

13.22 (b) A school board that implements a parent and family involvement policy under
13.23 paragraph (a) must convene an advisory committee composed of an equal number of
13.24 resident parents who are not district employees and school staff to make recommendations
13.25 to the board on developing and evaluating the board's parent and family involvement
13.26 policy. If possible, the advisory committee must represent the diversity of the district. The
13.27 advisory committee must consider the district's demographic diversity and barriers to
13.28 parent involvement when developing its recommendations. The advisory committee must
13.29 recommend to the school board and district or school how programs serving children and
13.30 adolescents can collaborate on:

13.31 (1) understanding child and adolescent development;

13.32 (2) encouraging healthy communication between parents and children;

13.33 (3) managing students' behavior through positive reinforcement;

13.34 (4) establishing expectations for student behavior;

14.1 (5) providing media and Internet guidance, limits, and supervision; and

14.2 (6) promoting resilience and reducing risks for children.

14.3 The advisory committee must present its recommendations to the board for board
14.4 consideration.

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

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

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

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

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

14.13 **125B.15 INTERNET ACCESS FOR STUDENTS.**

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

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

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

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

14.30 (e) "School site" means an education site as defined in section 123B.04, subdivision
14.31 1, or charter school under section 124D.10.

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

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

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

15.4 Subdivision 1. **Establishment and membership.** (a) A 20-member multiagency
 15.5 leadership council is established to improve school climate and school safety so that all
 15.6 Minnesota students in prekindergarten through grade 12 schools and higher education
 15.7 institutions have a safe and supportive learning environment in order to maximize each
 15.8 student's learning potential.

15.9 (b) The council shall consist of:

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

15.13 (2) one representative each from the Board of Teaching, Board of School
 15.14 Administrators, Minnesota School Boards Association, Elementary School Principals
 15.15 Association, Association of Secondary School Principals, and Education Minnesota as
 15.16 selected by each organization;

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

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

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

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

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

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

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

15.30 (3) development and dissemination of resources and training for schools and
 15.31 communities about issues of prohibited conduct and other school safety-related issues.

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

15.33 (a) The commissioner shall establish a school climate center at the department to
 15.34 help districts and schools under section 121A.031 provide a safe and supportive learning

16.1 environment and foster academic achievement for all students by focusing on prevention,
16.2 intervention, support, and recovery efforts to develop and maintain safe and supportive
16.3 schools. The center must work collaboratively with implicated state agencies identified
16.4 by the center and schools, communities, and interested individuals and organizations to
16.5 determine how to best use available resources.

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

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

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

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

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

16.15 (5) education and skill building;

16.16 (6) multisector and multiagency planning and advisory activities incorporating
16.17 best practices and research; and

16.18 (7) administrative and financial support for school and district planning, schools
16.19 recovering from incidents of violence, and school and district violence prevention
16.20 education.

16.21 (c) The center shall:

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

16.24 (2) establish and maintain a central repository for collecting and analyzing
16.25 information about prohibited conduct, including, but not limited to:

16.26 (i) training materials on strategies and techniques to prevent and appropriately
16.27 address prohibited conduct;

16.28 (ii) model programming;

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

16.30 (f); and

16.31 (iv) other resources for improving the school climate and preventing prohibited
16.32 conduct;

16.33 (3) assist districts and schools to develop strategies and techniques for effectively
16.34 communicating with and engaging parents in efforts to protect and deter students from
16.35 prohibited conduct; and

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

17.1 (d) The commissioner shall provide administrative services including personnel,
 17.2 budget, payroll and contract services, and staff support for center activities including
 17.3 developing and disseminating materials, providing seminars, and developing and
 17.4 maintaining a Web site. Center staff shall include a center director, a data analyst
 17.5 coordinator, and trainers who provide training to affected state and local organizations
 17.6 under a fee-for-service agreement. The financial, administrative, and staff support the
 17.7 commissioner provides under this section must be based on an annual budget and work
 17.8 program developed by the center and submitted to the commissioner by the center director.

17.9 (e) School climate center staff may consult with school safety center staff at the
 17.10 Department of Public Safety in providing services under this section.

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

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

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

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

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

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

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

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

17.31 (6) noncompliance with state laws prohibiting discrimination because of race,
 17.32 color, creed, religion, national origin, sex, age, marital status, status with regard to
 17.33 public assistance or disability, as defined in sections 363A.08 to 363A.19 and 363A.28,
 17.34 subdivision 10, or noncompliance with prohibited conduct under section 121A.031; or

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

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

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

18.5 Sec. 15. **REPEALER.**

18.6 Minnesota Statutes 2012, sections 121A.03; and 121A.0695, are repealed effective
18.7 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.