

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

05/06/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

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 to the extent such use is
2.31 reasonably foreseeable to substantially and materially disrupt student learning or the
2.32 school environment.

2.33 (b) "District" under this section means a district as defined in section 120A.05,
2.34 subdivision 8. "School" under this section means a public school as defined in section
2.35 120A.05, subdivisions 9, 11, 13, and 17, and a charter school as defined in section

3.1 124D.10. "Student" under this section means a person enrolled in and attending a school
3.2 as defined under this paragraph.

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

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

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

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

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

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

3.23 (3) emphasize remedial responses over punitive measures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.1 (1) designate a staff member as the primary contact person in the school building
5.2 to receive reports of prohibited conduct under clause (3), ensure the policy and its
5.3 procedures including restorative practices, consequences, and sanctions are fairly and
5.4 fully implemented, and serve as the primary contact on policy and procedural matters
5.5 implicating both the district or school and the department;

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

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

5.13 (4) indicate how a school will respond to an identified incident of prohibited
5.14 conduct, including immediately intervening to protect the target of the prohibited conduct;
5.15 consistent with state and federal data practices law governing access to private data, and,
5.16 at the school administrator's discretion, notifying law enforcement officials; immediately
5.17 notifying law enforcement officials if the person investigating a report of prohibited
5.18 conduct against a student by a teacher, other district or school employee, or school
5.19 volunteer reasonably believes that the prohibited conduct against the student is a crime;
5.20 providing other remedial responses to the prohibited conduct; and ensuring that remedial
5.21 responses are tailored to the particular incident and nature of the conduct and the student's
5.22 developmental age and behavioral history;

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

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

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

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

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

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

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

6.8 (12) implement the following standards related to data on incidents of prohibited
6.9 conduct:

6.10 (i) a presumption that a district or school official will notify the parent of any student
6.11 affected by alleged prohibited conduct of facts related to the incident and any disciplinary
6.12 or remedial action taken by the school or district, unless notification to the parent is
6.13 otherwise prohibited by law or the official, in consultation with the district's responsible
6.14 authority, determines that notifying the parent is not in the best interest of the student, as
6.15 consistent with section 13.02, subdivision 8;

6.16 (ii) establishment of written procedures for affected students and parents of affected
6.17 students to access all data maintained by the school or district related to the incident,
6.18 including authorization for a student or parent to contest the accuracy or completeness
6.19 of the data, consistent with section 13.04, subdivision 4;

6.20 (iii) establishment of a schedule for retention and destruction of data related to
6.21 incidents of prohibited conduct, including expedited destruction of data related to
6.22 allegations of prohibited conduct determined to be without factual basis;

6.23 (iv) establishment of security procedures to ensure that, except for summary
6.24 data, data on incidents of prohibited conduct are not shared with or disseminated to
6.25 any individual or entity not expressly authorized by law to access the data, unless an
6.26 affected student or that student's parent consents to sharing or dissemination of data on
6.27 that student's involvement in the incident for the specific purpose for which the data will
6.28 be shared or disseminated; and

6.29 (v) establishment of procedures to ensure that data designated as "summary data"
6.30 comply with section 13.02, subdivision 19, requiring that the data do not identify an
6.31 individual or contain characteristics that could be used to ascertain an individual's identity.

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

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

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

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

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

7.6 (5) Internet safety and cyberbullying.

7.7 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools

7.8 are encouraged to provide developmentally appropriate programmatic instruction

7.9 to help students identify, prevent, and reduce prohibited conduct; value diversity in

7.10 school and society; develop and improve students' knowledge and skills for solving

7.11 problems, managing conflict, engaging in civil discourse, and recognizing, responding

7.12 to, and reporting prohibited conduct; and make effective prevention and intervention

7.13 programs available to students. Upon request, the school climate center under section

7.14 127A.052 must assist a district or school in helping students understand social media

7.15 and cyberbullying. Districts and schools must establish strategies for creating a positive

7.16 school climate and use evidence-based social-emotional learning to prevent and reduce

7.17 discrimination and other improper conduct.

7.18 (b) Districts and schools are encouraged to:

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

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

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

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

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

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

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

7.30 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the

7.31 commissioner of human rights, shall develop and maintain a state model policy. A district

7.32 or school that does not adopt and implement a local policy under subdivisions 2 to 5

7.33 must implement and may supplement the provisions of the state model policy. The

7.34 commissioner must assist districts and schools under this subdivision to implement the

7.35 state policy. The state model policy must:

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

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

8.2 (3) for a child with a disability, whenever an evaluation by an individualized
8.3 education program team or a section 504 team indicates that the child's disability affects
8.4 the child's social skills development or the child is vulnerable to bullying, cyberbullying,
8.5 harassment, or intimidation because of the child's disability, the child's individualized
8.6 education program or section 504 plan must address the skills and proficiencies the child
8.7 needs to avoid, respond to, or not engage in such conduct; and

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

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

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

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

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

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

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

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

8.27 Subd. 7. **Relation to existing law.** This section does not:

8.28 (1) establish any private right of action;

8.29 (2) limit rights currently available to an individual under other civil or criminal law,
8.30 including, but not limited to, chapter 363A; or

8.31 (3) interfere with a person's rights of free speech and expression under the First
8.32 Amendment of the United States Constitution.

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

9.1 Sec. 4. **[121A.0311] NOTICE OF THE RIGHTS AND RESPONSIBILITIES**
 9.2 **OF STUDENTS AND PARENTS UNDER THE SAFE AND SUPPORTIVE**
 9.3 **MINNESOTA SCHOOLS ACT.**

9.4 A district or school subject to section 121A.031 must include in the student
 9.5 discipline policy it distributes or otherwise transmits to students and their parents annually
 9.6 at the beginning of each school year notice about the rights and responsibilities of students
 9.7 and their parents under the Safe and Supportive Minnesota Schools Act.

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

9.10 Sec. 5. Minnesota Statutes 2012, section 121A.55, is amended to read:

9.11 **121A.55 POLICIES TO BE ESTABLISHED.**

9.12 (a) The commissioner of education shall promulgate guidelines to assist each school
 9.13 board. ~~Each school board shall~~ to establish uniform criteria for dismissal and adopt
 9.14 written policies and rules to effectuate ~~the purposes of sections 121A.031 and 121A.40~~ to
 9.15 121A.56. The policies shall emphasize preventing dismissals through early detection of
 9.16 problems and ~~shall~~ be designed to address prevent students' inappropriate behavior from
 9.17 recurring. The policies shall recognize the continuing responsibility of the school ~~for the~~
 9.18 ~~education of~~ to educate the pupil during the dismissal period. The alternative educational
 9.19 services, if the pupil wishes to take advantage of them, must be adequate to allow the
 9.20 pupil to make progress towards meeting the graduation standards adopted under section
 9.21 120B.02 and help prepare the pupil for readmission.

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

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

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

9.30 Sec. 6. Minnesota Statutes 2012, section 121A.69, subdivision 3, is amended to read:

9.31 Subd. 3. **School board policy.** Each school board shall adopt a written policy
 9.32 governing student or staff hazing. The policy must apply to student behavior that occurs
 9.33 on or off school property and during and after school hours and be consistent with section

10.1 121A.031. The policy must include reporting procedures and disciplinary consequences
10.2 for violating the policy. Disciplinary consequences must be sufficiently severe to deter
10.3 violations and appropriately discipline prohibited behavior. Disciplinary consequences
10.4 must conform with sections 121A.031 and 121A.41 to 121A.56. Each school must include
10.5 the policy in the student handbook on school policies.

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

10.7 Sec. 7. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

10.8 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
10.9 must:

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

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

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

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

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

10.20 (6) provide opportunities to build professional relationships, foster collaboration
10.21 among principals and staff who provide instruction, and provide opportunities for
10.22 teacher-to-teacher mentoring; and

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

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

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

11.1 (c) Staff development activities also may include training for school counselors,
 11.2 school nurses, social workers, psychologists, and other mental health professionals to
 11.3 support students, teachers, and school administrators in implementing restorative and
 11.4 reparative best practices to prevent and appropriately address student prohibited conduct,
 11.5 consistent with section 121A.031, subdivision 4, paragraph (b).

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

11.8 Sec. 8. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

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

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

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

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

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

11.24 (5) effectively teach and model violence prevention policy and curriculum that
 11.25 address early intervention alternatives, ~~issues of harassment,~~ annually train all school
 11.26 staff and school volunteers who regularly interact with students in best practices to
 11.27 create and maintain a safe and supportive learning environment, consistent with section
 11.28 121A.031, and teach nonviolent alternatives for conflict resolution, including restorative
 11.29 and reparative processes;

11.30 (6) effectively deliver digital and blended learning and curriculum and engage
 11.31 students with technology; and

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

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

12.3 Sec. 9. Minnesota Statutes 2012, section 124D.10, subdivision 8, is amended to read:

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

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

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

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

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

12.18 (f) The primary focus of a charter school must be to provide a comprehensive
12.19 program of instruction for at least one grade or age group from five through 18 years
12.20 of age. Instruction may be provided to people younger than five years and older than
12.21 18 years of age.

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

12.23 (h) A charter school is subject to and must comply with chapter 363A and section
12.24 121A.04.

12.25 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
12.26 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
12.27 123B.34 to 123B.39.

12.28 (j) A charter school is subject to the same financial audits, audit procedures, and
12.29 audit requirements as a district. Audits must be conducted in compliance with generally
12.30 accepted governmental auditing standards, the federal Single Audit Act, if applicable,
12.31 and section 6.65. A charter school is subject to and must comply with sections 15.054;
12.32 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and
12.33 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83,
12.34 except to the extent deviations are necessary because of the program at the school.
12.35 Deviations must be approved by the commissioner and authorizer. The Department of

13.1 Education, state auditor, legislative auditor, or authorizer may conduct financial, program,
 13.2 or compliance audits. A charter school determined to be in statutory operating debt under
 13.3 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

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

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

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

13.9 (n) A charter school offering online courses or programs must comply with section
 13.10 124D.095.

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

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

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

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

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

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

13.22 Sec. 10. Minnesota Statutes 2012, section 124D.895, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

14.9 Sec. 11. Minnesota Statutes 2012, section 124D.8955, is amended to read:

14.10 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

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

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

14.16 (2) parenting skills;

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

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

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

14.22 (6) providing community resources to strengthen schools, families, and student
 14.23 learning, including establishing a safe and supportive school climate by developing and
 14.24 implementing prevention and intervention programs on prohibited conduct under section
 14.25 121A.031.

14.26 (b) A school board that implements a parent and family involvement policy under
 14.27 paragraph (a) must convene an advisory committee composed of an equal number of
 14.28 resident parents who are not district employees and school staff to make recommendations
 14.29 to the board on developing and evaluating the board's parent and family involvement
 14.30 policy. If possible, the advisory committee must represent the diversity of the district. The
 14.31 advisory committee must consider the district's demographic diversity and barriers to
 14.32 parent involvement when developing its recommendations. The advisory committee must
 14.33 recommend to the school board and district or school how programs serving children and
 14.34 adolescents can collaborate on:

- 15.1 (1) understanding child and adolescent development;
15.2 (2) encouraging healthy communication between parents and children;
15.3 (3) managing students' behavior through positive reinforcement;
15.4 (4) establishing expectations for student behavior;
15.5 (5) providing media and Internet guidance, limits, and supervision; and
15.6 (6) promoting resilience and reducing risks for children.

15.7 The advisory committee must present its recommendations to the board for board
15.8 consideration.

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

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

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

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

15.16 Sec. 12. Minnesota Statutes 2012, section 125B.15, is amended to read:

15.17 **125B.15 INTERNET ACCESS FOR STUDENTS.**

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

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

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

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

16.1 (e) "School site" means an education site as defined in section 123B.04, subdivision
16.2 1, or charter school under section 124D.10.

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

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

16.7 Sec. 13. **[127A.051] SCHOOL CLIMATE COUNCIL.**

16.8 Subdivision 1. **Establishment and membership.** (a) A 24-member multiagency
16.9 leadership council is established to improve school climate and school safety so that all
16.10 Minnesota students in prekindergarten through grade 12 schools and higher education
16.11 institutions have a safe and supportive learning environment in order to maximize each
16.12 student's learning potential.

16.13 (b) The council shall consist of:

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

16.17 (2) one representative each from the Board of Teaching, Board of School
16.18 Administrators, Minnesota School Boards Association, Elementary School Principals
16.19 Association, Association of Secondary School Principals, and Education Minnesota as
16.20 selected by each organization;

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

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

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

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

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

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

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

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

17.1 Sec. 14. [127A.052] SCHOOL CLIMATE CENTER.

17.2 (a) The commissioner shall establish a school climate center at the department to
17.3 help districts and schools under section 121A.031 provide a safe and supportive learning
17.4 environment and foster academic achievement for all students by focusing on prevention,
17.5 intervention, support, and recovery efforts to develop and maintain safe and supportive
17.6 schools. The center must work collaboratively with implicated state agencies identified
17.7 by the center and schools, communities, and interested individuals and organizations to
17.8 determine how to best use available resources.

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

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

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

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

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

17.18 (5) education and skill building;

17.19 (6) multisector and multiagency planning and advisory activities incorporating
17.20 best practices and research; and

17.21 (7) administrative and financial support for school and district planning, schools
17.22 recovering from incidents of violence, and school and district violence prevention
17.23 education.

17.24 (c) The center shall:

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

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

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

17.31 (ii) model programming;

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

17.33 (f); and

17.34 (iv) other resources for improving the school climate and preventing prohibited
17.35 conduct;

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

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

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

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

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

18.16 Sec. 15. Minnesota Statutes 2012, section 127A.42, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

19.10 Sec. 16. **REPEALER.**

19.11 Minnesota Statutes 2012, sections 121A.03; and 121A.0695, are repealed effective
19.12 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.