

Summary of 2019 Minnesota Department of Education (MDE) Education Policy Bill

Article 1: General Education

Section 1: Currently, statute is in conflict with Governmental Accounting Standards Board (GASB) Statement 84—Fiduciary Activities requirements. Statute allows for school districts to have student activities not under board control, which are not reported within the districts’ financial statements but are reported and audited separately, as required by Minnesota Statutes, section 123B.49, subdivision 4.

GASB 84 provides guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported. Meeting this objective will enhance the consistency and comparability of fiduciary activity reporting by state and local governments

Establishes a reserve fund balance account for extracurricular activities.

Section 2: Repeals the sunset of the School Safety and Technical Assistance Center.

Section 3: Repealer

1. Repeals Minnesota Statutes, section 127A.051, subdivision 7, the sunset on the School Safety and Technical Assistance Council.
2. Repeals Minnesota Statutes, section 127A.14.
This repeals Minnesota Statutes, section 127A.14 Commissioner Purchase of Annuity for Employees, which allows the commissioner of education to provide individual annuity contracts for employees for retirement and other purposes.
The statute dates to 1969. Historically, this retirement option provided the department with a recruitment tool that appealed to educators and others in the education field. The plan that was created was similar to what was offered at school districts. Since that time, tax laws have changed significantly and Minnesota State Retirement System (MSRS) expanded their deferred compensation options making the department’s plan less desirable.
In 2008, the plan was frozen. No new participants could join the plan and current participants could not contribute additional funds to the plan. Minnesota Association of Professional Employees (MAPE) members have requested that MDE terminate the plan so that participants can have access to and flexibility with their contributions.
MDE is the process of terminating the existing plan. The goal is to have the plan terminated by the end of 2018. Therefore, this authority is no longer needed.

Article 2

Section 1: Clarifies that all school districts and charter schools that run a study abroad program, in partnership with another organization or by themselves, need to report on travel abroad programs under this statute.

Section 2: Requires a school district to transfer a student's pupil withdrawal records, and any school threat assessment records, including services a pupil needs to prevent inappropriate behavior, with the rest of their educational records.

Section 3: Establishes School Safety Assessments

- Defines school safety assessments as a fact-based process using an integrated team approach that helps schools evaluate and assess potentially threatening situations or individuals whose behavior may pose a threat to the safety of the school, staff, students or self.
- Requires a school board to adopt a policy on safety assessment teams, with guidance from the Department of Public Safety's School Safety Center. Safety assessment policy must include procedures for referrals to mental health centers or health care providers for evaluation or treatment when appropriate. Must require notice to the parent or guardian of a student whose behavior is assessed unless this notification is not in the minor's best interests.
- Nothing in this section precludes school personnel from acting immediately to address an imminent threat.
- Requires the superintendent to establish a committee or individual charged with oversight of the safety assessment teams.
- Safety assessment teams: school districts must establish for each school a safety assessment team that includes, to the extent practicable, school officials with expertise in counseling, school administration, students with disabilities, and law enforcement. Teams may serve more than one school, as determined by the superintendent.
- A safety assessment team must:
 - Provide guidance to school staff and students regarding recognition of threatening or unusual behavior that may represent a threat to the school, staff, or students or self.
 - Consider whether there is sufficient information to determine whether an individual poses a threat.
 - Report summary data on its activities to the superintendent.
- Upon a preliminary determination that an individual poses a threat of violence or physical harm to self or others, a safety assessment team must immediately report its determination to the district superintendent or their designee. The superintendent/designee must notify the parent or legal guardian. The team must consider services to address underlying behavioral or mental health issues, including counseling, social work services, character education, evidence-based academic and positive behavioral interventions and supports, mental health services, and referrals for special education or Section 504 evaluation.
- Upon determining that a student exhibits suicidal ideation or self-harm, a team must follow the district's suicide prevention policy or refer the student to an appropriate school-linked mental health professional or other support personnel.

- A team must not re-disclose educational records or use any record of an individual beyond the purpose for which the disclosure was made to the safety assessment team.

Section 4: Defines nonexclusionary disciplinary policies and practices as policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavioral interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or Section 504 evaluations, academic screening for Title I services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings.

Section 5: Defines pupil withdrawal agreements as a verbal or written agreement between a school or district administrator and a pupil's parent or guardian to withdraw a student from the school district to avoid expulsion or exclusion proceedings. Requires that the withdrawal agreement may be no longer than 12 months.

Section 6: Requires school districts to attempt to use nonexclusionary disciplinary policies and practices before a dismissal proceeding or a pupil withdrawal agreement.

Section 7: Requires that school administrators ensure that, when a pupil is suspended for more than five consecutive school days, alternative education services are provided.

Section 8: Establishes minimum education services school officials must give a suspended pupil the opportunity to complete all schoolwork assigned during the suspension and to receive full credit for completing assignments satisfactorily. Encourages school districts to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to receive timely course materials and complete daily and weekly assignments and receive teachers' feedback.

Section 9: Requires safety assessment teams to conduct a school safety assessment of a pupil before providing notice of expulsion or exclusion or accepting a pupil withdrawal agreement. This assessment must address the pupil's underlying issues that led to the expulsion, exclusion or pupil withdrawal agreement in order to prevent behaviors from recurring.

Section 10: Clarifying changes to expulsion and suspension proceedings. Modifies "alternative educational services" to "nonexclusionary disciplinary policies."

Section 11: Requires admission or readmission plans to address measures to improve the pupil's behavior.

Section 12: Requires that school districts report on pupil withdrawal agreements. Modifies a reference to "alternative educational services" to nonexclusionary disciplinary policies and practices."

Section 13: Requires school districts to include nonexclusionary disciplinary policies and practices in their uniform criteria for dismissal. Clarifies that it is the school district's ongoing responsibility to review the pupil's school work and grades to ensure the pupil is on track for readmission for students in expulsion, exclusion or under withdrawal agreements. Requires school districts communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services. Clarifies that students remain eligible for school-based mental health services until they are enrolled in a new

district. Requires school districts to provide the pupil's parent or guardian a list of mental health and counseling services available to the pupil after expulsion.

Section 14: Updates an obsolete reference for accreditors for opportunities industrialization centers, under Minnesota Statutes, section 124D.09.

Section 15: Eliminates a requirement that parents or guardians of children in protective services or experiencing homelessness that qualify for early learning scholarships provide income verification.

Section 16 through Section 21: Updates references under Minnesota Statutes, section 124D.34 Minnesota Foundation for Student Organizations, to match terms used under the recent reauthorization of Carl Perkins.

Section 22: Clarifies a requirement under Minnesota Statutes, section 124D.78, subdivision 2, Parent and Community Education. Statute requires American Indian education parent advisory committees to submit a resolution of concurrence or non-concurrence on educational programs for American Indian students offered by the school district or American Indian school. This section clarifies that a resolution of non-concurrence and recommendations must be submitted directly to the school board.

Section 23: Clarifies that affiliated nonprofit building corporation may serve only one charter school.

Section 24: Adds a cross-reference to the definition of sexual abuse under the Maltreatment of Minors Act to cite Minnesota Statutes, section 609.352 Solicitation of Children to Engage in Sexual Conduct. This would allow MDE to investigate behaviors that fall under that statute for maltreatment, similar to existing authority for counties and the Department of Human Services.

Article 3: Nutrition

Section 1: Requires that participants in the school lunch program not deny a school lunch to students who qualify for free or reduced-price lunch, regardless of whether or not a student has an outstanding balance in the student's meal account for any reason.

Section 2: Outlines a non-exhaustive list of activities that are prohibited when collecting student debt, including dumping meals, announcing students' names publicly, affixing stickers, and limiting participation in extracurricular activities. Outlines a process for determining noncompliance with lunch participants.

Article 4: Facilities

Section 1: Requires school districts and charters to implement a plan that ensures that student exposure to lead is minimized.

Section 2: Requires that if the presence of lead is found, the school district or charter must notify parents of the test result and remediate the water source, make the water source unavailable, or otherwise reduce the hazard, consistent with guidance from the Minnesota Departments of Education and Health.

Section 3: Clarifies that the requirements of Minnesota Statutes, section 123B.571 Radon Testing, applies to charter schools.

Section 4: Requires school districts and charters test for the presence of radon.

Section 5: Outlines the requirements of radon testing and codifies guidance from Minnesota Department of Health.

Section 6: Adds charter schools to Minnesota Statutes, section 471.345 Uniform Municipal Contracting Law.