

Subject Student discipline
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Overview

The Pupil Fair Dismissal Act and other statutes in chapter 121A govern student discipline. Under current law, a district may not dismiss a child in a preschool or prekindergarten program, or a student in kindergarten through third grade. An exception in statute allows a district to use expulsion or exclusion after attempting nonexclusionary discipline, but only if there is an ongoing serious safety threat to the child or others. Current law also requires districts to use nonexclusionary discipline before dismissing a student in the older grades.

The following terms are defined in the Pupil Fair Dismissal Act, among others:

- “Alternative educational services” may include but is not limited to tutoring, modified curriculum, and other measures selected to allow the pupil to progress toward meeting graduation standards, although in a different setting.
- “Dismissal” means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.
- “Nonexclusionary disciplinary policies and practices” means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, and other services and practices.
- “Pupil withdrawal agreement” means a verbal or written agreement between a school administrator or district administrator and a pupil’s parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

This bill modifies the prohibition on dismissal in preschool and the early grades by allowing dismissal in kindergarten through third grade for up to three days and modifying the exceptions allowing dismissal. It also modifies statutes requiring nonexclusionary discipline before a dismissal.

Summary

Section	Description
1	<p>Disciplinary dismissals prohibited. [Full and equitable participation in early learning]</p> <p>Limits prohibition on dismissals in early learning to only children in preschool or prekindergarten programs. Modifies exception allowing dismissal by striking requirement that districts first attempt nonexclusionary discipline, and requiring a safety threat to the child or others rather than an ongoing serious safety threat to the child or others.</p> <p>Allows a district to dismiss a student in kindergarten through third grade for up to three school days.</p>
2	<p>Provision of alternative programs. [Grounds for dismissal]</p> <p>Strikes requirement that districts attempt to use nonexclusionary discipline before dismissal proceedings or pupil withdrawal agreements and instead requires districts to use alternative educational services, and strikes pupil withdrawal agreements from provision.</p>
3	<p>Policies to be established.</p> <p>Strikes requirement that school discipline policies include nonexclusionary disciplinary policies and practices and emphasize preventing dismissals through early detection of problems.</p>
4	<p>Repealer.</p> <p>Repeals section 121A.425, subdivision 2 (outlines nonexclusionary disciplinary measures that districts must use before dismissing a child in preschool through grade 3), and section 121A.611 (prohibits recess detention and withholding or excessively delaying participation in scheduled mealtimes).</p>



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