

HOUSE RESEARCH

Bill Summary

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Authors: Davnie and others

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Analyst: Lisa Larson

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Overview

In 2012, Governor Dayton established a 15-member task force on preventing student bullying. The task force made eight separate recommendations for reducing and eliminating incidents of bullying, harassment, and intimidation in Minnesota schools. This legislation proposes to implement the task force recommendations.

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- 1 **Title.** Calls this act “The Safe and Supportive Minnesota Schools Act.”
- 2 **School performance report card.** (a) Adds summary data on incidents of student bullying and the remedial responses to such incidents to the data categories reported on Minnesota’s school performance report cards. Requires the education commissioner to use summary data on prohibited conduct, including bullying, to inform the work of the School Climate Center and assist school districts and schools in improving students’ educational outcomes.

Makes this section effective for the 2014-2015 school year and later.

- 3 **School policy to provide safe and supportive schools.**

Subd. 1. Local and state policy; scope and application. (a) Makes this section applicable to: (1) conduct at school and school functions and activities and on school transportation; (2) use of electronic technology and communication at school and school functions and activities and on school transportation and school computers, networks, forums, and mailing lists; and (3) off campus use of electronic technology and communications if the use materially disrupts student learning or the school environment.

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(b) Makes this section applicable to school districts, public schools including charter schools, and nonpublic schools that receive public funds or other public resources. Excludes home schools.

Subd. 2. Local district and school policy. (a) Directs districts and schools to consult with students, parents, and community organizations to adopt, implement, review, and revise a policy to prevent and prohibit student bullying, cyberbullying, harassment, and intimidation. Requires the policy to conform with Minnesota's Pupil Fair Dismissal Law. Requires a district or school to adopt and implement a local policy, consistent with subdivisions 2 to 5 in this section, or comply with the state model policy under subdivision 6 in this section.

(b) Requires each local policy to establish research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring violations; apply throughout the school and district; and foster active student, parent, and community participation. Allows a district or school to request assistance from the School Climate Center in complying with these local requirements. Requires the policy to: (1) apply to all students, school personnel, and volunteers; (2) specifically name the characteristics listed in the definition of prohibited conduct; (3) emphasize remediation over punishment; (4) emphasize parent involvement; (5) post the policy in the school; (6) give each school employee and contractor, if the contractor regularly interacts with student, a copy of the policy; (7) to be included in the student handbook; and (8) to be available in accessible languages and format on the district or school Web site.

(c) Requires each district and school to discuss the policy with students, school personnel, and volunteers and provide training for all school personnel and volunteers.

(d) Requires each district and school to submit an electronic copy of its policy to the education commissioner for review.

Subd. 3. Definitions. (a) Declares the terms to have the meanings given them.

(b) Defines bullying to mean words, images, or actions between individuals or through technology that have the effect of materially interfering with students' ability to participate in a safe and supportive learning environment. Includes as examples of bullying conduct: (1) placing an individual in fear of harm; (2) having a detrimental effect on a student's physical, social, or emotional health; (3) interfering with a student's educational performance or ability to participate in educational opportunities; (4) encouraging a student's exclusion; (5) creating or exacerbating a power imbalance between students; (6) violating students' reasonable expectation of privacy; or (7) relating to actual or perceived student characteristics listed under the definition of prohibited conduct.

(c) Defines cyberbullying to mean bullying conduct using technology or other electronic communication.

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(d) Defines harassment to mean intimidating or abusive behavior based on an actual or perceived student characteristic that creates a hostile environment by materially interfering with students' ability to participate in or receive a benefit, service, or opportunity in a district or school program.

(e) Defines intimidation to mean a method used to bully or harass an individual.

(f) Defines prohibited conduct to include bullying, cyberbullying, harassment, and intimidation; retaliation for asserting or alleging such conduct; perpetuating such conduct by transmitting or otherwise communicating hurtful or demeaning materials; or engaging in speech that materially disrupts a student's learning environment. Makes discriminatory conduct based on listed characteristics part of the definition of prohibited conduct. The characteristics include a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity and expression, academic status, disability, or status with regard to public assistance, age, or any additional characteristic under Minnesota Statutes, chapter 363A, and association with people with one or more of these actual or perceived characteristics. States that prohibited conduct need not be based on any particular characteristic. Requires each district and school to list in their policy the characteristics identified in this definition.

(g) Defines remedial response to be a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target of prohibited conduct. Allows districts and schools to seek the assistance of the School Climate Center to develop and implement remedial responses. Does not require districts and schools to report use of remedial responses unrelated to any particular incident of prohibited conduct.

Subd. 4. Local policy components. (a) Requires each district and school to: (1) designate a primary contact person to receive formal complaints, ensure restorative practices are part of the policy and its procedures and consequences and sanctions are fairly and fully implemented, and serve as primary contact with the education department; (2) require school employees and trained volunteers who witness prohibited conduct or possess reliable information that a student is a target of prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct to the extent it does not materially disrupt the education process; (3) where prohibited conduct appears to materially disrupt the education process, provide a procedure to investigate a report of prohibited conduct within three days and make the primary contact person responsible for the investigation and any resulting record and for keeping and regulating access to records; (4) indicate how a district or school will respond to incidents of prohibited conduct, including intervening to protect the target of the prohibited conduct; at the school administrator's discretion, giving notice to parents or law enforcement officials and consistent with data practices law and the emphasis on parent involvement; providing other remedial responses; and ensuring remedial responses are appropriate to the incident and nature of the conduct and the

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student's developmental age and behavioral history; (5) prohibit reprisals or retaliation for reporting prohibited conduct and establish appropriate consequences for reprisals and retaliation; (6) allow anonymous reporting but do not rely on it exclusively to determine discipline; (7) provide information about available community resources to implicated and affected persons; (8) where appropriate to prevent or respond to prohibited conduct, require a child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct; (9) use employee training materials, school publications, and the student handbook to publicize the policy; (10) require annual collecting, reporting, and analysis of summary data on prohibited conduct and remedial responses; and (11) require ongoing professional development for all school personnel and volunteers to identify, prevent, and address prohibited conduct.

(b) Requires professional development under a local policy to include: (1) developmentally appropriate strategies to prevent and intervene in prohibited conduct; (2) the complexity of the dynamics affecting persons who engage in, are subject to, and witness prohibited conduct; (3) research on prohibited conduct, including specific categories of students at risk for prohibited conduct; (4) the incidence and nature of cyberbullying; and (5) Internet safety and cyberbullying.

Subd. 5. Safe and supportive schools programming. (a) Encourages districts and schools to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity; foster students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students, school personnel, and parents. Requires the School Climate Center to assist a district or school, upon request, in helping students understand social media and bullying. Requires districts and schools to establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other prohibited conduct.

(b) Encourages districts and schools to (1) engage all students in creating a safe and supportive school environment; (2) partner with parents and the community to develop and implement prevention and intervention programs; (3) engage all students and adults in integrating education, intervention, and other remedial responses into the school environment; (4) train student bystanders to intervene in and report prohibited conduct incidents to the primary contact person; (5) teach students to advocate for themselves and others; (6) prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and (7) foster student collaborations to support a healthy and safe school climate.

Subd. 6. State model policy. (a) Directs the education commissioner, in consultation with the human rights commissioner, to develop and maintain a state model policy. Requires a district or school that does not adopt and implement a local policy under subdivisions 2 to 5 in this section to implement the state model policy and allows the district or school to supplement the state policy. Requires the education

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commissioner to assist districts and schools in implementing the state policy. Requires the state model policy to: (1) define bullying, cyberbullying, harassment, and intimidation consistent with the definitions in this section; (2) apply the policy components of this section; (3) for a child with a disability, where appropriate require the child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to avoid and respond to prohibited conduct; and (4) encourage violence prevention and character development education programs under current law.

(b) Directs the education commissioner to develop and post departmental procedures for: (1) periodically reviewing district and school compliance with this section; (2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of improvement plans; (3) allowing students, parents, and educators to file a complaint with the commissioner about noncompliance; and (4) annually publishing statewide summary data on incidents of prohibited conduct in Minnesota's school performance report cards.

(c) Declares department records under this subdivision to be private data on individuals. Grants the data subject access to the records except makes the name of the reporter confidential.

(d) Directs the education commissioner to post on the department Web site information indicating that when a school district allows noncurriculum-related student groups access to school facilities, it must give access on equal terms to all student groups, regardless of the content of the group members' speech.

Subd. 7. Relation to existing law. Declares that this section does not: (1) establish any private right of action; (2) limit rights currently available under other civil or criminal law; or (3) interfere with a person's First Amendment rights.

Makes this section effective July 1, 2013.

4 Policies to be established. (a) Requires district and school policies on student behavior and dismissal to be consistent with the requirements for a safe and supportive school policy.

Makes this section effective July 1, 2013.

5 School board policy. Requires a district's policy on hazing to be consistent with the requirements for a safe and supportive school policy.

Makes this section effective July 1, 2013.

6 Effective staff development activities. (c) Allows staff development activities to include training for school mental health professionals to help support students, teachers, and school administrators in implementing restorative and reparative best practices to prevent and appropriately address prohibited conduct.

Makes this section effective for the 2013-2014 school year and later.

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- 7** **Staff development outcomes.** Adds to the staff development goal to teach and model violence prevention annual best practices training for all school staff and volunteers who regularly interact with students in order to create and maintain a safe and supportive learning environment that includes restorative and reparative processes.

Makes this section effective for the 2013-2014 school year and later.

- 8** **Federal, state, and local requirements.** Makes the requirement to adopt and implement a safe and supportive school policy applicable to charter schools.

Makes this section effective July 1, 2013.

- 9** **Program goals.** Includes in the guidelines and model plans for parental involvement programs a partnership with parents in establishing a positive school climate by developing and implementing prevention and intervention programs on prohibited conduct.

Makes this section effective immediately.

- 10** **Parent and family involvement policy.** (a) Adds to the list of components in a parent and family involvement policy the use of community resources to establish a positive school climate by developing and implementing prevention and intervention programs on prohibited conduct.

(b) Directs the parent advisory committee to recommend to the school board and district or school how programs serving children and adolescents can collaborate on: (1) understanding child and adolescent development; (2) encouraging healthy communication between parents and children; (3) managing student behavior through positive reinforcement; (4) establishing expectations for student behavior; (5) providing media and Internet guidance, limits, and supervision; and (6) promoting resilience and reducing risks for children.

Makes this section effective immediately.

- 11** **Internet access for students.** (f) Requires all school sites having computers with Internet access to adopt and implement a policy to prohibit cyberbullying, consistent with creating safe and supportive schools.

Makes this section effective for the 2013-2014 school year and later.

- 12** **School climate council.**

Subd. 1. Establishment and membership. (a) Establishes a multi-leadership council to improve school climate and safety to provide K-12 and postsecondary students with a safe and welcoming environment in order to maximize students' learning potential.

(b) Includes on the council the commissioners of education, health, human rights, human services, public safety, corrections and the office of higher education, or their designees; one representative each from the board of teaching, the Minnesota school boards association, the elementary and secondary school principal associations, and

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Education Minnesota, selected by each organization; two representatives each for student support personnel, parents, and students selected by the education commissioner; two representatives of local law enforcement selected by the public safety commissioner; and two representatives of the judicial branch selected by the chief justice of the Minnesota supreme court. Requires council representatives to reflect an equitable geographical distribution throughout Minnesota, to the extent practicable.

Subd. 2. Duties. Directs the council to provide leadership in developing and disseminating a model bullying and intimidation prevention policy for schools, in consultation with students, districts, schools, and community organizations; establishing norms and standards for prevention, intervention, and support related to prohibited conduct; advancing evidence-based policy and best practices to improve school climate and promote school safety; and developing and disseminating resources and training to help schools and communities address prohibited conduct and other school-safety issues.

13 School Climate Center. (a) Directs the education commissioner to establish a School Climate Center at the department to help districts and schools provide a safe and supportive learning environment and foster students' academic achievement by focusing on prevention, intervention, support, and recovery. Requires the center to work collaboratively with state agencies, schools, communities, individuals, and organizations to determine how best to use available resources.

(b) Includes among the center's services: (1) evidence-based policy review, development, and dissemination; (2) single, point of contact services for schools, parents, and students seeking help; (3) qualitative and quantitative data gathering, interpretation, and dissemination of summary data for reporting systems and student surveys and the identification and pursuit of emerging trends and issues; (4) assistance to districts and schools using Minnesota student survey results to inform intervention and prevention programs; (5) education and skill building; (6) multi-sector and multi-agency planning and advisory activities incorporating best practices and research; and (7) administrative and financial support to school sites for planning and for preventing and recovering from violence.

(c) Directs the center to: (1) compile and make available to districts and schools evidence-based elements and resources for safe and supportive schools; (2) establish and maintain a central repository for collecting and analyzing information about prohibited conduct, including training materials, programming, remedial responses, and other resources to improve the school climate and prevent prohibited conduct; (3) assist districts and schools to develop strategies and techniques for involving parents in efforts to protect students from prohibited conduct by other students and adults; and (4) solicit input from social media experts on implementation.

(d) Directs the commissioner to provide administrative services and staff support. Lists center staff. Requires staffing to be based on an annual budget and work program developed by the center and submitted to the commissioner.

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Makes this section effective beginning July 1, 2013.

- 14** **Violations of law.** Allows the commissioner to withhold or reduce a district's state aid for noncompliance with state law prohibiting student bullying, cyberbullying, harassment, and intimidation.

Makes this section effective beginning July 1, 2013.

- 15** **Repealer.** Repeals Minnesota Statutes, sections 121A.03 (requiring school boards to adopt a model sexual, religious, and racial harassment and violence policy) and 121A.0695 (requiring school boards to adopt a written policy prohibiting intimidation and bullying of students) effective July 1, 2013.