

Subject Student discipline

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Overview

This bill modifies student discipline requirements.

Summary

Section	Description
1	Citation. Names this act “The Student Inclusion and Engagement Act.”
2	World’s Best Workforce; performance measures. Adds the following performance measures to the World’s Best Workforce legislation: student engagement and connection, and pupil dismissal and removal rates by student subgroup.
3	Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal. Defines “nonexclusionary disciplinary policies and practices” as policies and practices that are alternatives to removal or dismissal, and provides examples.
4	Positive behavioral interventions and supports. Defines “positive behavioral interventions and supports” (PBIS) by reference to section 122A.267, where the term is defined as an evidence-based framework preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students; and key components of PBIS are listed.
5	Pupil withdrawal agreement. Defines “pupil withdrawal agreement” as a verbal or written agreement between a district or administrator and a pupil’s parent to withdraw the pupil to avoid expulsion or exclusion. Limits duration of agreement to 12 months.

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6	<p>Readmission plan.</p> <p>Defines “readmission plan” as a process to help a pupil successfully participate in academic programming upon return from dismissal or transfer. Provides plan requirements.</p>
7	<p>Suspension.</p> <p>Amends definition of “suspension” to require a readmission plan as defined in new section. Strikes readmission plan requirements moved to new definition section.</p>
8	<p>Willful.</p> <p>Defines “willful” or “willfully” as deliberate, intentional, and knowing.</p>
9	<p>Zero tolerance.</p> <p>Defines “zero tolerance” as a district policy that purports to impose a mandatory minimum dismissal for any defined student behavior.</p>
10	<p>Policy.</p> <p>Requires school officials to use nonexclusionary disciplinary policies and practices before beginning dismissal proceedings, and limit pupil dismissals.</p>
11	<p>Grounds for dismissal.</p> <p>Subd. 1. Provision of alternative programs. Prohibits school from dismissing a pupil without first attempting to use nonexclusionary disciplinary policies and practices, except where it appears the pupil will create an immediate and substantial danger to self or to surrounding persons.</p> <p>Subd. 2. Grounds for dismissal. (a) Requires school board regulation to be specific and sufficiently clear and definite when willful violation of the regulation is grounds for dismissal. Strikes language allowing dismissal for willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or for willful conduct that endangers school property.</p> <p>(b) Prohibits zero tolerance policies, except for willful conduct that endangers the pupil or other persons.</p> <p>(c) Prohibits dismissing a pupil for attendance, disruptive or disorderly conduct, insubordination, or other similar conduct unless school officials determine the pupil’s conduct creates an immediate and substantial danger to self or surrounding persons.</p> <p>Subd. 3. Parent notification and meeting. Requires school officials to notify parent after removing or dismissing a pupil, and to convene a meeting with the</p>

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parent within 30 days to develop a plan for using nonexclusionary disciplinary policies and practices.

12 **Suspension procedures.**

Subd. 1. Right to administrative conference before suspension. (a) Provides a pupil with the right to have an adult advocate present during an administrative conference. Requires school officials to inform pupil of right to have advocate present. Prohibits administrative conference for pupils in grades kindergarten through five or for pupils with disabilities without an adult advocate. Requires conference to take place before suspension unless pupil's conduct creates immediate danger to self or to surrounding persons; if so, conference must take place within seven days.

(b) Limits who may serve as adult advocate.

(c) Defines role of adult advocate.

Subd. 2. Administrative conference. Allows, but does not require pupil to ask questions at administrative conference. Requires administrator to inform pupil that pupil is not required to present facts and that testimony may be used in subsequent proceeding, and that pupil has right to appeal suspension.

Subd. 3. Written notice of grounds for suspension. Requires written notice to include grounds for suspension, description of nonexclusionary disciplinary policies and practices used, the length of the suspension, and a request for a meeting with pupil's parent. Modifies when written notice must be served.

Subd. 4. Suspension pending exclusion or exclusion hearing. Reduces number of days within which alternative education services must be implemented from five to three days.

Subd. 5. Minimum education services. Requires school officials to give suspended pupil a reasonable opportunity to complete school work assigned during suspension and receive full credit for satisfactorily completing assignments. Requires principal to designate a liaison to work with pupil's teachers to allow pupil to receive timely course materials and other information within 24 hours, and complete daily and weekly assignments and receive teacher feedback.

Subd. 6. Readmission plan. Requires a pupil who is suspended or transferred to an alternative learning program to have a readmission plan. Requires district or charter school to provide teachers and staff with professional development opportunities to learn to implement a readmission plan.

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Subd. 7. Parent notification and meeting; mental health screening. (a) Requires school official to make reasonable attempts to meet with parent and pupil with 30 days of suspension.

(b) Prohibits district from removing a pupil who was removed for ten cumulative days during current school year until the district has made reasonable attempts to meet with the pupil and parent.

Subd. 8. Appeals of suspension. Requires school board to establish a process that allows a teacher, representative, parent, or suspended pupil to appeal suspension.

Subd. 9. Complaint procedure. Allows a pupil or parent to file a complaint with the commissioner alleging requirements of Pupil Fair Dismissal Act have not been met. Requires commissioner to investigate a complaint, review all relevant information, and issue a written decision within 30 days of receiving complaint. If the commissioner finds the school board failed to meet statutory requirements, commissioner must order corrective action. A complaint must be submitted within 180 days of alleged violation, or conclusion of appeal under subdivision 8, whichever is later.

13 Exclusion and expulsion procedures; professional development.

Requires superintendent to track dismissals by school administrators and work with teachers and other staff to provide educators with professional development opportunities related to dismissals.

14 Exclusion and expulsion procedures; written notice.

Requires written notice of intent to explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices, and the term of the exclusion or expulsion.

15 Exclusion and expulsion procedures; basis of school board decisions; opportunity for comment.

Requires school board to provide an opportunity to present the pupil's perspective. Requires board decision to explain the grounds for excluding or expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices.

16 Exclusion and expulsion procedures; readmission plan.

Requires exclusion or expulsion to include a readmission plan. Requires administrator to try to contact and solicit input from parent, and consult with pupil's teachers, to enforce readmission plan. Requires plan to address the factors and circumstances leading to the exclusion or expulsion. Strikes language stating that dismissal for one day or less does not fall within definition of suspension. Requires district or charter

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school to provide teachers, administrators and other licensed staff with professional development opportunities to learn to implement nonexclusionary disciplinary policies and practices and alternative educational services.

17 **Report to commissioner of education.**

Subd. 1. Dismissals; physical assaults; withdrawal agreements. Requires school districts to report suspensions and pupil withdrawal agreements to the Department of Education. Requires report to include the pupil's behavior leading to the discipline, nonexclusionary disciplinary policies and practices used, attempts to provide alternative educational services, reasons nonexclusionary disciplinary policies and practices and alternative educational services were ineffective, and any exclusion or expulsion decision that was reversed on appeal. Requires report to include removal for three hours or more during any five-day period, reason for removal, and date and length of removal. Requires report to state whether a law enforcement agency or school resource officer participated in removal or dismissal, or whether referral was made to a law enforcement agency or school resource officer.

Subd. 2. Report. Adds removals and pupil withdrawal agreements to annual report to commissioner, by the categories in section 120B.35. Requires the commissioner to publish an annual longitudinal report with summary data under this section, and use data to compare and report the number of disciplinary incidents by type and district in three prior school years. Requires districts to post commissioner's summary data on the district.

Subd. 3. Training. Requires commissioner to provide, upon request, technical assistance and training to districts to facilitate compliance with reporting requirements.

18 **Policies to be established.**

Requires commissioner guidelines on dismissal policies, and modifies dismissal policy requirements. Requires policies to require alternative educational services during dismissal period and for duration of pupil withdrawal agreement. Requires readmission plan for a pupil who is dismissed or enters into pupil withdrawal agreement. Prohibits district from prohibiting a pupil from enrolling solely because pupil was expelled or excluded from another district. Requires district to develop a policy on the use of school resource officers before contracting for a school resource officer, provides requirements for policy, and requires district to report the policy to the commissioner.

Section	Description
19	<p>Student inclusion grants.</p> <p>Establishes professional development grants for nonprofit organizations, school districts, and charter schools to implement the Pupil Fair Dismissal Act and other discipline laws and rules. Provides allowed uses for grants.</p>
20	<p>Discipline and removal of pupils from class.</p> <p>Subd. 1. Required policy. Extends policy requirement to charter networks. Requires policy to include parental notification requirements.</p> <p>Subd. 2. Grounds for removal from class. Requires policy to establish a protocol for notifying the commissioner of a removal, and include a procedure for notifying a parent within 30 days of a removal. Modifies requirements for grounds in the policy.</p> <p>Subd. 3. Policy components. Modifies list of required policy components. Adds notification of student rights, and procedures for soliciting parent participation in creating a plan to help the pupil remain in the classroom and succeed in school, and strikes requirements for minimum consequences for violations of code of conduct and provision allowing staff to use reasonable force.</p>
21	<p>Notification; teachers' legitimate educational interest.</p> <p>Strikes language stating that a classroom teacher has a legitimate educational interest in knowing which students in the classroom have a history of violent behavior, and requiring that teachers be notified before students with such history be placed in their classroom.</p>
22	<p>Removal by peace officer; parent notification.</p> <p>Requires a school administrator to make and document efforts to immediately contact a parent when a pupil is removed by a peace officer or school resource officer from a classroom, school building, or school grounds unless notice is specifically prohibited by law.</p>
23	<p>General control of schools.</p> <p>Allows a teacher to remove a pupil from class for willful violent behavior, and in compliance with district or school classroom removal policy.</p>
24	<p>Effective staff development activities.</p> <p>Requires staff development activities to focus on nonexclusionary disciplinary policies and practices to keep students in the classroom and in school; include training on the effects of discipline on student; reduce the number of dismissals; and show the role of bias and lack of cultural understanding on dismissal of students from historically underserved communities.</p>

Section	Description
25	Principals; duties; evaluation. Requires a principal annual evaluation to include longitudinal data on pupil dismissals disaggregated by student categories in section 120B.35, subdivision 3.
26	Charter schools; admission requirements and enrollment. Requires charter schools to comply with student discipline statutes in addition to the Pupil Fair Dismissal Act.
27	Appropriations; student inclusion grants. Appropriates money for student inclusion grants.



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