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The Safe and Supportive Minnesota Schools Act defines bullying, prohibits bullying at school and by electronic means, and requires schools to develop and implement policies to prevent and address student bullying. The act assigns responsibilities for preventing and addressing bullying to both schools and state agencies.

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## Bullying is Prohibited

The Safe and Supportive Minnesota Schools Act<sup>1</sup> prohibits bullying, cyberbullying, and other prohibited conduct, as defined below.

- **Bullying** is intimidating, threatening, abusive, or harmful conduct that is objectively offensive and: (1) is repeated or forms a pattern and involves either a real or perceived power imbalance between students; or (2) materially and substantially interferes with a student's education. The statute provides examples of intimidating, threatening, abusive, or harmful conduct.
- **Cyberbullying** is bullying using technology or electronic communication, including a social media post.
- **Prohibited conduct** is bullying or cyberbullying, or retaliation for asserting, alleging, reporting, or providing information about such conduct, or knowingly making a false report about bullying.

Schools must use remedial measures to stop, correct, and prevent bullying, cyberbullying, and other prohibited conduct and intervene to help a student subjected to such conduct.

The act applies to conduct at school, at school functions and activities, and on school transportation, as well as to students' use of electronic technology and communications at school and elsewhere, if such use materially and substantially disrupts student learning or the school environment. The law applies to school districts and charter schools, but not to home school and nonpublic school students, unless the students voluntarily participate in public school activities. Nonpublic schools are encouraged to report summary data on student bullying.

## Local Requirements

Schools must adopt a comprehensive student bullying policy with preventive, remedial, and disciplinary practices that foster student, parent, and community participation. The local school policy must:

- designate a primary contact person, require that person to begin to investigate a bullying report within three days, and to make and keep a record of the bullying report;
- require school employees to address and resolve bullying;
- indicate how the school will respond to bullying incidents;

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<sup>1</sup> The main provisions of the Safe and Supportive Minnesota Schools Act are in [Minnesota Statutes, sections 121A.031](#) and [121A.0311](#).

- prohibit and establish consequences for reprisals and retaliation for reporting bullying;
- allow a student being investigated for bullying to present a defense; and
- inform students and parents about their right to access and correct data on the student.

Schools must submit a copy of their bullying policy to the commissioner of education. In addition, they must post the policy; discuss the policy with students, school personnel, and volunteers; and train school personnel at least every three years and new employees within the first year of employment. Schools must also establish strategies and use evidence-based social-emotional learning to address discrimination and other conduct.

The act also encourages schools to help students address bullying, value diversity, solve problems, manage conflict, be civil, and prevent and intervene with bullying. Schools are also encouraged to engage the school community in prevention and intervention programs.

## State Agency Requirements

The commissioner of education must:

- post procedures to review district and school compliance, and investigate and respond to noncompliance reports and complaints;
- post information regarding districts granting student groups equal access to school facilities;
- maintain resources on implementing strategies for creating a positive school climate and using social-emotional learning to prevent and reduce discrimination and other improper conduct; and
- with the commissioner of human rights, develop and maintain a state model antibullying policy that districts and schools may use instead of a local policy.

## Other Relevant Laws

The Safe and Supportive Minnesota Schools Act does not establish a right to sue, limit individuals' civil or criminal law rights, or interfere with individuals' rights under the First Amendment. Schools must also comply with any relevant laws regarding student discipline and student data privacy.

Bullying may implicate other state and federal laws. A school board is required to adopt a policy on sexual, religious, and racial harassment, and sexual, religious, and racial violence that conforms with the Minnesota Human Rights Act (MHRA). Bullying that is based on race, ethnicity, gender, religion, disability, or another protected class may violate the MHRA or federal civil rights laws.

The 2023 Legislature required school districts and charter schools to adopt written policies to address malicious and sadistic conduct and sexual exploitation.<sup>2</sup> The policy must prohibit malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity.



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<sup>2</sup> “Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty. [Laws 2023, ch. 55](#), art. 2, § 22.