

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 826  
**Version:** Sixth engrossment

**DATE:** May 7, 2013

**Authors:** Davnie and others

**Subject:** Creating safe and supportive schools; prohibiting student bullying

**Analyst:** Lisa Larson

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/](http://www.house.mn/hrd/).

---

### 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.

#### Section

- 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 to inform the work of the school climate center and assist school districts and schools in improving the educational outcomes of students affected by prohibited conduct.

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

- 3 **School student bullying policy.**

**Subd. 1. Student bullying policy; scope and application.** (a) Makes this section applicable to bullying by a student against another student attending the same school which occurs: (1) on school premises, at the school function or activity or on school transportation; (2) by use of electronic technology and communication on school premises, during the school function or activity, on school transportation, or on school computers, networks, forums, and mailing lists; or (3) by use of electronic technology

## Section

and communications if the use substantially and materially disrupts student learning or the school environment.

(b) Makes this section applicable to school districts and public schools including charter schools; defines district, school, and student.

(c) Encourages nonpublic schools to electronically transmit to the education department their antibullying policy and summary data on their bullying incidents, consistent with the school accreditation cycle.

(d) Excludes home schools.

**Subd. 2. Local district and school policy.** (a) Directs districts and schools, in consultation with students, parents, and community organizations, to adopt, implement, annually review, and revise where appropriate 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 or 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 list the characteristics contained in the definition of prohibited conduct; (3) emphasize remediation over punishment; (4) be conspicuously posted throughout the school; (5) be given at the time of employment to each school employee and contractor if the contractor regularly interacts with student; (6) be included in the student handbook; and (7) 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.

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

(b) Defines "bullying" to mean intimidating, threatening, abusive, or harassing conduct that is objectively offensive and: (1) causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; (2) materially and substantially interferes with a student's educational opportunities or performance or ability to participate in a school function or activity or receive a school benefit, service, or privilege; (3) under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional

## Section

infliction of emotional distress against a student; or (4) materially and substantially disrupts the work and discipline of the school.

(c) Defines “cyberbullying” to mean bullying using technology or other electronic communication to transmit speech that materially and substantially disrupts a student’s learning environment.

(d) Indicates that intimidating, threatening, abusive, or harassing conduct may involve conduct that is directed at a student or students based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, age, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, gender identity and expression, academic status, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A, the Minnesota Human Rights Act.

(e) Defines “prohibited conduct” to mean bullying or cyberbullying or retaliation for asserting, alleging, reporting, or providing information about such conduct.

(f) Defines “remedial response” to mean 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 assistance from the school climate center to develop and implement remedial responses on behalf of a student subject to prohibited conduct, to stop and correct a student engaged in prohibited conduct, and for use with students and adults in the school community. Does not require districts and schools to report use of remedial responses when that use is unrelated to any particular incident of prohibited conduct.

**Subd. 4. Local policy components.** (a) Requires each district and school to: (1) designate a staff member as a primary contact person to receive reports of prohibited conduct, 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 on policy and procedural matters implicating the district or school and 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; (3) provide a procedure to promptly 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 school will respond to incidents of prohibited conduct, including intervening to protect the target of the prohibited conduct; at the school administrator’s discretion and consistent with data practices law, notifying law enforcement officials; providing other remedial responses; immediately notifying law enforcement officials if the person investigating a report of prohibited conduct against a student by a teacher, employee, or volunteer reasonably believes the prohibited conduct against the student is a crime; and ensuring remedial responses are tailored to

## Section

the incident and nature of the conduct and the student's developmental age and behavioral history; (5) prohibit reprisals or retaliation for asserting, alleging, or reporting prohibited conduct or providing information and establish appropriate consequences for reprisals and retaliation; (6) allow anonymous reporting without relying on it exclusively to determine discipline; (7) provide information about available community resources to affected individuals as appropriate; (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 avoid, 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; (11) require ongoing professional development for all school personnel and volunteers to identify, prevent, and address prohibited conduct; and (12) implement specified standards related to data on incidents of 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 implicated in the 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. Requires the school climate center to assist a district or school, upon request, in helping students understand social media and cyberbullying. 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 improper 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

**Section**

policy under subdivisions 2 to 5 in this section to implement the state model policy and allows that district or school to supplement the state policy. Requires the education commissioner to assist districts and schools in implementing the state policy. Requires the state model policy to: (1) define prohibited conduct, consistent with 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, respond to, or not engage in 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) Makes department records under this subdivision 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 or 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 establish any private right of action, limit rights currently available to an individual under other civil or criminal law, including chapter 363A, or interfere with a person's rights of free speech and expression.

Makes this section effective July 1, 2013.

**4 Notice of the rights and responsibilities of students and parents under the Safe and Supportive Minnesota Schools Act.** Requires districts and schools to include in the school discipline policy annual notice about the rights and responsibilities of students and their parents under the Safe and Supportive Minnesota Schools Act.

**5 Policies to be established.** (a) Requires district and school policies on student behavior and dismissal to establish criteria to effectuate a safe and supportive school policy.

Makes this section effective July 1, 2013.

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

Makes this section effective July 1, 2013.

## Section

- 7**      **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.
- 8**      **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.
- 9**      **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.
- 10**     **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.
- 11**     **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.
- 12**     **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.
- 13**     **School Climate Council.**
- Subd. 1. Establishment and membership.** (a) Establishes a 24-member multi-agency leadership council to improve school climate and safety to provide K-12 and

## Section

postsecondary students with a safe and supportive environment in order to maximize students' learning potential.

(b) Includes on the council the commissioners of education, health, human rights, human services, public safety, and 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 Principals Associations, and 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; two representatives of the judicial branch selected by the chief justice of the Minnesota supreme court; and a charter school representative selected by the Minnesota Association of Charter Schools.

**Subd. 2. Duties.** Directs the council to provide leadership in: 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.

**14 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 districts and schools 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, model 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 and deter students from prohibited conduct; and (4) solicit input from social media experts on implementation.

**Section**

(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.

(e) Allows school climate staff to consult with school safety center staff at the Department of Public Safety in providing services under this section.

Makes this section effective beginning July 1, 2013.

**15**      **Violations of law.** Allows the commissioner to withhold or reduce a district's state aid for noncompliance with state law on prohibited conduct.

Makes this section effective beginning July 1, 2013.

**16**      **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.