

**Subject** Amending and supplementing the Increase Teachers of Color Act

**Authors** Kunesh-Podein and others

**Analyst** Ben Weeks

**Date** June 15, 2020

## Article 1: General Education

### Section Description – Article 1: General Education

---

- 1 Adopting plans and budgets [§120B.11, subd. 2]**  
Adds content requirements for a school district’s long-term strategic plan including strategies for adopting culturally relevant or ethnic studies curriculum and addressing education practices that foster inclusive environments and a culture that retains qualified racially and ethnically diverse staff. The section also changes a reference from “low-income and minority children” to “children from low-income families, families of color, and American Indian families.”
- 2 District advisory committee [§120B.11, subd. 3]**  
Adds requirement that a school district’s advisory committee must recommend to the district strategies for making the learning and work environments inclusive and respectful toward all racial and ethnic groups.
- 3 School board members and training [§123B.09, subd. 2]**  
Allows school board members of tribal contract schools to receive training provided by the Minnesota School Boards Association and created in collaboration with MDE and the Office of Higher Education.
- 4 Duties; evaluation.**  
Adds cultural competency to list of items evaluated under principal evaluation.
- 5 Plan implementation; components [§124D.861, subd. 2]**  
Restructures and modifies the requirements for eligible school districts’ long-term achievement and integration plans.

## Article 2: Education Excellence

### Section Description – Article 2: Education Excellence

---

- 1 Private data; when disclosure is permitted [§13.32, subd. 3]**  
Adds tribal nations to the list of entities that may receive certain otherwise private educational data. Tribal nations would be able to receive data on tribally enrolled or descendant students in order to support the students’ academic pursuits.
- 2 Education records [§120A.22, subd. 7]**  
Requires all schools to send pupil withdrawal records, as well as any services a student needs to mitigate inappropriate behavior, to another school to which a student is transferring. These are in addition to current requirements to send various academic and disciplinary records.
- 3 Standards development [§120B.021, subd. 2]**  
Adds the Tribal Nations Education Committee and representatives of Minnesota’s tribal nations and communities to the list of those the commissioner of the Minnesota Department of Education (MDE) must consult in the creation of statewide academic standards.
- 4 Curriculum policy [§120B.25]**  
Requires a school board to adopt written policies prohibiting discrimination against teachers or principals who teach curriculum focused on persons in protected classes under state and federal antidiscrimination laws.
- 5 Safe and supportive schools programming [§121A.031, subd. 5]**  
Changes current permissive language to mandatory language for schools to implement various measures seeking a safe and supportive school environment.
- 6 State model policy [§121A.031, subd. 6]**  
Adds two requirements to MDE’s current obligation to create a state model policy on bullying. Specifically requires MDE to develop and maintain evidence-based resources regarding social-emotional learning and to develop and adopt state standards for social, emotional, and cognitive development.
- 7 Suspension [§121A.41, subd. 10]**  
Adds definition of “in-school suspension,” meaning when a student is removed from regular classroom for at least half a day but remains at school under supervision of school personnel. The term for the current statutory definition of “suspension” is changed to “out-of-school suspension.”

**Section Description – Article 2: Education Excellence**

---

- 8      **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal [§121A.41, subd. 12]**  
Adds definition of “nonexclusionary disciplinary policies and practices” to mean, in general, practices that are alternatives to removing a student from class or school.
- 9      **Pupil withdrawal agreement [§121A.41, subd. 13]**  
Adds definition of “pupil withdrawal agreement” meaning an agreement between a school and a student’s parent or guardian by which the student withdraws from the school to avoid expulsion or suspension. Such agreements can be for no more than one year in length.
- 10     **Provision of alternative programs [§121A.45, subd. 1]**  
Changes terminology and makes conforming change related to nonexclusionary discipline.
- 11     **Suspension pending expulsion or exclusion hearing [§121A.46, subd. 4]**  
Requires a school to provide alternative educational services to a student suspended for five or more consecutive school days.
- 12     **Minimum education services [§121A.46, subd. 5]**  
Requires that a suspended student be allowed to complete all class assignments, and receive full credit for satisfactory completion, while on suspension.
- 13     **Written notice [§121A.47]**  
Changes terminology from “alternative education services” to “nonexclusionary disciplinary practices.” The section also requires that MDE’s notice to parents about low-cost legal assistance for expulsion and exclusion procedures be posted on MDE’s website.
- 14     **Admission or readmission plan [§121A.47, subd. 14]**  
Adds items to list of measures to correct a student’s behavior that may be included in an admission or readmission plan.
- 15     **Exclusions and expulsions; pupil withdrawals and physical assaults [§121A.53, subd. 1]**  
Changes terminology and makes conforming changes regarding pupil withdrawal agreements, created elsewhere in the bill.
- 16     **Policies to be established [§121A.55]**  
Requires school districts to include nonexclusionary disciplinary policies and practices in their uniform criteria for dismissal. The section also requires schools to continue

**Section Description – Article 2: Education Excellence**

---

- reviewing a student’s school work after expulsion, exclusion, or pupil withdrawal agreement, unless the student enrolls in another school district, and requires schools to provide a list of mental health services available to the student after expulsion, and post this information on their website.
- 17     **Graduation ceremonies; tribal regalia and objects of cultural significance [§124D.792]**  
Requires school districts to allow American Indian students to wear regalia and objects of cultural significance at graduation ceremonies.
- 18     **Interagency early intervention committees [§125A.30]**  
Adds tribal health and human service agencies to Interagency Early Intervention Committees.

### **Article 3: Teachers**

**Section Description – Article 3: Teachers**

---

- 1     **Increasing the percentage of teachers of color and American Indian teachers in Minnesota [§120B.117]**
- Subd. 1. Purpose.** States the section’s purpose of increasing the percentages of teachers of color and American Indian teachers in Minnesota such that all students have access to effective teachers who reflect student diversity.
- Subd. 2. Equitable access to racially and ethnically diverse teachers.** Sets goal of increasing percentage of Minnesota teachers of color and American Indian teachers by 2 percent per year with an aim of having teachers reflect student diversity by 2040.
- Subd. 3. Rights not created.** Clarifies that the goals under the section do not confer any rights.
- Subd. 4. Reporting.** Sets reporting requirements for PELSB in collaboration with MDE beginning in 2020 and each year thereafter. The report, which must be posted on PELSB’s website must address progress under a number of sections of law aimed at increasing the number of teachers of color and American Indian teachers in Minnesota. PELSB must consult with various public and community groups in preparing the report.

**Section Description – Article 3: Teachers**

---

- 2 Development, evaluation, and peer coaching for continuing contract teachers [§122A.40 subd. 8]**  
Adds cultural competency to list of items evaluated under teacher development and evaluation. The section applies to teachers in school districts other than those in cities of the first class.

## **Article 4: MDE Housekeeping**

Makes miscellaneous housekeeping provisions to the K12 statutes as recommended by the Minnesota Department of Education.

**Section Description – Article 4: MDE Housekeeping**

---

- 1 Program described [§124D.74, subd. 1]**  
Adds clarifying language to American Indian Education Programs section.
- 2 Parent committee [§124D.78, subd. 1]**  
Provides definition of “American Indian students” for purposes of section related to parent and community participation in school districts and at American Indian schools.
- 3 Membership [§124D.78, subd.3]**  
Requires a majority of the parents on American Indian parent advisory boards to be parents of American Indian students.
- 4 Technical assistance [§124D.79, subd. 2]**  
Modifies MDE’s requirement to provide technical assistance to schools and districts under the Community and Commissioner Participation in American Indian Education section to include an annual report of American Indian student data.
- 5 Procedures [§124D.81, subd. 1]**  
Adds clarifying language consistent with current practice.

## **Article 5: Nutrition**

Strengthens Minnesota’s prohibitions against lunch shaming.

**Section Description – Article 5: Nutrition**

---

**1 School meals policies; lunch aid; food service.**

**Subd. 1. School meals policies.** Requires participants in the national school lunch program to adopt and post a school meals policy. The policy must address student meal charges and collections practices; prohibit withdrawals of meals served to students; ensure that a student eligible for free and reduced-price lunch is always served a reimbursable meal; and be provided to a third party meal services vendor.

**Subd. 1a. School lunch aid amounts.** Creates a new subdivision with language previously in subdivision 1 that establishes the state aid reimbursement rates (which are unchanged in this bill).

**Subd. 4. No fees.** Prohibits a participant from denying school lunch to a student who qualifies for free or reduced-price lunch, regardless of whether the student has an outstanding balance in the student’s meal account for any reason.

**Subd. 5. Respectful treatment.** Requires a participant to provide meals to participating students in a respectful manner and conform to the school meals policy. Prohibits certain reminders of outstanding meal balances, and prohibits limiting student participation in school activities due to unpaid student meal balances. Requires the commissioner to send a letter of noncompliance to a participant that does not provide meals to participating students in a respectful manner, and the participant to respond and remedy the practice within 60 days.

**Subd. 6. Definitions.** Defines the terms “al a carte” and “school meals” for purposes of this section.

## **Article 6: Early Education**

Prohibits school districts and charter schools from dismissing a child enrolled in a preschool or prekindergarten program, and provides that expulsions and exclusions may be used only after the school district or charter school has exhausted the specified nonexclusionary discipline resources and only in circumstances where there is an ongoing safety threat to the child or others.

**Section Description – Article 6: Early Education**

---

**1 Full and equitable participation in preschool and prekindergarten [§121A.425]**

Prohibits school districts and charter schools from dismissing a child enrolled in a preschool or prekindergarten program, and provides that expulsions and exclusions may be used only after the school district or charter school has exhausted the

**Section Description – Article 6: Early Education**

---

specified nonexclusionary discipline resources and only in circumstances where there is an ongoing safety threat to the child or others.



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155