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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1471

02/22/2021 Authored by Urdahl
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for teacher and classroom safety; requiring notice
1.3 to a paraprofessional of a student's history of violence; amending Minnesota
1.4 Statutes 2020, sections 121A.53, subdivision 2; 121A.61, subdivision 3; 121A.64;
1.5 proposing coding for new law in Minnesota Statutes, chapter 122A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 121A.53, subdivision 2, is amended to read:

1.8 Subd. 2. Report. (a) The school board must include state student identification numbers
1.9 of affected pupils on all dismissal and other disciplinary reports required by the department.
1.10 The department must report annually to the commissioner summary data on the number of
1.11 dismissals and physical assaults of district employees by a student by age, grade, gender,
1.12 race, and special education status of the affected pupils. All dismissal and other disciplinary
1.13 reports must be submitted through the department electronic reporting system.

1.14 (b) The commissioner must aggregate the district data reported under this section and
1.15 include the aggregated data, including aggregated data on physical assaults of a district
1.16 employee by a student, in the annual school performance reports under section 120B.36.

1.17 (c) A teacher that is physically assaulted by a student must receive a copy of the report
1.18 to the commissioner submitted according to subdivision 1.

1.19 Sec. 2. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

1.20 Subd. 3. Policy components. The policy must include at least the following components:

- 1.21 (a) rules governing student conduct and procedures for informing students of the rules;
1.22 (b) the grounds for removal of a student from a class;

- 2.1 (c) the authority of the classroom teacher to remove students from the classroom pursuant
2.2 to procedures and rules established in the district's policy;
- 2.3 (d) the procedures for removal of a student from a class by a teacher, school administrator,
2.4 or other school district employee;
- 2.5 (e) the period of time for which a student may be removed from a class, which may not
2.6 exceed five class periods for a violation of a rule of conduct;
- 2.7 (f) provisions relating to the responsibility for and custody of a student removed from
2.8 a class;
- 2.9 (g) the procedures for return of a student to the specified class from which the student
2.10 has been removed;
- 2.11 (h) the procedures for notifying a student and the student's parents or guardian of
2.12 violations of the rules of conduct and of resulting disciplinary actions;
- 2.13 (i) any procedures determined appropriate for encouraging early involvement of parents
2.14 or guardians in attempts to improve a student's behavior;
- 2.15 (j) any procedures determined appropriate for encouraging early detection of behavioral
2.16 problems;
- 2.17 (k) any procedures determined appropriate for referring a student in need of special
2.18 education services to those services;
- 2.19 (l) the procedures for consideration of whether there is a need for a further assessment
2.20 or of whether there is a need for a review of the adequacy of a current individualized
2.21 education program of a student with a disability who is removed from class;
- 2.22 (m) procedures for detecting and addressing chemical abuse problems of a student while
2.23 on the school premises;
- 2.24 (n) the minimum consequences for violations of the code of conduct;
- 2.25 (o) procedures for immediate and appropriate interventions tied to violations of the code;
- 2.26 (p) a provision that states that a teacher, school employee, school bus driver, or other
2.27 agent of a district may use reasonable force in compliance with section 121A.582 and other
2.28 laws;
- 2.29 (q) an agreement regarding procedures to coordinate crisis services to the extent funds
2.30 are available with the county board responsible for implementing sections 245.487 to
2.31 245.4889 for students with a serious emotional disturbance or other students who have an

3.1 individualized education program whose behavior may be addressed by crisis intervention;
 3.2 and

3.3 (r) a provision that states a student must be removed from class immediately if the student
 3.4 engages in assault or violent behavior. For purposes of this paragraph, "assault" has the
 3.5 meaning given it in section 609.02, subdivision 10. The removal shall be for a period of
 3.6 time deemed appropriate by the principal, in consultation with the teacher. The principal
 3.7 must remove the student from class for at least three school days following the day of the
 3.8 incident. A student may only return to the class from which they were removed after the
 3.9 student has been given assistance to prevent the inappropriate behavior from recurring. A
 3.10 teacher who disagrees with the period of time determined by the principal may appeal the
 3.11 principal's decision, in writing, to the superintendent or charter school director for a different
 3.12 period of time for the removal from class. The student must not return to the classroom until
 3.13 the teacher and principal receive notice of the superintendent's decision. The superintendent's
 3.14 decision is final.

3.15 Sec. 3. Minnesota Statutes 2020, section 121A.64, is amended to read:

3.16 **121A.64 NOTIFICATION; TEACHERS' AND PARAPROFESSIONALS'**
 3.17 **LEGITIMATE EDUCATIONAL INTEREST.**

3.18 (a) A classroom teacher has a legitimate educational interest in knowing which students
 3.19 placed in the teacher's classroom have a history of violent behavior, including any
 3.20 documented physical assault of a district employee by the student, and must be notified
 3.21 before such students are placed in the teacher's classroom.

3.22 (b) A paraprofessional assigned to work alone or on a regular basis with a student with
 3.23 a disability has a legitimate educational interest in knowing whether the student has a history
 3.24 of violent behavior, including any documented physical assault of a district employee by
 3.25 the student, and must be notified before being assigned to work with the student.

3.26 ~~(b)~~ (c) Representatives of the school board and the exclusive representative of the teachers
 3.27 shall discuss issues related to the model policy on student records adopted under Laws 1999,
 3.28 chapter 241, article 9, section 50, and any modifications adopted under Laws 2003, First
 3.29 Special Session chapter 9, for notifying classroom teachers and other school district
 3.30 employees having a legitimate educational interest in knowing about students with a history
 3.31 of violent behavior, including any documented physical assault of a district employee by
 3.32 students placed in classrooms. The representatives of the school board and the exclusive
 3.33 representative of the teachers also may discuss the need for intervention services or conflict

4.1 resolution or training for staff related to placing students with a history of violent behavior
4.2 in teachers' classrooms.

4.3 **Sec. 4. [122A.85] TEACHER AND CLASSROOM SAFETY CODED ELSEWHERE.**

4.4 **Subdivision 1. Scope.** The sections referred to in subdivisions 2 to 5 are codified outside
4.5 this section. Those sections include many but not all the sections governing teacher and
4.6 classroom safety.

4.7 **Subd. 2. Dismissal and disciplinary report to the commissioner.** A teacher who was
4.8 physically assaulted by a student must receive a copy of the report to the commissioner
4.9 under section 121A.52.

4.10 **Subd. 3. Discipline and removal of students from class.** A student must be removed
4.11 from class immediately if the student engages in assault or violent behavior under section
4.12 121A.61.

4.13 **Subd. 4. Teachers' and paraprofessionals' legitimate educational interest.** (a) A
4.14 teacher has a legitimate educational interest in knowing which students placed in their
4.15 classroom have a history of violent behavior and must be notified before such students are
4.16 placed in their classroom under section 121A.64.

4.17 (b) A paraprofessional has a legitimate educational interest in knowing whether a student
4.18 with a disability that the paraprofessional works with alone or on a regular basis has a history
4.19 of violent behavior and must be notified before being assigned to work with the student
4.20 under section 121A.64.

4.21 **Subd. 5. General control of school and classroom.** A teacher of record must have the
4.22 general control and government of a school and classroom and a teacher may remove violent
4.23 or disruptive students from class as provided under section 122A.42.

4.24 **Subd. 6. Notice of rights and responsibilities.** At least once each school year, in the
4.25 form and manner determined by the charter school or school district, a teacher and
4.26 administrator must be informed of their rights and responsibilities under these statutes and
4.27 related school or district policies.