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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2243

03/07/2019 Authored by Mariani and Noor
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; amending the Pupil Fair Dismissal Act; requiring
1.3 nonexclusionary disciplinary policies and practices; appropriating money; amending
1.4 Minnesota Statutes 2018, sections 120B.11, subdivision 1a; 121A.41, subdivision
1.5 10, by adding subdivisions; 121A.42; 121A.45; 121A.46; 121A.47, subdivisions
1.6 2, 13, 14, by adding a subdivision; 121A.53; 121A.55; 121A.61; 121A.64; 121A.67,
1.7 by adding a subdivision; 122A.42; 122A.60, subdivision 1a; 123B.147, subdivision
1.8 3; 124E.11; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.10 Section 1. CITATION.

1.11 This act may be cited as "The Student Inclusion and Engagement Act."

1.12 Sec. 2. Minnesota Statutes 2018, section 120B.11, subdivision 1a, is amended to read:

1.13 Subd. 1a. Performance measures. Measures to determine school district and school
1.14 site progress in striving to create the world's best workforce must include at least:

1.15 (1) the size of the academic achievement gap, rigorous course taking under section
1.16 120B.35, subdivision 3, paragraph (c), clause (2), student engagement and connection under
1.17 section 120B.35, subdivision 3, paragraph (d), and enrichment experiences by student
1.18 subgroup;

1.19 (2) student performance on the Minnesota Comprehensive Assessments;

1.20 (3) high school graduation rates; and

1.21 (4) career and college readiness under section 120B.30, subdivision 1; and

1.22 (5) pupil dismissal and removal rates by student subgroup.

2.1 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.2 Sec. 3. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
2.3 read:

2.4 Subd. 5a. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
2.5 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
2.6 policies and practices that are alternatives to removing a pupil from class or dismissing a
2.7 pupil from school, including positive behavioral interventions and supports and alternative
2.8 education services that require school officials to intervene in, redirect, and support a pupil's
2.9 behavior before removing a pupil from class or beginning dismissal proceedings.
2.10 Nonexclusionary disciplinary policies and practices include but are not limited to the policies
2.11 and practices under sections 121A.575, clauses (1) and (2); 121A.031, subdivision 4,
2.12 paragraph (a), clause (1); and 121A.61, subdivision 3, clause (8).

2.13 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.14 Sec. 4. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
2.15 read:

2.16 Subd. 6a. **Positive behavioral interventions and supports.** "Positive behavioral
2.17 interventions and supports" has the meaning given in section 122A.627.

2.18 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.19 Sec. 5. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
2.20 read:

2.21 Subd. 7a. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal
2.22 or written agreement between a school or district administrator and a pupil's parent to
2.23 withdraw the pupil from the school district to avoid expulsion or exclusion. The duration
2.24 of the withdrawal agreement must not exceed 12 months.

2.25 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.26 Sec. 6. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
2.27 read:

2.28 Subd. 7b. **Readmission plan.** "Readmission plan" means an individualized documented
2.29 process developed by school administrators, teachers and other district staff, the pupil, and
2.30 the pupil's parent to help the pupil successfully participate in academic programming upon

3.1 the pupil's return from a dismissal or transfer. The plan must address the circumstances that
 3.2 led to the pupil's dismissal, include interventions to support the pupil's academic success
 3.3 and informed instruction to allow the pupil to complete missed work, and keep the pupil
 3.4 on track to meet academic benchmarks. A district must document input received from a
 3.5 parent to develop a tailored, culturally sensitive, and culturally responsive readmission plan.
 3.6 The readmission plan must include, where appropriate, a provision for implementing
 3.7 alternative educational services upon readmission and may not be used to extend the current
 3.8 suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must
 3.9 not obligate a parent to provide a sympathomimetic medication for the parent's child as a
 3.10 condition of readmission.

3.11 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

3.12 Sec. 7. Minnesota Statutes 2018, section 121A.41, subdivision 10, is amended to read:

3.13 Subd. 10. **Suspension.** "Suspension" means an action by the school administration,
 3.14 under rules promulgated by the school board, prohibiting a pupil from attending school for
 3.15 a period of no more than ten school days. If a suspension is longer than five days, the
 3.16 suspending administrator must provide the superintendent with a reason for the longer
 3.17 suspension. This definition does not apply to dismissal from school for one school day or
 3.18 less, except as provided in federal law for a student with a disability. Each suspension action
 3.19 ~~may~~ must include a readmission plan as defined in subdivision 7b. ~~The readmission plan~~
 3.20 ~~shall include, where appropriate, a provision for implementing alternative educational~~
 3.21 ~~services upon readmission and may not be used to extend the current suspension. Consistent~~
 3.22 ~~with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to~~
 3.23 ~~provide a sympathomimetic medication for the parent's child as a condition of readmission.~~
 3.24 The school administration may not impose consecutive suspensions against the same pupil
 3.25 for the same course of conduct, or incident of misconduct, except where the pupil will create
 3.26 an immediate and substantial danger to self or to surrounding persons or property, or where
 3.27 the district is in the process of initiating an expulsion, in which case the school administration
 3.28 may extend the suspension to a total of 15 school days.

3.29 Sec. 8. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
 3.30 read:

3.31 Subd. 12. **Willful.** "Willful" or "willfully" means deliberate, intentional, and knowing.

3.32 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

4.1 Sec. 9. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 13. **Zero tolerance.** "Zero tolerance" means a district policy that purports to
4.4 impose a mandatory minimum dismissal for any defined student behavior.

4.5 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

4.6 Sec. 10. Minnesota Statutes 2018, section 121A.42, is amended to read:

4.7 **121A.42 POLICY.**

4.8 (a) No public school shall deny due process or equal protection of the law to any public
4.9 school pupil involved in a dismissal proceeding which may result in suspension, exclusion,
4.10 or expulsion.

4.11 (b) School officials must use nonexclusionary disciplinary policies and practices before
4.12 beginning dismissal proceedings and must limit pupil dismissals consistent with section
4.13 121A.45, subdivision 1.

4.14 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

4.15 Sec. 11. Minnesota Statutes 2018, section 121A.45, is amended to read:

4.16 **121A.45 GROUNDS FOR DISMISSAL.**

4.17 Subdivision 1. **Provision of alternative programs.** ~~No~~ A school shall ~~must not~~ dismiss
4.18 any pupil without first attempting to provide alternative educational services ~~use~~
4.19 nonexclusionary disciplinary policies and practices before dismissal proceedings, except
4.20 where it appears that the pupil will create an immediate and substantial danger to self or to
4.21 surrounding persons ~~or property~~.

4.22 Subd. 2. **Grounds for dismissal.** (a) A pupil may be dismissed ~~on any of the following~~
4.23 grounds ~~for:~~

4.24 ~~(a) (1) willful violation of any reasonable school board regulation. Such regulation must~~
4.25 ~~be that is specific and sufficiently clear and definite to provide notice to pupils that they~~
4.26 ~~must conform their conduct to its requirements; or~~

4.27 ~~(b) willful conduct that significantly disrupts the rights of others to an education, or the~~
4.28 ~~ability of school personnel to perform their duties, or school sponsored extracurricular~~
4.29 ~~activities; or~~

4.30 ~~(e) (2) willful conduct that endangers the pupil or other pupils, or surrounding persons,~~
4.31 ~~including school district employees, or property of the school.~~

5.1 (b) A school board regulation must not include a zero-tolerance policy requiring a school
 5.2 official to automatically dismiss a pupil except under paragraph (a), clause (2).

5.3 (c) A pupil must not be dismissed for attendance, disruptive or disorderly conduct,
 5.4 insubordination, or other similarly named conduct unless school officials determine the
 5.5 pupil's conduct creates an immediate and substantial danger to self or to surrounding persons.

5.6 Subd. 3. **Parent notification and meeting.** ~~If a pupil's total days of removal from school~~
 5.7 ~~exceeds ten cumulative days in a school year, the school district shall make reasonable~~
 5.8 ~~attempts to~~ After removing a pupil from class under section 121A.61 or dismissing a pupil
 5.9 from school, school officials must notify the pupil's parent of the removal or dismissal,
 5.10 convene a meeting with the pupil and the pupil's parent or guardian before subsequently
 5.11 removing the pupil from school within 30 days, and, with the permission of the parent or
 5.12 guardian, arrange for a mental health screening for the pupil. The district is not required to
 5.13 pay for the mental health screening. The purpose of this meeting is to attempt to:

5.14 (1) develop a plan for using nonexclusionary disciplinary policies and practices; and

5.15 (2) determine the pupil's need for assessment or other services or whether the parent or
 5.16 guardian should have the pupil assessed or diagnosed to determine whether the pupil needs
 5.17 treatment for a mental health disorder.

5.18 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

5.19 Sec. 12. Minnesota Statutes 2018, section 121A.46, is amended to read:

5.20 **121A.46 SUSPENSION PROCEDURES.**

5.21 Subdivision 1. **Informal Right to administrative conference before suspension.** (a)
 5.22 The school ~~administration shall~~ officials must not suspend a pupil from school without an
 5.23 ~~informal~~ administrative conference with the pupil. The pupil has the right to have an adult
 5.24 advocate present during the administrative conference. School officials must inform the
 5.25 pupil of the pupil's right to have the adult advocate present and must document any effort
 5.26 to include the adult in the administrative conference. School officials must not hold an
 5.27 administrative conference for pupils in kindergarten through grade 5 or for pupils with
 5.28 disabilities without an adult advocate present. The informal administrative conference shall
 5.29 must take place before the suspension, except where it appears unless school officials
 5.30 determine that the pupil will create pupil's conduct creates an immediate and substantial
 5.31 danger to self or to surrounding persons or property, in which case the conference shall
 5.32 must take place as soon as practicable following the suspension within seven days.

6.1 (b) An adult advocate under paragraph (a) means a person over the age of 18 who is not
 6.2 responsible for administering discipline to students. A pupil's family member or a school
 6.3 staff member may serve as the pupil's adult advocate.

6.4 (c) The role of the adult advocate is to help the pupil understand the grounds for the
 6.5 proposed suspension or other discipline and to ensure that the pupil understands the pupil's
 6.6 rights under sections 121A.40 to 121A.56. The adult advocate may also support the pupil
 6.7 by suggesting interventions or other ways to address the pupil's conduct and support the
 6.8 pupil's inclusion in and engagement with the school.

6.9 Subd. 2. ~~Administrator notifies pupil of grounds for suspension~~ **Administrative**
 6.10 **conference.** At the ~~informal~~ administrative conference, a school administrator ~~shall~~ must
 6.11 notify the pupil of the grounds for the suspension, provide an explanation of and explain
 6.12 the evidence the authorities have, and. The pupil may present the pupil's version of the facts
 6.13 and ask questions but is not required to do so. A school administrator must inform the pupil
 6.14 that the pupil is not required to present the pupil's version of the facts and that any testimony
 6.15 the pupil provides can be used against the pupil in a subsequent court proceeding. A school
 6.16 administrator must inform the pupil of the pupil's right to appeal any suspension pursuant
 6.17 to policies developed according to subdivisions 8 and 9.

6.18 Subd. 3. **Written notice of grounds for suspension.** (a) A written notice containing
 6.19 the grounds for of suspension, must be personally served upon the pupil at or before the
 6.20 time the suspension is to take effect, and served upon the pupil's parent by mail within 48
 6.21 hours of the administrative conference. A written notice required under this section must
 6.22 contain:

6.23 (1) the grounds for the suspension;

6.24 (2) a brief statement of the facts;

6.25 (3) a description of the testimony;

6.26 (4) a description of the nonexclusionary disciplinary policies and practices used with
 6.27 the pupil;

6.28 (5) the length of the suspension;

6.29 (6) a readmission plan, that includes the pupil's scheduled date of return to school;

6.30 (7) a request for a meeting with the pupil's parent according to subdivision 7; and

7.1 ~~(8) a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at~~
 7.2 ~~or before the time the suspension is to take effect, and upon the pupil's parent or guardian~~
 7.3 ~~by mail within 48 hours of the conference.~~

7.4 (b) The district shall ~~shall~~ must make reasonable efforts to notify the parents of the suspension
 7.5 by telephone as soon as possible following or electronically within 24 hours of the
 7.6 suspension. In the event ~~if~~ a pupil is suspended without an ~~informal~~ administrative conference
 7.7 on the grounds that ~~of the pupil will create an~~ pupil's immediate and substantial danger to
 7.8 surrounding persons or property ~~substantially dangerous conduct~~, the written notice shall
 7.9 ~~must~~ be served upon the pupil and the pupil's parent or guardian within 48 hours of the
 7.10 suspension. Service by mail is complete upon mailing.

7.11 **Subd. 4. Suspension pending expulsion or exclusion hearing.** Notwithstanding the
 7.12 provisions of subdivisions 1 ~~and~~, 3, 8, and 9, the pupil may be suspended pending the school
 7.13 board's decision in the expulsion or exclusion hearing; provided that alternative educational
 7.14 services are implemented to the extent that suspension exceeds ~~five~~ three days.

7.15 **Subd. 5. Minimum education services.** School officials must give a suspended pupil
 7.16 the opportunity to complete all school work assigned during the pupil's suspension and to
 7.17 receive full credit for satisfactorily completing assignments. The school principal or other
 7.18 person having administrative control of the school building or program must designate a
 7.19 district or school employee as a liaison to work with the pupil's teachers to allow the
 7.20 suspended pupil to (1) receive course materials and other information within 24 hours, and
 7.21 (2) complete daily and weekly assignments and receive teachers' feedback. The liaison must
 7.22 interact with the pupil and the pupil's family to address concerns about the pupil and the
 7.23 school.

7.24 **Subd. 6. Readmission plan.** (a) Consistent with section 121A.55, a pupil who is
 7.25 suspended or transferred to an alternative learning program must have a readmission plan
 7.26 to re-engage and reconnect the pupil with the school and its learning opportunities, and help
 7.27 the pupil avoid future suspensions or other discipline.

7.28 (b) A school district or charter school must provide teachers and staff with professional
 7.29 development opportunities under sections 122A.60 and 122A.61 to acquire the knowledge
 7.30 and skills to implement a readmission plan.

7.31 **Subd. 7. Parent notification and meeting; mental health screening.** (a) After
 7.32 suspending a pupil from school, a school official must make reasonable attempts to convene
 7.33 a meeting with the pupil and the pupil's parent within 30 calendar days of the suspension.

8.1 The purpose of the meeting is to engage the pupil's parent in developing a plan to help the
8.2 pupil succeed in school by addressing the behavior that led to the suspension.

8.3 (b) A school district must not remove a pupil who has previously been removed for ten
8.4 cumulative days in the current school year until the school district has made reasonable
8.5 attempts to convene a meeting with the pupil and the pupil's parent. The purpose of this
8.6 meeting is to attempt to determine the pupil's need for assessment or other services, including
8.7 mental health services. The school district must seek authorization from the pupil's parent
8.8 before arranging for a mental health screening for the pupil. The district is not required to
8.9 pay for the mental health screening.

8.10 Subd. 8. **Appeals of suspension.** A school board must establish a process that permits
8.11 a teacher, representative, parent, or pupil suspended under this section to appeal the
8.12 suspension to a district official with the authority to reverse the decision and remove the
8.13 suspension from the pupil's education record. The process must allow the appeal to be filed
8.14 no less than 30 days after the decision to suspend a pupil has taken effect. The process must
8.15 provide for notice and establish procedures and substantive standards for the appeal process.

8.16 Subd. 9. **Complaint procedure.** (a) A pupil or a parent of a pupil suspended under this
8.17 section may file a complaint with the commissioner of education based on the school board's
8.18 or school's failure to comply with a requirement in sections 121A.40 to 121A.56. The pupil
8.19 or pupil's parent must submit the complaint within 180 days of either the time that the school
8.20 or district failed to comply with sections 121A.40 to 121A.56, or the conclusion of an appeal
8.21 under subdivision 8, whichever is later. The pupil must submit a copy of the complaint to
8.22 the school or school board.

8.23 (b) Upon receiving a signed, written complaint, the commissioner must conduct an
8.24 independent investigation. The investigation must provide the complainant an opportunity
8.25 to submit additional information and the school board an opportunity to respond to the
8.26 complaint. Based on the information submitted, the commissioner must determine whether
8.27 the school board or school failed to comply with a requirement in sections 121A.40 to
8.28 121A.56. Within 30 days of receiving the complaint, the commissioner must issue a written
8.29 decision to the complainant that addresses each allegation in the complaint and contains
8.30 findings of fact and conclusions. If the commissioner finds that the school board or school
8.31 failed to comply with sections 121A.40 to 121A.56, the commissioner must order corrective
8.32 action that may include compensatory education for the pupil or training for school staff.

8.33 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year.

9.1 Sec. 13. Minnesota Statutes 2018, section 121A.47, is amended by adding a subdivision
9.2 to read:

9.3 Subd. 1a. **Professional development.** A school superintendent must track dismissals
9.4 by school administrators and work annually with teachers and other district staff, consistent
9.5 with sections 122A.60 and 122A.61, to provide district educators with professional
9.6 development opportunities to:

9.7 (1) understand the significance, severity, and short- and long-term consequences of
9.8 excluding and expelling pupils, including the impact on pupils' learning and career and
9.9 college opportunities;

9.10 (2) understand and learn to apply nonexclusionary disciplinary policies and practices
9.11 under section 121A.41, subdivision 5a;

9.12 (3) understand and apply more serious discipline, including exclusion and expulsion,
9.13 only if the pupil's conduct endangers the pupil or other pupils, or surrounding persons,
9.14 including school district employees;

9.15 (4) reduce the number of dismissals, especially for nonviolent incidents; and

9.16 (5) understand the role implicit and explicit bias and lack of cultural understanding play
9.17 on dismissals of students from historically underserved communities.

9.18 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

9.19 Sec. 14. Minnesota Statutes 2018, section 121A.47, subdivision 2, is amended to read:

9.20 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

9.21 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

9.22 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
9.23 of their testimony;

9.24 (3) explain the grounds for excluding or expelling the pupil instead of imposing
9.25 nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 5a,
9.26 and the term of the exclusion or expulsion;

9.27 ~~(c)~~ (4) state the date, time, and place of the hearing;

9.28 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

9.29 ~~(e)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid
9.30 the exclusion or expulsion proceedings; and

10.1 ~~(7)~~ (7) inform the pupil and parent or guardian of the right to:

10.2 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
 10.3 hearing. The district ~~shall~~ must advise the pupil's parent ~~or guardian~~ that free or low-cost
 10.4 legal assistance may be available and that a legal assistance resource list is available from
 10.5 the Department of Education;

10.6 ~~(2)~~ (ii) examine the pupil's records before the hearing;

10.7 ~~(3)~~ (iii) present evidence; and

10.8 ~~(4)~~ (iv) confront and cross-examine witnesses.

10.9 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

10.10 Sec. 15. Minnesota Statutes 2018, section 121A.47, subdivision 13, is amended to read:

10.11 Subd. 13. **Basis of school board decision; opportunity for comment.** The school board
 10.12 ~~shall~~ must base its decision upon the recommendation of the hearing officer or school board
 10.13 member or committee and ~~shall~~ must render its decision at a meeting held within five days
 10.14 after receiving the recommendation. The school board ~~may~~ must provide the parties with
 10.15 the opportunity to present exceptions, the pupil's perspective, and comments to the hearing
 10.16 officer's recommendations provided that neither party presents any evidence not admitted
 10.17 at the hearing. The decision by the school board must:

10.18 (1) be based on the record, ~~must~~;

10.19 (2) be in writing, ~~and must~~;

10.20 (3) explain the grounds for excluding or expelling the pupil instead of imposing
 10.21 nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 5a;
 10.22 and

10.23 (4) state the controlling facts on which the decision is made in sufficient detail to apprise
 10.24 the parties and the commissioner of education of the basis and reason for the decision.

10.25 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

10.26 Sec. 16. Minnesota Statutes 2018, section 121A.47, subdivision 14, is amended to read:

10.27 Subd. 14. ~~Admission or Readmission plan.~~ (a) An exclusion or expulsion must include
 10.28 a readmission plan. A school administrator shall, after attempting to contact and solicit input
 10.29 from the affected pupil's parent, and in consultation with the affected pupil's teachers, must
 10.30 prepare and enforce an admission or a readmission plan for any pupil who is excluded or

11.1 expelled from school. The plan ~~may include measures to improve the pupil's behavior,~~
 11.2 ~~including completing a character education program, consistent with section 120B.232,~~
 11.3 ~~subdivision 1, and require parental involvement in the admission or readmission process,~~
 11.4 ~~and may indicate the consequences to the pupil of not improving the pupil's behavior~~ must
 11.5 address the factors and other circumstances leading to the pupil's exclusion or expulsion.

11.6 (b) ~~The definition of suspension under section 121A.41, subdivision 10, does not apply~~
 11.7 ~~to a student's dismissal from school for one school day or less, except as provided under~~
 11.8 ~~federal law for a student with a disability. Each suspension action may include a readmission~~
 11.9 ~~plan. A readmission plan must provide, where appropriate, alternative education services,~~
 11.10 ~~which must not be used to extend the student's~~ pupil's ~~current suspension~~ dismissal ~~period.~~
 11.11 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a
 11.12 parent ~~or guardian~~ to provide psychotropic drugs to ~~their student~~ the pupil as a condition
 11.13 of readmission. School officials must not use the refusal of a parent ~~or guardian~~ to consent
 11.14 to the administration of psychotropic drugs to ~~their student~~ the pupil or to consent to a
 11.15 psychiatric evaluation, screening or examination of the student as a ground, by itself, to
 11.16 prohibit the ~~student~~ pupil from attending class or participating in a school-related activity,
 11.17 or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

11.18 (c) A school district or charter school must provide teachers, school administrators, other
 11.19 licensed professionals working with pupils, school board members, and school resource
 11.20 officers with professional development opportunities to acquire and improve the knowledge
 11.21 and skills needed to effectively implement nonexclusionary disciplinary policies and practices
 11.22 and alternative educational services.

11.23 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

11.24 Sec. 17. Minnesota Statutes 2018, section 121A.53, is amended to read:

11.25 **121A.53 REPORT TO COMMISSIONER OF EDUCATION.**

11.26 Subdivision 1. ~~Exclusions and expulsions~~ **Dismissals; physical assaults; withdrawal**
 11.27 **agreements.** (a) Consistent with subdivision 2, the school board must ~~report through use~~
 11.28 ~~the department electronic reporting system to report to the commissioner~~ each exclusion,
 11.29 suspension, or expulsion ~~and,~~ each physical assault of a district employee by a ~~student~~ pupil,
 11.30 and each pupil withdrawal agreement within 30 days of the effective date of the dismissal
 11.31 ~~action or,~~ assault to the commissioner of education, or agreement. This report must ~~include~~
 11.32 ~~a statement of alternative educational services, or other sanction, intervention, or resolution~~
 11.33 ~~in response to the assault given the pupil and the reason for,~~ identify:

- 12.1 (1) the pupil's behavior leading to the discipline;
- 12.2 (2) the nonexclusionary interventions and strategies used;
- 12.3 (3) any attempts to provide the pupil with alternative education services before excluding
 12.4 or expelling the pupil;
- 12.5 (4) the reasons the nonexclusionary disciplinary policies and practices and alternative
 12.6 services were ineffective;
- 12.7 (5) the effective date, ~~and~~ of the disciplinary action;
- 12.8 (6) the duration of the exclusion or expulsion or other sanction, intervention, or resolution;
 12.9 and
- 12.10 (7) any exclusion or expulsion decision that was reversed on appeal.
- 12.11 (b) The report must also include ~~the student's age, grade, gender, race, and special~~
 12.12 education status a removal from class for three hours or more during any five-day period,
 12.13 the reason for the removal, and the date and length of the removal.
- 12.14 (c) For both removals and dismissals, the report must state whether a law enforcement
 12.15 agency or a school resource officer participated in the discipline or whether a referral was
 12.16 made to a law enforcement agency or school resource officer.
- 12.17 **Subd. 2. Report.** (a) Consistent with the requirements of subdivision 1, the school board
 12.18 must include state ~~student~~ pupil identification numbers of affected pupils on all state-required
 12.19 removal and dismissal and other disciplinary reports ~~required by the department~~. The
 12.20 department must report annually to the commissioner summary data on the number of
 12.21 removals, pupil withdrawal agreements, dismissals, and physical assaults of district
 12.22 employees by a student by ~~age, grade, gender, race, and special education status of the~~
 12.23 affected pupils. the categories in section 120B.35, subdivision 3, paragraph (a), clause (2),
 12.24 and special education status. The school board must submit all removal, dismissal, and other
 12.25 disciplinary reports ~~must be submitted~~ through the department electronic reporting system.
- 12.26 (b) The commissioner must aggregate the district data reported under this section and
 12.27 include the aggregated data, including aggregated data on physical assaults of a district
 12.28 employee by a student, in the annual school performance reports under section 120B.36.
- 12.29 (c) Annually by October 31, the commissioner must electronically publish on the
 12.30 department website and otherwise make publicly available a longitudinal report containing
 12.31 the summary data collected under this section. The commissioner must use the summary
 12.32 data to compare and report the number of disciplinary incidents by type and district in the

13.1 three immediately preceding school years unless the information would reveal personally
 13.2 identifiable information about a student. A school district must post on its website at least
 13.3 the portion of the commissioner's report containing summary data on the district.

13.4 Subd. 3. **Training.** The commissioner, upon request, must provide technical assistance
 13.5 and training to districts to facilitate compliance with reporting requirements under this
 13.6 section.

13.7 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

13.8 Sec. 18. Minnesota Statutes 2018, section 121A.55, is amended to read:

13.9 **121A.55 POLICIES TO BE ESTABLISHED.**

13.10 (a) The commissioner of education ~~shall promulgate~~ must adopt guidelines to assist each
 13.11 school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and
 13.12 adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56.
 13.13 The policies ~~shall emphasize preventing dismissals through early detection of problems and~~
 13.14 ~~shall~~ must be designed to ~~address students'~~:

13.15 (1) encourage use of nonexclusionary disciplinary policies and practices before removing
 13.16 pupils from class or dismissing pupils from school unless the pupil's conduct endangers the
 13.17 pupil or other pupils or surrounding persons;

13.18 (2) prevent pupils' inappropriate behavior from recurring;

13.19 (3) re-engage and reconnect pupils with school and learning, including pupils who were
 13.20 dismissed from school;

13.21 (4) encourage positive pupil behavior; and

13.22 (5) keep pupils in class and school in order to graduate from secondary school and
 13.23 become career and college ready.

13.24 (b) The policies ~~shall~~ must recognize the continuing responsibility of the school ~~for the~~
 13.25 ~~education of~~ to provide alternative education services to the pupil during the dismissal period
 13.26 and for the duration of a pupil withdrawal agreement. The alternative educational services,
 13.27 ~~if the pupil wishes to take advantage of them,~~ must be adequate to allow the pupil to make
 13.28 progress ~~towards~~ toward meeting the graduation standards adopted under section 120B.02
 13.29 and help prepare the pupil for readmission. The district or school, in collaboration with the
 13.30 pupil's parent, must have a readmission plan for each pupil who is dismissed or enters into
 13.31 a pupil withdrawal agreement.

14.1 ~~(b)~~ (c) A school board or an area learning center under section 123A.05 may not prohibit
 14.2 an expelled or excluded pupil from enrolling solely because a district expelled or excluded
 14.3 the pupil. The board of the area learning center may use the provisions of the Pupil Fair
 14.4 Dismissal Act to exclude a pupil or to require an admission plan.

14.5 ~~(e)~~ (d) Each school district shall must develop a policy and on the use of school resource
 14.6 officers before contracting with a police department that employs a school resource officer.
 14.7 The policy must state the role of the officer, the appropriate use of the officer, actions
 14.8 prohibited for the officer, and the proper use of crisis teams during pupil discipline and
 14.9 removal procedures. Each district must report it to the commissioner on the district's policy
 14.10 and its appropriate use of peace and school resource officers and crisis teams to remove
 14.11 students who have an individualized education program from school grounds pupils. The
 14.12 district must transmit to the commissioner and make public a copy of the policy developed
 14.13 under this paragraph.

14.14 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

14.15 Sec. 19. **[121A.555] STUDENT INCLUSION GRANTS.**

14.16 Subdivision 1. **Professional development grants.** The commissioner of education must
 14.17 award grants to applicant nonprofit organizations, school districts, and charter schools to
 14.18 provide professional development opportunities to school community members to implement
 14.19 the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56 and other applicable pupil
 14.20 discipline laws and rules. The commissioner may use up to two percent of the grant to
 14.21 administer the grant funds.

14.22 Subd. 2. **Use of funds.** A school district or charter school that applies for and receives
 14.23 funding under this section must use the funds to provide teachers, school administrators,
 14.24 school board members, other school staff, and school resource officers with professional
 14.25 development opportunities that enable them to:

14.26 (1) create a positive school culture that considers and respects all cultures;

14.27 (2) prevent and address pupil misconduct;

14.28 (3) comply with applicable pupil discipline laws and rules;

14.29 (4) use effective classroom management and problem-solving strategies and conflict
 14.30 resolution inside and outside the classroom;

14.31 (5) understand the adverse consequences of dismissing pupils and potential involvement
 14.32 with the juvenile justice and adult criminal justice systems;

15.1 (6) explore alternative strategies such as restorative practices, peer mediation, positive
 15.2 behavioral interventions and supports, culturally responsive discipline, and developmentally
 15.3 appropriate discipline that fosters positive, healthy, and productive school climates;

15.4 (7) understand the role of implicit and explicit bias in dismissal rates among students in
 15.5 underserved communities; and

15.6 (8) use nonexclusionary disciplinary responses to pupil misconduct including restorative
 15.7 justice or positive behavioral or trauma-informed interventions and supports.

15.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.9 Sec. 20. Minnesota Statutes 2018, section 121A.61, is amended to read:

15.10 **121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.**

15.11 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide
 15.12 or charter networkwide school discipline policy which includes parental notification
 15.13 requirements, written rules of conduct for students, ~~minimum consequences for violations~~
 15.14 ~~of the rules,~~ pupils, and grounds and procedures for ~~removal of~~ removing a student pupil
 15.15 from class. The board must develop the policy ~~must be developed~~ in consultation with
 15.16 administrators, teachers, employees, pupils, parents, community members, law enforcement
 15.17 agencies, county attorney offices, social service agencies, and ~~such~~ other individuals or
 15.18 organizations as the board determines appropriate. A school site council may adopt additional
 15.19 provisions to the policy subject to the approval of the school board.

15.20 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds
 15.21 for which a ~~student~~ pupil may be removed from a class in the district for a period of time
 15.22 under the procedures specified in the policy and establish a protocol for notifying the
 15.23 commissioner according to section 121A.53. The policy must include a procedure for
 15.24 notifying and meeting with a ~~student's~~ pupil's parent ~~or guardian~~ within 30 days of a pupil
 15.25 being removed from class to discuss the ~~problem that is causing the student to be removed~~
 15.26 ~~from class after the student has been removed from class more than ten times in one school~~
 15.27 ~~year~~ reason for the removal and to foster communication between the pupil's family and
 15.28 the school to help the pupil remain in the classroom and succeed in school. The grounds in
 15.29 the policy must ~~include~~ address at least the following ~~provisions as well as other grounds~~
 15.30 ~~determined appropriate by the board:~~

15.31 ~~(a) willful conduct that significantly disrupts the rights of others to an education, including~~
 15.32 ~~conduct that interferes with a teacher's ability to teach or communicate effectively with~~
 15.33 ~~students in a class or with the ability of other students to learn;~~ (1) willful violation of a

16.1 reasonable school board rule or policy that is specific and sufficiently clear to provide notice
 16.2 to pupils; and

16.3 ~~(b) (2) willful conduct that endangers the pupil or surrounding persons, including school~~
 16.4 ~~district employees, the student or other students, or the property of the school; and.~~

16.5 ~~(e) willful violation of any rule of conduct specified in the discipline policy adopted by~~
 16.6 ~~the board.~~

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

16.8 ~~(a) (1) rules governing student pupil conduct and procedures for informing students~~
 16.9 ~~pupils of the rules;~~

16.10 ~~(b) the (2) grounds for removal of removing a student pupil from a class;~~

16.11 ~~(c) the (3) authority of the a classroom teacher to remove students a pupil from the~~
 16.12 ~~classroom pursuant to according to the procedures and rules established in the district's~~
 16.13 ~~policy;~~

16.14 ~~(d) the (4) procedures for removal of a student from a class by a teacher, school~~
 16.15 ~~administrator, or other school district employee to remove a pupil from class;~~

16.16 (5) student rights and notification of rights, including the right to:

16.17 (i) an adult advocate;

16.18 (ii) not self-incriminate; and

16.19 (iii) a subsequent meeting with a parent or adult advocate;

16.20 ~~(e) (6) the period of time for which a student pupil may be removed from a class, which~~
 16.21 ~~may must not exceed five two class periods for a violation of violating a rule of conduct;~~

16.22 ~~(f) (7) provisions relating to the responsibility for and custody of a student pupil removed~~
 16.23 ~~from a class;~~

16.24 ~~(g) the (8) procedures for return of a student pupil to return to the specified class from~~
 16.25 ~~which the student has been pupil was removed;~~

16.26 ~~(h) the (9) procedures for notifying a student pupil and the student's pupil's parents or~~
 16.27 ~~guardian of violations of the rules of conduct and of resulting in disciplinary actions and~~
 16.28 ~~soliciting parents' participation in creating a plan to help the pupil remain in the classroom~~
 16.29 ~~and succeed in school;~~

16.30 ~~(i) any (10) procedures determined appropriate for encouraging early involvement of to~~
 16.31 ~~involve parents or guardians in preventive attempts to improve a student's pupil's behavior;~~

17.1 ~~(j) any~~ (11) procedures determined appropriate for encouraging early detection of
17.2 behavioral problems;

17.3 ~~(k) any~~ (12) procedures determined appropriate for referring a student pupil in need of
17.4 special education services to those services;

17.5 ~~(l) the~~ (13) procedures for ~~consideration of~~ considering whether ~~there is a need for a~~ to
17.6 further assessment assess a pupil with a disability or ~~of whether there is a need for a review~~
17.7 ~~of the adequacy of~~ a current individualized education program of a student pupil with a
17.8 disability who is removed from class is adequate;

17.9 ~~(m)~~ (14) procedures for detecting and addressing chemical abuse problems of a student
17.10 pupil while on the school premises;

17.11 ~~(n) the minimum consequences for violations of the code of conduct;~~

17.12 ~~(o)~~ (15) procedures for immediate and appropriate interventions tied to code of conduct
17.13 ~~violations of the code;~~

17.14 ~~(p) a provision that states that a teacher, school employee, school bus driver, or other~~
17.15 ~~agent of a district may use reasonable force in compliance with section 121A.582 and other~~
17.16 ~~laws;~~

17.17 ~~(q)~~ (16) an agreement ~~regarding procedures~~ to coordinate crisis services to the extent
17.18 funds are available with the county board responsible for implementing sections 245.487
17.19 to 245.4889 for students pupils with a serious emotional disturbance or other students pupils
17.20 who have an individualized education program whose behavior may be addressed by crisis
17.21 intervention; and

17.22 ~~(r)~~ (17) a provision that states a student pupil must be removed from class immediately
17.23 if the student pupil engages in assault or violent behavior. For purposes of this paragraph,
17.24 "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be
17.25 for a period of time deemed appropriate by the principal, in consultation with the teacher.

17.26 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

17.27 Sec. 21. Minnesota Statutes 2018, section 121A.64, is amended to read:

17.28 **121A.64 NOTIFICATION; TEACHERS' LEGITIMATE EDUCATIONAL**
17.29 **INTEREST.**

17.30 ~~(a) A classroom teacher has a legitimate educational interest in knowing which students~~
17.31 ~~placed in the teacher's classroom have a history of violent behavior, including any~~

18.1 ~~documented physical assault of a district employee by the student, and must be notified~~
 18.2 ~~before such students are placed in the teacher's classroom.~~

18.3 (b) Representatives of the school board and the exclusive representative of the teachers
 18.4 ~~shall~~ must discuss issues related to the model policy on student records adopted under Laws
 18.5 1999, chapter 241, article 9, section 50, and any modifications adopted under Laws 2003,
 18.6 First Special Session chapter 9, for notifying classroom teachers and other school district
 18.7 employees having a legitimate educational interest in knowing about students with a history
 18.8 of violent behavior, including any documented willful physical assault of a district employee
 18.9 by students placed in classrooms. The representatives of the school board and the exclusive
 18.10 representative of the teachers also may discuss the need for intervention services or conflict
 18.11 resolution or training for staff related to placing students with a history of violent behavior
 18.12 in teachers' classrooms.

18.13 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

18.14 Sec. 22. Minnesota Statutes 2018, section 121A.67, is amended by adding a subdivision
 18.15 to read:

18.16 Subd. 3. **Parent notification.** A school administrator must make and document efforts
 18.17 to immediately contact the parent of a pupil removed by a peace officer or school resource
 18.18 officer from a classroom, school building, or school grounds unless the notice is specifically
 18.19 prohibited by law.

18.20 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

18.21 Sec. 23. Minnesota Statutes 2018, section 122A.42, is amended to read:

18.22 **122A.42 GENERAL CONTROL OF SCHOOLS.**

18.23 (a) The teacher of record shall have the general control and government of the school
 18.24 and classroom. When more than one teacher is employed in any district, one of the teachers
 18.25 may be designated by the board as principal and shall have the general control and
 18.26 supervision of the schools of the district, subject to the general supervisory control of the
 18.27 board and other officers.

18.28 (b) Consistent with paragraph (a) and a district or school classroom removal policy, the
 18.29 teacher may remove ~~students~~ a pupil from class under section 121A.61, subdivision 2, for
 18.30 willful violent or disruptive conduct behavior.

18.31 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

19.1 Sec. 24. Minnesota Statutes 2018, section 122A.60, subdivision 1a, is amended to read:

19.2 Subd. 1a. **Effective staff development activities.** (a) Staff development activities must:

19.3 (1) focus on the school classroom and nonexclusionary disciplinary policies and practices
19.4 to keep students in the classroom and in school and on research-based strategies that improve
19.5 student learning;

19.6 (2) provide opportunities for teachers to practice and improve their instructional skills
19.7 over time;

19.8 (3) provide opportunities for teachers to use student data as part of their daily work to
19.9 increase student achievement;

19.10 (4) enhance teacher content knowledge and instructional skills, including to accommodate
19.11 the delivery of digital and blended learning and curriculum and engage students with
19.12 technology;

19.13 (5) align with state and local academic standards;

19.14 (6) provide opportunities to build professional relationships, foster collaboration among
19.15 principals and staff who provide instruction, and provide opportunities for teacher-to-teacher
19.16 mentoring;

19.17 (7) align with the plan of the district or site for an alternative teacher professional pay
19.18 system;

19.19 (8) provide teachers of English learners, including English as a second language and
19.20 content teachers, with differentiated instructional strategies critical for ensuring students'
19.21 long-term academic success; the means to effectively use assessment data on the academic
19.22 literacy, oral academic language, and English language development of English learners;
19.23 and skills to support native and English language development across the curriculum; ~~and~~

19.24 (9) provide opportunities for staff to learn about current workforce trends, the connections
19.25 between workforce trends and postsecondary education, and training options, including
19.26 career and technical education options;

19.27 (10) provide opportunities for teachers to understand the significance, severity, and
19.28 short- and long-term consequences of removing, excluding, and expelling pupils, including
19.29 the impact on pupils' learning and career and college opportunities;

19.30 (11) reduce the number of dismissals, especially for nonviolent incidents; and

19.31 (12) show the role implicit and explicit bias and lack of cultural understanding play on
19.32 dismissals of students from historically underserved communities.

20.1 Staff development activities may include curriculum development and curriculum training
 20.2 programs, and activities that provide teachers and other members of site-based teams training
 20.3 to enhance team performance. The school district also may implement other staff
 20.4 development activities required by law and activities associated with professional teacher
 20.5 compensation models.

20.6 (b) Release time provided for teachers to supervise students on field trips and school
 20.7 activities, or independent tasks not associated with enhancing the teacher's knowledge and
 20.8 instructional skills, such as preparing report cards, calculating grades, or organizing classroom
 20.9 materials, may not be counted as staff development time that is financed with staff
 20.10 development reserved revenue under section 122A.61.

20.11 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

20.12 Sec. 25. Minnesota Statutes 2018, section 123B.147, subdivision 3, is amended to read:

20.13 Subd. 3. **Duties; evaluation.** (a) The principal ~~shall~~ must provide administrative,
 20.14 supervisory, and instructional leadership services, under the supervision of the superintendent
 20.15 of schools of the district and according to the policies, rules, and regulations of the school
 20.16 board, for the planning, management, operation, and evaluation of the education program
 20.17 of the building or buildings to which the principal is assigned.

20.18 (b) To enhance a principal's leadership skills and support and improve teaching practices,
 20.19 school performance, and student achievement for diverse student populations, including
 20.20 at-risk students, children with disabilities, English learners, and gifted students, among
 20.21 others, a district must develop and implement a performance-based system for annually
 20.22 evaluating school principals assigned to supervise a school building within the district. The
 20.23 evaluation must be designed to improve teaching and learning by supporting the principal
 20.24 in shaping the school's professional environment and developing teacher quality,
 20.25 performance, and effectiveness. The annual evaluation must:

20.26 (1) support and improve a principal's instructional leadership, organizational management,
 20.27 and professional development, and strengthen the principal's capacity in the areas of
 20.28 instruction, supervision, evaluation, and teacher development;

20.29 (2) include formative and summative evaluations based on multiple measures of student
 20.30 progress toward career and college readiness;

20.31 (3) be consistent with a principal's job description, a district's long-term plans and goals,
 20.32 and the principal's own professional multiyear growth plans and goals, all of which must

- 21.1 support the principal's leadership behaviors and practices, rigorous curriculum, school
 21.2 performance, and high-quality instruction;
- 21.3 (4) include on-the-job observations and previous evaluations;
- 21.4 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
 21.5 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;
- 21.6 (6) use longitudinal data on student academic growth as 35 percent of the evaluation
 21.7 and incorporate district achievement goals and targets;
- 21.8 (7) be linked to professional development that emphasizes improved teaching and
 21.9 learning, curriculum and instruction, student learning, and a collaborative professional
 21.10 culture; ~~and~~
- 21.11 (8) for principals not meeting standards of professional practice or other criteria under
 21.12 this subdivision, implement a plan to improve the principal's performance and specify the
 21.13 procedure and consequence if the principal's performance is not improved; and
- 21.14 (9) include longitudinal data on pupil dismissals disaggregated by student categories
 21.15 under section 120B.35, subdivision 3, paragraph (b), clause (2).

21.16 The provisions of this paragraph are intended to provide districts with sufficient flexibility
 21.17 to accommodate district needs and goals related to developing, supporting, and evaluating
 21.18 principals.

21.19 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

21.20 Sec. 26. Minnesota Statutes 2018, section 124E.11, is amended to read:

21.21 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

21.22 (a) A charter school, including its preschool or prekindergarten program established
 21.23 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

21.24 (1) pupils within an age group or grade level;

21.25 (2) pupils who are eligible to participate in the graduation incentives program under
 21.26 section 124D.68; or

21.27 (3) residents of a specific geographic area in which the school is located when the
 21.28 majority of students served by the school are members of underserved populations.

21.29 (b) A charter school, including its preschool or prekindergarten program established
 21.30 under section 124E.06, subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who
 21.31 submits a timely application, unless the number of applications exceeds the capacity of a

22.1 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
22.2 charter school must develop and publish, including on its website, a lottery policy and
22.3 process that it must use when accepting pupils by lot.

22.4 (c) A charter school ~~shall~~ must give enrollment preference to a sibling of an enrolled
22.5 pupil and to a foster child of that pupil's parents and may give preference for enrolling
22.6 children of the school's staff before accepting other pupils by lot. A charter school that is
22.7 located in Duluth township in St. Louis County and admits students in kindergarten through
22.8 grade 6 must give enrollment preference to students residing within a five-mile radius of
22.9 the school and to the siblings of enrolled children. A charter school may give enrollment
22.10 preference to children currently enrolled in the school's free preschool or prekindergarten
22.11 program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in
22.12 kindergarten in the next school year.

22.13 (d) A person ~~shall~~ must not be admitted to a charter school (1) as a kindergarten pupil,
22.14 unless the pupil is at least five years of age on September 1 of the calendar year in which
22.15 the school year for which the pupil seeks admission commences; or (2) as a first grade
22.16 student, unless the pupil is at least six years of age on September 1 of the calendar year in
22.17 which the school year for which the pupil seeks admission commences or has completed
22.18 kindergarten; except that a charter school may establish and publish on its website a policy
22.19 for admission of selected pupils at an earlier age, consistent with the enrollment process in
22.20 paragraphs (b) and (c).

22.21 (e) Except as permitted in paragraph (d), a charter school, including its preschool or
22.22 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
22.23 may not limit admission to pupils on the basis of intellectual ability, measures of achievement
22.24 or aptitude, or athletic ability and may not establish any criteria or requirements for admission
22.25 that are inconsistent with this section.

22.26 (f) The charter school ~~shall~~ must not distribute any services or goods of value to students,
22.27 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
22.28 school.

22.29 (g) Once a student is enrolled in the school, the student is considered enrolled in the
22.30 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
22.31 Act in sections 121A.40 to 121A.56, and other provisions in chapter 121A governing pupil
22.32 behavior and discipline.

22.33 (h) A charter school with at least 90 percent of enrolled students who are eligible for
22.34 special education services and have a primary disability of deaf or hard-of-hearing may

23.1 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
 23.2 paragraph (a), and must comply with the federal Individuals with Disabilities Education
 23.3 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
 23.4 (iv).

23.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.6 Sec. 27. **APPROPRIATIONS.**

23.7 Subdivision 1. **Department of Education.** The sums indicated in this section are
 23.8 appropriated from the general fund to the Department of Education for the fiscal years
 23.9 designated.

23.10 Subd. 2. **Student inclusion grants.** (a) For grants to school districts and charter schools
 23.11 for professional development under Minnesota Statutes, section 121A.555:

23.12 \$ 5,000,000 2020

23.13 \$ 5,000,000 2021

23.14 (b) Any balance in the first year does not cancel but is available in the second year.