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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 309

01/25/2021 Authored by Erickson, Demuth, Dettmer and Daniels
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; modifying classroom placement and school attendance
1.3 provisions; modifying the world's best workforce; modifying student discipline
1.4 policy requirements; codifying a teacher code of ethics in statute and repealing
1.5 code of ethics in rule; restricting contracts with school employees; amending
1.6 Minnesota Statutes 2020, sections 120A.36; 120A.38; 120B.11, subdivision 2;
1.7 121A.55; 122A.09, subdivision 2; proposing coding for new law in Minnesota
1.8 Statutes, chapter 122A; repealing Minnesota Statutes 2020, section 122A.09,
1.9 subdivision 1; Minnesota Rules, part 8710.2100, subparts 1, 2.

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

1.11 Section 1. Minnesota Statutes 2020, section 120A.36, is amended to read:

1.12 120A.36 SCHOOL ATTENDANCE.

1.13 (a) Attendance at a particular public school is a privilege not a right for a pupil.

1.14 (b) Notwithstanding paragraph (a), parents have the right to choose a high-quality,
1.15 culturally affirming education for their children, regardless of their zoned public school.

1.16 Sec. 2. Minnesota Statutes 2020, section 120A.38, is amended to read:

1.17 120A.38 CLASSROOM PLACEMENT; PARENT DISCRETION.

1.18 Subdivision 1. Twins; higher order multiples. (a) A parent or guardian of twins or
1.19 higher order multiples may request that the children be placed in the same classroom or in
1.20 separate classrooms if the children are in the same grade level at the same school. The school
1.21 may recommend classroom placement to the parents and provide professional education
1.22 advice to the parents to assist them in making the best decision for their children's education.
1.23 A school must provide the placement requested by the children's parent or guardian, unless
1.24 the school board makes a classroom placement determination following the school principal's

2.1 request according to this section. The parent or guardian must request the classroom
 2.2 placement no later than 14 days after the first day of each school year or 14 days after the
 2.3 first day of attendance of the children during a school year if the children are enrolled in
 2.4 the school after the school year commences. At the end of the initial grading period, if the
 2.5 school principal, in consultation with the children's classroom teacher, determines that the
 2.6 requested classroom placement is disruptive to the school, the school principal may request
 2.7 that the school board determine the children's classroom placement.

2.8 (b) For purposes of this section, "higher order multiples" means triplets, quadruplets,
 2.9 quintuplets, or more.

2.10 Subd. 2. **Change of teacher.** A parent or guardian has the right to request a change of
 2.11 teacher for their child in public school unless no other teacher is available.

2.12 Sec. 3. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

2.13 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must
 2.14 adopt a comprehensive, long-term strategic plan to support and improve teaching and
 2.15 learning that is aligned with ~~creating~~ the world's best workforce goals and includes:

2.16 (1) clearly defined district and school site goals and benchmarks to meet statewide goals
 2.17 for instruction and student achievement for all student subgroups identified in section
 2.18 120B.35, subdivision 3, paragraph (b), clause (2);

2.19 (2) a process to assess and evaluate each student's progress toward meeting state and
 2.20 local academic standards, assess and identify students to participate in gifted and talented
 2.21 programs and accelerate their instruction, and adopt early-admission procedures consistent
 2.22 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit
 2.23 of student and school success and curriculum affecting students' progress and growth toward
 2.24 career and college readiness and leading to the world's best workforce;

2.25 (3) a system to periodically review and evaluate the effectiveness of all instruction and
 2.26 curriculum, taking into account strategies and best practices, student outcomes, school
 2.27 principal evaluations under section 123B.147, subdivision 3, students' access to effective
 2.28 teachers who are members of populations underrepresented among the licensed teachers in
 2.29 the district or school and who reflect the diversity of enrolled students under section 120B.35,
 2.30 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
 2.31 subdivision 8, or 122A.41, subdivision 5;

3.1 (4) strategies for improving instruction, curriculum, and student achievement, including
 3.2 the English and, where practicable, the native language development and the academic
 3.3 achievement of English learners;

3.4 (5) strategies for identifying and reducing disparities in student discipline;

3.5 (6) strategies for integrating or improving character education, consistent with section
 3.6 120B.232, and citizenship education;

3.7 ~~(5)~~ (7) a process to examine the equitable distribution of teachers and strategies to ensure
 3.8 low-income and minority children are not taught at higher rates than other children by
 3.9 inexperienced, ineffective, or out-of-field teachers;

3.10 ~~(6)~~ (8) education effectiveness practices that integrate high-quality instruction, rigorous
 3.11 curriculum, technology, and a collaborative professional culture that develops and supports
 3.12 teacher quality, performance, and effectiveness; and

3.13 ~~(7)~~ (9) an annual budget for continuing to implement the district plan.

3.14 Sec. 4. Minnesota Statutes 2020, section 121A.55, is amended to read:

3.15 **121A.55 POLICIES TO BE ESTABLISHED.**

3.16 (a) The commissioner of education shall promulgate guidelines to assist each school
 3.17 board. Each school board shall establish uniform criteria for dismissal and adopt written
 3.18 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 3.19 shall emphasize preventing dismissals through early detection of problems and shall be
 3.20 designed to address students' inappropriate behavior from recurring. The policies shall
 3.21 recognize the continuing responsibility of the school for the education of the pupil during
 3.22 the dismissal period. The alternative educational services, if the pupil wishes to take
 3.23 advantage of them, must be adequate to allow the pupil to make progress ~~towards~~ toward
 3.24 meeting the graduation standards adopted under section 120B.02 and help prepare the pupil
 3.25 for readmission. In addition to other requirements under this paragraph, a policy adopted
 3.26 by a school board under this paragraph must include:

3.27 (1) a requirement that a school must notify any student facing possible dismissal of their
 3.28 rights, including the right against self-incrimination;

3.29 (2) a requirement that a school must allow any student facing possible dismissal to have
 3.30 a parent present if the student is questioned by school employees; and

3.31 (3) a requirement that a school and school district must keep a record of the school
 3.32 employee who made each discipline referral.

4.1 (b) An area learning center under section 123A.05 may not prohibit an expelled or
4.2 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
4.3 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
4.4 exclude a pupil or to require an admission plan.

4.5 (c) Each school district shall develop a policy and report it to the commissioner on the
4.6 appropriate use of peace officers and crisis teams to remove students who have an
4.7 individualized education program from school grounds.

4.8 Sec. 5. [122A.051] CODE OF ETHICS.

4.9 Subdivision 1. Scope. Each teacher, upon entering the teaching profession, assumes a
4.10 number of obligations, one of which is to adhere to a set of principles that defines professional
4.11 conduct. These principles are reflected in the code of ethics, which sets forth to the education
4.12 profession and the public it serves standards of professional conduct. This code applies to
4.13 all persons licensed according to rules established by the Professional Educator Licensing
4.14 and Standards Board.

4.15 Subd. 2. Standards of professional conduct. (a) A teacher must provide professional
4.16 education services in a nondiscriminatory manner, including not discriminating on the basis
4.17 of political, ideological, or religious beliefs.

4.18 (b) A teacher must make a reasonable effort to protect students from conditions harmful
4.19 to health and safety.

4.20 (c) In accordance with state and federal laws, a teacher must disclose confidential
4.21 information about individuals only when a compelling professional purpose is served or
4.22 when required by law.

4.23 (d) A teacher must take reasonable disciplinary action in exercising the authority to
4.24 provide an atmosphere conducive to learning.

4.25 (e) A teacher must not use professional relationships with students, parents, and
4.26 colleagues to personal advantage.

4.27 (f) A teacher must delegate authority for teaching responsibilities only to licensed
4.28 personnel or as otherwise provided by law.

4.29 (g) A teacher must not deliberately suppress or distort subject matter.

4.30 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to that
4.31 teacher's own qualifications or to other teachers' qualifications.

5.1 (i) A teacher must not knowingly make false or malicious statements about students or
5.2 colleagues.

5.3 (j) A teacher must only accept a contract for a teaching position that requires licensing
5.4 if properly or provisionally licensed for that position.

5.5 (k) A teacher must not engage in any sexual contact with a student.

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

5.7 Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 2, is amended to read:

5.8 Subd. 2. **Advise members of profession.** (a) The Professional Educator Licensing and
5.9 Standards Board must act in an advisory capacity to members of the profession in matters
5.10 of interpretation of the code of ethics in section 122A.051.

5.11 (b) The board must develop a process for a school district to receive a written complaint
5.12 about a teacher under the code of ethics and forward the complaint to the board. A school
5.13 board must inform parents and guardians in the school district of their ability to submit a
5.14 complaint to the school board under this section.

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

5.16 Sec. 7. **RESTRICTION ON CONTRACTS WITH SCHOOL EMPLOYEES.**

5.17 Notwithstanding any law to the contrary, employment contracts and collective bargaining
5.18 agreements with school employees must not contain protections against discipline or
5.19 termination for school employees who engage in immoral, unethical, or illegal actions.

5.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
5.21 applies to all contracts entered into on or after that date.

5.22 Sec. 8. **REPEALER.**

5.23 (a) Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

5.24 (b) Minnesota Statutes 2020, section 122A.09, subdivision 1, is repealed.

APPENDIX
Repealed Minnesota Statutes: 21-01351

122A.09 DUTIES.

Subdivision 1. **Code of ethics.** The Professional Educator Licensing and Standards Board must develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

8710.2100 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. A teacher shall provide professional education services in a nondiscriminatory manner.

B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.

G. A teacher shall not deliberately suppress or distort subject matter.

H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

I. A teacher shall not knowingly make false or malicious statements about students or colleagues.

J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.