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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4668

03/07/2024 Authored by Hanson, J., 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 district discipline complaint procedure; requiring
1.3 the commissioner of education to review appeals of district complaint procedure;
1.4 amending Minnesota Statutes 2023 Supplement, section 121A.61, subdivision 4;
1.5 proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 121A.61, subdivision 4, is
1.8 amended to read:

1.9 Subd. 4. Discipline complaint procedure. The discipline policy must contain procedures
1.10 for students, parents and other guardians, and school staff to file a complaint and seek
1.11 corrective action when the requirements of sections 121A.40 to ~~121A.61~~ 121A.611, including
1.12 the implementation of the local behavior and discipline policies, are not being implemented
1.13 appropriately or are being discriminately applied. Each district and school policy implemented
1.14 under this section must, at a minimum:

1.15 (1) provide procedures for communicating this policy including the ability for a parent
1.16 to appeal a decision under section 121A.49 that contains explicit instructions for filing the
1.17 complaint;

1.18 (2) provide an opportunity for involved parties to submit additional information related
1.19 to the complaint. Involved parties include, at a minimum, the student subject to discipline
1.20 and the student's parent or guardian;

1.21 (3) provide a procedure to begin to investigate complaints within three school days of
1.22 receipt, designate a school staff member to receive complaints and answer questions about

2.1 the complaint procedure, and identify personnel who will manage the investigation and any
 2.2 resulting record and are responsible for keeping and regulating access to any record;

2.3 (4) provide procedures for issuing a written determination to the complainant that
 2.4 addresses each allegation and contains findings and conclusions, including a deadline for
 2.5 issuing a written determination, not to exceed 45 days from the date the complaint is filed.
 2.6 If the complainant is not the student or the student's parent or guardian, the district must
 2.7 provide the student and parent or guardian notice of the complaint and written determination.
 2.8 The written determination provided to the complainant must not include any private student
 2.9 data to which the complainant does not otherwise have access;

2.10 (5) if the investigation finds the requirements of sections 121A.40 to ~~121A.61~~ 121A.611,
 2.11 including any local policies that were not implemented appropriately, contain procedures
 2.12 that require a corrective action plan to correct a student's record and provide relevant staff
 2.13 with training, coaching, or other accountability practices to ensure appropriate compliance
 2.14 with policies in the future. Corrective action may not include new or additional discipline
 2.15 for the student; and

2.16 (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a
 2.17 complaint, and provide procedures for applying appropriate consequences for a person who
 2.18 engages in reprisal or retaliation;

2.19 (7) require that communications to students and families regarding discipline are provided
 2.20 in formats and languages that are accessible to students and families; and

2.21 (8) provide notice to students and parents or guardians of the right to appeal a complaint
 2.22 determination to the Department of Education and the right to file a complaint with the
 2.23 Department of Human Rights if a student asserts unfair or disparate treatment due to race,
 2.24 color, creed, religion, national origin, sex, gender identity, disability, status with regard to
 2.25 public assistance, sexual orientation, or age.

2.26 Sec. 2. **[121A.651] APPEAL TO COMMISSIONER.**

2.27 Subdivision 1. **Appeal process established.** The commissioner must establish a procedure
 2.28 to review the results of a discipline complaint procedure under section 121A.61, subdivision
 2.29 4. The procedure must allow a student or a student's parent or guardian to appeal the district's
 2.30 written determination, including:

2.31 (1) legal determinations about compliance with sections 121A.40 to 121A.611 and the
 2.32 implementation of local behavior and discipline policies;

2.33 (2) factual findings about the circumstances related to the discipline; and

3.1 (3) the district's compliance with section 121A.61, subdivision 4, and implementation
3.2 of the discipline complaint procedure.

3.3 Subd. 2. **Request for review.** A student or a student's parent or guardian may submit a
3.4 request for review within 30 days of receiving the district's written determination. The
3.5 request must include at least the following:

3.6 (1) the student's name;

3.7 (2) the requirements in sections 121A.40 to 121A.611 or the local behavior or discipline
3.8 policies that were not followed;

3.9 (3) a statement explaining how the requirements in clause (2) were not met and why the
3.10 district's written determination is incorrect; and

3.11 (4) any corrective action the student or student's parent or guardian seeks.

3.12 Subd. 3. **Department review.** (a) Upon receipt of the appeal, the department may:

3.13 (1) issue a notice letter to the district and person filing the complaint identifying the
3.14 issues the department plans to review;

3.15 (2) gather records from the district complaint process and any other records from the
3.16 district or person filing the complaint related to the allegations; and

3.17 (3) conduct investigations if the request for review involves a suspension lasting longer
3.18 than five consecutive or cumulative days. If the department conducts investigations, it must
3.19 attempt to interview persons with varying perspectives.

3.20 (b) The department must issue a decision within 60 days of receiving a request for review,
3.21 and provide a copy of the decision to the student or student's parent or guardian and the
3.22 district. The decision may include corrective action, which may include correcting the
3.23 student's records or requiring training for staff. Corrective action may not include new or
3.24 additional disciplinary consequences for the student.

3.25 Subd. 4. **Civil rights violations.** If the commissioner determines the request for review
3.26 suggests unfair or disparate treatment due to race, color, creed, religion, national origin,
3.27 sex, gender identity, disability, status with regard to public assistance, sexual orientation,
3.28 or age, the commissioner must ask the parent or guardian of a student who is a minor, or
3.29 the student if the student is an adult, whether the commissioner may provide a copy of the
3.30 request for review to the Department of Human Rights. The commissioner must not provide
3.31 the request to the Department of Human Rights if the request contains educational data, as

- 4.1 defined by section 13.32, classified as private data on individuals, as defined by section
- 4.2 13.02, subdivision 12, that the individual subject of the data has not consented to be disclosed.