

STATE OF MINNESOTA

# Journal of the Senate

NINETY-FIRST LEGISLATURE

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FIRST SPECIAL SESSION

THIRD DAY

St. Paul, Minnesota, Tuesday, June 16, 2020

The Senate met at 12:00 noon and was called to order by the President.

The members of the Senate paused for a moment of silent prayer and reflection.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Dziedzic	Ingebrigtsen	Marty	Senjem
Anderson, B.	Eaton	Isaacson	Mathews	Simonson
Anderson, P.	Eichorn	Jasinski	Miller	Sparks
Benson	Eken	Jensen	Nelson	Tomassoni
Bigham	Franzen	Johnson	Newman	Torres Ray
Carlson	Frentz	Kent	Newton	Utke
Chamberlain	Gazelka	Kiffmeyer	Osmek	Weber
Champion	Goggin	Klein	Pappas	Westrom
Clausen	Hall	Koran	Pratt	Wiger
Cohen	Hawj	Laine	Rarick	Wiklund
Cwodzinski	Hayden	Lang	Relph	
Dahms	Hoffman	Latz	Rest	
Dibble	Housley	Limmer	Rosen	
Draheim	Howe	Little	Ruud	

The President declared a quorum present.

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Carlson, Clausen, Eaton, Jensen, Laine, Lang, Latz, Newton, Rest, Senjem, and Wiklund.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senators Tomassoni, Bakk, Simonson, and Eichorn introduced--**

**S.F. No. 121:** A bill for an act relating to unemployment insurance; authorizing an extension of unemployment insurance benefits for certain mining employees.

Referred to the Committee on Rules and Administration.

**Senator Pratt introduced--**

**S.F. No. 122:** A bill for an act relating to economic development; providing for extensions to certain economic development grant programs during a peacetime emergency; amending Minnesota Statutes 2018, sections 116J.8748, subdivision 3; 116J.994, subdivision 6.

Senator Gazelka moved that S.F. No. 122 be laid on the table. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Senator Housley moved that the name of Senator Hall be added as a co-author to S.F. No. 28. The motion prevailed.

Senator Nelson moved that the name of Senator Franzen be added as a co-author to S.F. No. 31. The motion prevailed.

Senator Tomassoni moved that the name of Senator Wiklund be added as a co-author to S.F. No. 90. The motion prevailed.

Senator Bigham moved that the name of Senator Hayden be added as a co-author to S.F. No. 91. The motion prevailed.

Senator Marty moved that the name of Senator Eaton be added as a co-author to S.F. No. 96. The motion prevailed.

Senator Abeler moved that the names of Senators Hoffman and Draheim be added as co-authors to S.F. No. 99. The motion prevailed.

Senator Marty moved that the name of Senator Eaton be added as a co-author to S.F. No. 110. The motion prevailed.

**Senators Johnson, Ingebrigtsen, Eken, Gazelka, and Limmer introduced --**

**Senate Resolution No. 6:** A Senate resolution honoring the life of Grand Forks Police Officer Cody Holte.

Referred to the Committee on Rules and Administration.

Senator Gazelka moved that S.F. No. 99 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 99:** A bill for an act relating to human services; extending the expiration of the executive order relating to use of telemedicine in the state medical cannabis program; extending the expiration of certain human services program waivers and modifications issued by the commissioner of human services pursuant to executive orders during the peacetime emergency declared in response to the COVID-19 pandemic; establishing a 60-day period for the commissioner of human services to

transition affected programs off of COVID-19 waivers and modifications following expiration of the peacetime emergency; appropriating money.

S.F. No. 99 was read the second time.

Senator Gazelka moved that S.F. No. 99 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 100 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 100:** A bill for an act relating to public safety; requiring updated policies regarding the use of force by peace officers; amending Minnesota Statutes 2018, section 626.8452, subdivisions 2, 4, by adding a subdivision.

S.F. No. 100 was read the second time.

Senator Gazelka moved that S.F. No. 100 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 103 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 103:** A bill for an act relating to higher education; authorizing a grant to Black Men Teach Twin Cities to increase the number of black male teachers; requiring a report; appropriating money.

S.F. No. 103 was read the second time.

Senator Gazelka moved that S.F. No. 103 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 104 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 104:** A bill for an act relating to public safety; requiring updated policies regarding the use of force by peace officers; amending Minnesota Statutes 2018, section 626.8452, subdivisions 2, 4, by adding a subdivision.

S.F. No. 104 was read the second time.

Senator Gazelka moved that S.F. No. 104 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 112 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 112:** A bill for an act relating to economic development; creating the protest response fund; appropriating money; requiring reports; amending Laws 2020, chapter 66, section 1; Laws 2020, chapter 70, article 1, section 3; article 2, section 2; Laws 2020, chapter 71, article 1, sections 2, subdivision 9; 3; 4; 5; repealing Laws 2020, chapter 74, article 1, section 3.

S.F. No. 112 was read the second time.

Senator Gazelka moved that S.F. No. 112 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 113 be taken from the table and given a second reading. The motion prevailed.

**S.F. No. 113:** A bill for an act relating to transportation; requiring commissioner of public safety to adopt rules for driver education programs and the driver's manual on safe interactions with law enforcement officials and safely responding to emergencies; amending Minnesota Statutes 2018, sections 171.0701, subdivision 1; 171.0705, by adding a subdivision.

S.F. No. 113 was read the second time.

Senator Gazelka moved that S.F. No. 113 be laid on the table. The motion prevailed.

Senator Gazelka moved that S.F. No. 47 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 47 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 47:** A bill for an act relating to local government aid; providing aid and reimbursements to counties, cities, and towns to fund expenses related to COVID-19; appropriating money from the coronavirus relief federal fund.

Senator Rosen moved to amend S.F. No. 47 as follows:

Page 4, line 5, delete "sent" and insert "granted"

Page 4, line 7, after "transferred" insert "or granted"

Page 4, lines 8 and 11, delete "unencumbered" and insert "unexpended" and delete "15" and insert "1" and after "returned" insert "no later than December 10, 2020,"

Page 4, line 14, delete "15" and insert "1"

Page 4, line 15, after "returned" insert "no later than December 10, 2020,"

Page 5, line 7, after "appropriation" insert "and is available until November 30, 2020"

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 47 as follows:

Page 4, line 24, delete "that received a direct"

Page 4, line 25, delete "aid payment from the state and"

Page 4, line 27, after the period insert "For the purposes of this subdivision, the commissioner must consider costs reimbursed under subdivision 4, paragraph (c), to be spending by the city or town that receives the reimbursement."

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 47 as follows:

Page 4, line 1, after "(b)" insert "Except as provided under paragraph (e),"

Page 4, line 4, after the period, insert "Except as provided under paragraph (e),"

Page 4, after line 16, insert:

"(e) The governing body of an eligible city or eligible town whose home county is Hennepin County or Ramsey County may adopt a resolution to direct the aid amounts to another hospital entity for expenditure by that hospital entity. The hospital entity must comply with the other requirements of paragraph (b) governing eligible uses and expenditure time limits. For the purposes of this paragraph "hospital entity" means a hospital licensed under Minnesota Statutes, chapters 144.50 to 144.56."

The motion prevailed. So the amendment was adopted.

S.F. No. 47 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 4, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Isaacson	Mathews	Senjem
Anderson, B.	Eken	Jasinski	Miller	Simonson
Anderson, P.	Franzen	Jensen	Nelson	Sparks
Benson	Frentz	Johnson	Newman	Tomassoni
Bigham	Gazelka	Kent	Newton	Torres Ray
Carlson	Goggin	Kiffmeyer	Osmek	Utke
Chamberlain	Hall	Klein	Pappas	Weber
Clausen	Hawj	Koran	Pratt	Westrom
Cohen	Hayden	Laine	Rarick	Wiger
Cwodzinski	Hoffman	Lang	Relph	Wiklund
Dahms	Housley	Limmer	Rest	
Draheim	Howe	Little	Rosen	
Dziedzic	Ingebrigtsen	Marty	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Newman, Senjem, and Westrom.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Laine, Newton, Rest, and Wiklund.

Those who voted in the negative were:

Champion	Dibble	Eaton	Latz
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Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Eaton and Latz.

So the bill, as amended, was passed and its title was agreed to.

**RECESS**

Senator Hayden moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Gazelka moved that S.F. No. 1 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 1 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 1:** A bill for an act relating to public safety; modifying a past appropriation to the Peace Officer Standards and Training Board; amending Laws 2019, First Special Session chapter 5, article 1, section 13, subdivision 4.

Senator Franzen moved to amend S.F. No. 1 as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2018, section 626.841, is amended to read:

**626.841 BOARD; MEMBERS.**

The Board of Peace Officer Standards and Training shall be composed of the following ~~15~~ 17 members:

- (1) two members to be appointed by the governor from among the county sheriffs in Minnesota;
- (2) four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;
- (3) two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota State Patrol Association;
- (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;
- (5) two members appointed by the governor from among peace officers, or former peace officers, who are currently employed on a full-time basis in a professional peace officer education program;
- (6) two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2; and

(7) ~~two~~ four members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Torres Ray moved to amend S.F. No. 1 as follows:

Page 1, after line 6, insert:

**"Section 1. [299A.625] OFFICE OF COMMUNITY-LED PUBLIC SAFETY COORDINATION.**

**Subdivision 1. Office of Community-Led Public Safety Coordination established.** The Office of Community-Led Public Safety Coordination is established in the Office of Justice Programs. The commissioner of public safety shall appoint a coordinator who shall serve in the unclassified service. The commissioner of public safety shall appoint or hire other staff as necessary.

**Subd. 2. Duties.** The office shall:

- (1) promote and monitor alternatives to traditional policing models;
- (2) identify effective forms of community-led intervention to promote public safety;
- (3) strengthen connections between community members and local law enforcement agencies;
- (4) encourage the use of restorative justice programs including but not limited to sentencing circles; and
- (5) administer grants to promote co-responder models of crisis intervention and promote community healing.

**EFFECTIVE DATE.** This section is effective July 1, 2020."

Page 1, after line 12, insert:

**"Sec. 3. COMMUNITY-LED PUBLIC SAFETY GRANTS.**

**Subdivision 1. Appropriation.** \$15,000,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of public safety to promote community-led public safety.

**Subd. 2. Community-led public safety coordinator.** Of the amount appropriated in subdivision 1, \$100,000 is for one community-led public safety coordinator position at the Department of Public Safety.

Subd. 3. **Grants to promote co-responder teams.** (a) Of the amount appropriated in subdivision 1, \$7,450,000 is for grants to promote co-responder teams as provided in this subdivision.

(b) The Office of Community-Led Public Safety Coordination shall award grants to local units of government or tribal governments that form a partnership with community-based organizations to develop and establish independent crisis-response teams to de-escalate volatile situations; respond to situations involving a mental health crisis; promote community-based efforts designed to enhance community safety and wellness; and support community-based strategies to interrupt, intervene in, or respond to violence.

Subd. 4. **Grants to promote community healing.** (a) Of the amount appropriated in subdivision 1, \$7,450,000 is for grants to promote healing support in black, indigenous, and people of color communities in Minnesota.

(b) The Office of Community-Led Public Safety Coordination shall award grants to community-based organizations that provide programs and direct intervention to promote wellness and healing justice. In awarding grants, the coordinator may collaborate with organizations that provide supportive professional community and mutual aid networks for wellness and healing justice practitioners. Grants are available for:

(1) programmatic and community care support for wellness and healing justice practitioners;

(2) the establishment and expansion of community organizations that provide wellness and healing justice services;

(3) placing wellness and healing justice practitioners in organizations that provide direct service to black, indigenous, and people of color communities in Minnesota;

(4) providing healing circles;

(5) establishing and expanding Community Coach Certification programs to train community healers and establish a long-term strategy to build the infrastructure for community healers to be available during times of tragedy; and

(6) restorative justice programs including but not limited to sentencing circles.

Subd. 5. **Report.** (a) On or before January 15 of each year, the community-led public safety coordinator shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety that includes:

(1) the number of grants issued under subdivision 3;

(2) the number of grants issued under subdivision 4;

(3) the amount of funding awarded for each project;

(4) a description of the programs and services funded;

(5) plans for the long-term sustainability of the projects; and



(6) data on outcomes for the programs and services funded.

(b) Grantees must provide information and data requested by the coordinator to support the development of this report.

**EFFECTIVE DATE.** This section is effective July 1, 2020."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Benson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Hayden appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Gazelka, Jensen, Lang, Nelson, Newman, and Senjem.

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wiklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the decision of the President was sustained.

Senator Hawj moved to amend S.F. No. 1 as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2018, section 626.8469, is amended to read:

**626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.**

Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Crisis intervention and mental illness crisis training shall meet the standards in subdivision 1a. The training shall consist of at least 16 continuing education credits with a minimum of four hours for crisis intervention and mental illness crisis training within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues:

- (1) techniques for relating to individuals with mental illnesses and the individuals' families;
- (2) techniques for crisis de-escalation;
- (3) techniques for relating to diverse communities and education on mental illness diversity;
- (4) mental illnesses and the criminal justice system;
- (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families;
- (6) psychotropic medications and the medications' side effects;
- (7) co-occurring mental illnesses and substance use disorders;
- (8) suicide prevention;
- (9) mental illnesses and disorders and the symptoms; and
- (10) autism spectrum disorder.

(b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate.

Subd. 2. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of ~~subdivision 1~~, subdivisions 1 and 1a including, at a minimum:

- (1) documentation of the training provider;
- (2) documentation of the content of the training provided;
- (3) documentation that crisis intervention and mental illness crisis training included scenario-based instruction in compliance with the standards described in subdivision 1a;
- (4) compiled evaluations; and
- (5) explanation of expenditure of funds.

The documentation is ~~subject to periodic review by the board, and shall be made available~~ submitted to the board at its request. The board shall include in the compliance reviews required in section 626.8459 an evaluation of the effectiveness of in-service crisis intervention and mental illness crisis training in reducing officer use of force and diverting people experiencing a mental illness crisis from arrest.

Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 2. **[626.8474] AUTISM TRAINING.**

Subdivision 1. **Learning objectives required.** (a) By January 1, 2021, the board shall prepare learning objectives for preservice and in-service training on ensuring safer interactions between peace officers and persons with autism. At a minimum, the objectives must address the following:

- (1) autism overview and behavioral understanding;
  - (2) best practices for interventions and de-escalation strategies;
  - (3) prevention and crisis reduction models; and
  - (4) objective review of tools and technology available.
- (b) In developing the learning objectives, the board shall consult with, at a minimum:
- (1) individuals with autism;
  - (2) family members of individuals with autism;
  - (3) autism experts; and
  - (4) peace officers.

Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of professional peace officer educational programs.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2021, unless the individual has received the training described in paragraph (a).

Subd. 3. **In-service training required.** Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The documentation is subject to periodic review by the board, and must be made available to the board at its request.

Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section."

Page 1, line 11, reinstate the stricken language

Page 1, line 12, reinstate "activity is" and after the stricken "\$0" insert "\$5,400,000" and reinstate "in fiscal year 2022 and thereafter."

Page 1, after line 12, insert:

"Sec. 4. **APPROPRIATION; PEACE OFFICER CRISIS INTERVENTION AND MENTAL ILLNESS CRISIS TRAINING.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to reimburse law enforcement agency crisis intervention and mental illness crisis training expenses for training that is provided by approved entities according to Minnesota Statutes, section 626.8469, subdivision 1a.

Sec. 5. **APPROPRIATION; POLICE AND MENTAL HEALTH CRISIS TEAM COLLABORATION.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to administer a pilot project to create collaborations between county mobile crisis mental health services described in Minnesota Statutes, section 245.469, and municipal law enforcement agencies. The appropriation shall be used to purchase tablets and video conferencing telehealth services to allow peace officers to connect quickly with members of the mobile crisis mental health team to assist individuals in crisis. No later than September 1, 2021, law enforcement

agencies awarded grants shall provide a written report to the board describing the expenditure of funds and evaluating the effectiveness of the project in diverting people experiencing a mental illness crisis from arrest. The board shall submit a written report compiling the law enforcement agency reports and evaluating the program to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety by January 1, 2022.

Sec. 6. **APPROPRIATION.**

\$200,000 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board for the fiscal year ending June 30, 2021, to implement section 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hawj moved to amend the Hawj amendment to S.F. No. 1 as follows:

Page 4, delete section 6

The motion prevailed. So the amendment to the amendment was adopted.

Senator Hawj withdrew his amendment, as amended.

Senator Hawj moved to amend S.F. No. 1 as follows:

Page 1, before line 6, insert:

"Section 1. **[626.8434] WARRIOR-STYLE TRAINING PROHIBITED.**

Subdivision 1. **Definition.** For purposes of this section, "warrior-style training" means training for peace officers that teaches that self-preservation of an officer is an officer's highest priority or that trains peace officers to approach each interaction with a citizen as a threat, or potential threat, to an officer's safety.

Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board may not certify a continuing education course that includes warrior-style training.

(b) The board may not grant continuing education credit to a peace officer for a course that includes warrior-style training.

(c) The board may not reimburse a law enforcement agency or a peace officer for a course that includes warrior-style training.

Subd. 3. **Training prohibited.** A law enforcement agency may not provide warrior-style training, directly or through a third party, to a peace officer."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

Bigham	Dibble	Hayden	Laine	Rest
Carlson	Dziedzic	Hoffman	Latz	Simonson
Champion	Eaton	Isaacson	Little	Torres Ray
Clausen	Franzen	Jensen	Marty	Wiger
Cohen	Frentz	Kent	Newton	Wiklund
Cwodzinski	Hawj	Klein	Pappas	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Jensen.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

Those who voted in the negative were:

Abeler	Eken	Johnson	Newman	Sparks
Anderson, B.	Gazelka	Kiffmeyer	Osmek	Tomassoni
Anderson, P.	Goggin	Koran	Pratt	Utke
Benson	Hall	Lang	Rarick	Weber
Chamberlain	Housley	Limmer	Relph	Westrom
Dahms	Howe	Mathews	Rosen	
Draheim	Ingebriksen	Miller	Ruud	
Eichorn	Jasinski	Nelson	Senjem	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Lang, Nelson, Newman, and Senjem.

The motion did not prevail. So the amendment was not adopted.

Senator Hawj moved to amend S.F. No. 1 as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2018, section 626.8469, is amended to read:

**626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.**

Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Crisis intervention and mental illness crisis training shall meet the standards in subdivision 1a. The training shall consist of at least 16 continuing education credits with a minimum of four hours for crisis intervention and mental illness crisis training within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues:

- (1) techniques for relating to individuals with mental illnesses and the individuals' families;
- (2) techniques for crisis de-escalation;
- (3) techniques for relating to diverse communities and education on mental illness diversity;
- (4) mental illnesses and the criminal justice system;
- (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families;
- (6) psychotropic medications and the medications' side effects;
- (7) co-occurring mental illnesses and substance use disorders;
- (8) suicide prevention;
- (9) mental illnesses and disorders and the symptoms; and
- (10) autism spectrum disorder.

(b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate.

**Subd. 2. Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of ~~subdivision 1~~ subdivisions 1 and 1a including, at a minimum:

- (1) documentation of the training provider;
- (2) documentation of the content of the training provided;
- (3) documentation that crisis intervention and mental illness crisis training included scenario-based instruction in compliance with the standards described in subdivision 1a;
- (4) compiled evaluations; and
- (5) explanation of expenditure of funds.

The documentation is subject to periodic review by the board, and shall be made available submitted to the board at its request. The board shall include in the compliance reviews required in section 626.8459 an evaluation of the effectiveness of in-service crisis intervention and mental illness crisis

training in reducing officer use of force and diverting people experiencing a mental illness crisis from arrest.

Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 2. **[626.8474] AUTISM TRAINING.**

Subdivision 1. **Learning objectives required.** (a) By January 1, 2021, the board shall prepare learning objectives for preservice and in-service training on ensuring safer interactions between peace officers and persons with autism. At a minimum, the objectives must address the following:

- (1) autism overview and behavioral understanding;
  - (2) best practices for interventions and de-escalation strategies;
  - (3) prevention and crisis reduction models; and
  - (4) objective review of tools and technology available.
- (b) In developing the learning objectives, the board shall consult with, at a minimum:
- (1) individuals with autism;
  - (2) family members of individuals with autism;
  - (3) autism experts; and
  - (4) peace officers.

Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of professional peace officer educational programs.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2021, unless the individual has received the training described in paragraph (a).

Subd. 3. **In-service training required.** Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3.



The documentation is subject to periodic review by the board, and must be made available to the board at its request.

Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section."

Page 1, line 11, reinstate the stricken language

Page 1, line 12, reinstate "activity is" and after the stricken "\$0" insert "\$5,400,000" and reinstate "in fiscal year 2022 and thereafter."

Page 1, after line 12, insert:

"Sec. 4. **APPROPRIATION; PEACE OFFICER CRISIS INTERVENTION AND MENTAL ILLNESS CRISIS TRAINING.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to reimburse law enforcement agency crisis intervention and mental illness crisis training expenses for training that is provided by approved entities according to Minnesota Statutes, section 626.8469, subdivision 1a.

Sec. 5. **APPROPRIATION; POLICE AND MENTAL HEALTH CRISIS TEAM COLLABORATION.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to administer a pilot project to create collaborations between county mobile crisis mental health services described in Minnesota Statutes, section 245.469, and municipal law enforcement agencies. The appropriation shall be used to purchase tablets and video conferencing telehealth services to allow peace officers to connect quickly with members of the mobile crisis mental health team to assist individuals in crisis. No later than September 1, 2021, law enforcement agencies awarded grants shall provide a written report to the board describing the expenditure of funds and evaluating the effectiveness of the project in diverting people experiencing a mental illness crisis from arrest. The board shall submit a written report compiling the law enforcement agency reports and evaluating the program to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety by January 1, 2022.

Sec. 6. **APPROPRIATION.**

\$200,000 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board for the fiscal year ending June 30, 2021, to implement section 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

**RECESS**

Senator Johnson moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

The Senate resumed consideration of S.F. No. 1 and the pending Hawj amendment.

Senator Hawj withdrew his amendment.

Senator Limmer moved that S.F. No. 1 be laid on the table. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Gazelka moved that S.F. No. 3 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 3 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 3:** A bill for an act relating to public safety; reporting law enforcement use of force; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 626.

Senator Ingebrigtsen moved to amend S.F. No. 3 as follows:

Page 1, line 8, after "death" insert "as those terms are defined in the Federal Bureau of Investigation's reporting requirements."

The motion prevailed. So the amendment was adopted.

S.F. No. 3 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Nelson, Newman, and Senjem.

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wiklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that S.F. No. 49 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 49 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 49:** A bill for an act relating to public safety; expanding access to information for law enforcement hiring; amending Minnesota Statutes 2018, section 626.87, subdivisions 2, 3, 5.

Senator Champion moved to amend S.F. No. 49 as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2018, section 364.021, is amended to read:

#### **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF CRIMINAL RECORDS.**

(a) A public or private employer may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer or, if there is not an interview, before a conditional offer of employment is made to the applicant.

(b) This section does not apply to the Department of Corrections or to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(c) This section does not prohibit an employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.

(d) This section applies to individuals appointed pursuant to chapter 15 to boards, commissions, agencies, committees, councils, authorities, courts, advisory task forces, and advisory councils."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 49 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Nelson, Newman, and Senjem.

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wiklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that S.F. No. 104 be taken from the table. The motion prevailed.

**S.F. No. 104:** A bill for an act relating to public safety; requiring updated policies regarding the use of force by peace officers; amending Minnesota Statutes 2018, section 626.8452, subdivisions 2, 4, by adding a subdivision.

### SUSPENSION OF RULES

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 104 and that the rules of the Senate be so far suspended as to give S.F. No. 104, its third reading and place it on its final passage. The motion prevailed.

Senator Champion moved to amend S.F. No. 104 as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2018, section 609.066, is amended by adding a subdivision to read:

Subd. 1a. **Legislative intent.** The legislature hereby finds and declares the following:

(1) that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;

(2) as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer;

(3) that the decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using deadly force; and

(4) that peace officers should exercise special care when interacting with individuals with physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

Sec. 2. Minnesota Statutes 2018, section 609.066, subdivision 2, is amended to read:

Subd. 2. **Use of deadly force.** (a) Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary:

(1) to protect the peace officer or another from ~~apparent~~ imminent death or great bodily harm; or

(2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony ~~involving the use or threatened use of deadly force; or~~ and the officer reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

(3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

(b) A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person.

Sec. 3. Minnesota Statutes 2018, section 626.8452, subdivision 1, is amended to read:

Subdivision 1. **Deadly force policy.** By January 1, 1992, the head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, including deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. The policy must be consistent with the provisions of section 609.066, ~~subdivision~~ subdivisions 1a and 2, and may not prohibit the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wicklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, Sparks, and Wicklund.

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Jensen, Lang, Nelson, Newman, Ruud, Senjem, and Westrom.

The motion did not prevail. So the amendment was not adopted.

Senator Hayden moved to amend S.F. No. 104 as follows:

Page 1, line 19, after "officer" insert "within 24 hours of the incident"

Page 1, line 20, delete everything after the comma and insert "the policy must prohibit peace officers from using (i) carotid control, or (ii) neck restraints or chokeholds that restrict airways."

Page 1, delete lines 21 to 23

Page 2, delete lines 1 and 2

Page 2, after line 12, insert:

"(d) The board may impose licensing sanctions, including but not limited to the suspension or revocation of an officer's license, on a peace officer who violates a policy adopted under paragraph (b). The board may adopt rules to implement this paragraph."

Page 2, before line 13, insert:

"Sec. 2. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision to read:

Subd. 1b. **Prohibition against employer retaliation.** (a) An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment, because the officer made a report as required under subdivision 1a, paragraph (a), clause (2).

(b) An employer who violates paragraph (a) is guilty of a misdemeanor. In addition to any criminal penalty imposed, the court may order the employer to pay back wages and offer job reinstatement to any officer discharged from employment in violation of paragraph (a).

(c) In addition to any remedies otherwise provided by law, a peace officer injured by a violation of paragraph (a) may bring a civil action for recovery of damages, together with costs and disbursements, including reasonable attorney fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Johnson moved to amend the Hayden amendment to S.F. No. 104 as follows:

Page 1, line 2, delete everything after "insert" and insert "within a specified time period determined by the board to be appropriate"

Page 1, delete lines 3 to 28 and insert:

"Page 2, after line 2, insert:

Additionally, the policy must include protections for a peace officer who makes a report as required in clause (2), including, but not limited to, protection against discharge, discipline, discrimination, or other penalties regarding the officer's compensation, terms, conditions, location, or privileges of employment."

The question was taken on the adoption of the Johnson amendment to the Hayden amendment.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Nelson, Newman, Osmek, Ruud, and Senjem.

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wiklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, Sparks, and Wiklund.

The motion prevailed. So the amendment to the amendment was adopted.

Senator Hayden withdrew his amendment, as amended.

S.F. No. 104 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 28, as follows:

Those who voted in the affirmative were:

Abeler	Gazelka	Jensen	Nelson	Senjem
Anderson, B.	Goggin	Johnson	Newman	Tomassoni
Anderson, P.	Hall	Kiffmeyer	Osmek	Utke
Benson	Hoffman	Koran	Pratt	Weber
Chamberlain	Housley	Lang	Rarick	Westrom
Dahms	Howe	Limmer	Relph	
Draheim	Ingebrigtsen	Mathews	Rosen	
Eichorn	Jasinski	Miller	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Newman, Osmek, Ruud, Senjem, and Westrom.

Those who voted in the negative were:

Bigham	Dibble	Hawj	Latz	Simonson
Carlson	Dziedzic	Hayden	Little	Torres Ray
Champion	Eaton	Isaacson	Marty	Wiger
Clausen	Eken	Kent	Newton	Wiklund
Cohen	Franzen	Klein	Pappas	
Cwodzinski	Frentz	Laine	Rest	



Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Limmer moved that S.F. No. 1 be taken from the table. The motion prevailed.

**S.F. No. 1:** A bill for an act relating to public safety; modifying a past appropriation to the Peace Officer Standards and Training Board; amending Laws 2019, First Special Session chapter 5, article 1, section 13, subdivision 4.

Senator Hawj moved to amend S.F. No. 1 as follows:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2018, section 626.8469, is amended to read:

#### **626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.**

Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Crisis intervention and mental illness crisis training shall meet the standards in subdivision 1a. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 1a. **Crisis intervention and mental illness crisis training.** (a) The board, in consultation with the commissioner of human services and mental health stakeholders, shall create a list of approved entities and training courses to instruct peace officers in techniques for responding to a mental illness crisis. A course must include scenario-based instruction and cover most of the following issues:

- (1) techniques for relating to individuals with mental illnesses and the individuals' families;
- (2) techniques for crisis de-escalation;
- (3) techniques for relating to diverse communities and education on mental illness diversity;
- (4) mental illnesses and the criminal justice system;
- (5) community resources and supports for individuals experiencing a mental illness crisis and for the individuals' families;

- (6) psychotropic medications and the medications' side effects;
- (7) co-occurring mental illnesses and substance use disorders;
- (8) suicide prevention;
- (9) mental illnesses and disorders and the symptoms; and
- (10) autism spectrum disorder.

(b) A course must also include training on children and families of individuals with mental illnesses to enable officers to respond appropriately to others who are present during a mental illness crisis. The board shall update the list of approved entities and training courses periodically as it considers appropriate.

Subd. 2. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of ~~subdivision 1, subdivisions 1 and 1a.~~ The documentation is ~~subject to periodic review by the board, and shall be made available~~ submitted to the board ~~at its request.~~ The board shall include in the compliance reviews required in section 626.8459 an evaluation of the effectiveness of in-service crisis intervention and mental illness crisis training in reducing officer use of force and diverting people experiencing a mental illness crisis from arrest.

Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 2. **[626.8474] AUTISM TRAINING.**

Subdivision 1. **Learning objectives required.** (a) By January 1, 2021, the board shall prepare learning objectives for preservice and training on ensuring safer interactions between peace officers and persons with autism. At a minimum, the objectives must address the following:

- (1) autism overview and behavioral understanding;
  - (2) best practices for interventions and de-escalation strategies;
  - (3) prevention and crisis reduction models; and
  - (4) objective review of tools and technology available.
- (b) In developing the learning objectives, the board shall consult with, at a minimum:
- (1) individuals with autism;
  - (2) family members of individuals with autism;
  - (3) autism experts; and
  - (4) peace officers.

Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant to subdivision 1 must be included in the required curriculum of professional peace officer educational programs.

(b) A person is not eligible to take the peace officer licensing examination after July 1, 2021, unless the individual has received the training described in paragraph (a).

Subd. 3. **Training required.** Beginning July 1, 2021, the chief law enforcement officer of every state and local law enforcement agency shall provide autism training to every peace officer and part-time peace officer employed by the agency. The training must comply with the learning objectives developed and approved by the board and must meet board requirements for board-approved continuing education credit. The training must consist of at least four continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2021, is not required to complete this training until the officer's next full three-year licensing cycle.

Subd. 4. **Record keeping required.** The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivision 3. The documentation is subject to periodic review by the board, and must be made available to the board at its request.

Subd. 5. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section."

Page 1, line 9, strike "each year" and insert "in fiscal year 2020 and \$5,400,000 in fiscal year 2021"

Page 1, line 11, reinstate the stricken language

Page 1, line 12, after the stricken period, insert "activity is \$5,600,000 in fiscal year 2022 and thereafter."

Page 1, after line 12, insert:

"Sec. 4. **APPROPRIATION; PEACE OFFICER CRISIS INTERVENTION AND MENTAL ILLNESS CRISIS TRAINING.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to reimburse law enforcement agency crisis intervention and mental illness crisis training expenses for training that is provided by approved entities according to Minnesota Statutes, section 626.8469, subdivision 1a.

Sec. 5. **APPROPRIATION; POLICE AND MENTAL HEALTH CRISIS TEAM COLLABORATION.**

\$200,000 in fiscal year 2021 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board to administer two pilot projects, one in the seven-county metropolitan area and one outside the seven-county metropolitan area, to create collaborations between county

mobile crisis mental health services described in Minnesota Statutes, section 245.469, and municipal law enforcement agencies. This is a onetime appropriation. The appropriation shall be used to purchase tablets and video conferencing telehealth services to allow peace officers to connect quickly with members of the mobile crisis mental health team to assist individuals in crisis. No later than September 1, 2021, law enforcement agencies awarded grants shall provide a written report to the board describing the expenditure of funds and evaluating the effectiveness of the project in diverting people experiencing a mental illness crisis from arrest. The board shall submit a written report compiling the law enforcement agency reports and evaluating the program to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety by January 1, 2022.

Sec. 6. **APPROPRIATION.**

\$200,000 is appropriated from the general fund to the Peace Officer Standards and Training (POST) Board for the fiscal year ending June 30, 2021, to implement section 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Latz	Relph
Anderson, B.	Dziedzic	Howe	Limmer	Rest
Anderson, P.	Eaton	Ingebrigtsen	Little	Rosen
Benson	Eichorn	Isaacson	Marty	Ruud
Bigham	Eken	Jasinski	Mathews	Senjem
Carlson	Franzen	Jensen	Miller	Simonson
Chamberlain	Frentz	Johnson	Nelson	Tomassoni
Champion	Gazelka	Kent	Newman	Torres Ray
Clausen	Goggin	Kiffmeyer	Newton	Utke
Cohen	Hall	Klein	Osmek	Weber
Cwodzinski	Hawj	Koran	Pappas	Westrom
Dahms	Hayden	Laine	Pratt	Wiger
Dibble	Hoffman	Lang	Rarick	Wiklund

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Newman, Osmek, Ruud, Senjem, and Westrom.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Benson moved that S.F. No. 5 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Benson, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 5 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 5:** A bill for an act relating to public safety; limiting admissibility of statements made during public safety peer support activity and critical incident stress management services; amending Minnesota Statutes 2018, section 181.973; proposing coding for new law in Minnesota Statutes, chapter 181.

Senator Ingebrigtsen moved to amend S.F. No. 5 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2018, section 13.43, subdivision 9, is amended to read:

Subd. 9. **Peer ~~counseling debriefing~~ support and public safety stress management data.**  
(a) Government data acquired by a peer group member in a public safety peer counseling debriefing support provider on an individual being supported by a public safety support activity under section 181.973 or by a critical incident stress management team or member on an individual receiving critical incident stress management services under section 181.9731 is private data on the person being debriefed.

(b) ~~For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any government entity providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress."~~

Page 3, line 5, after "not" insert ", without the consent of the individual receiving services."

Page 3, line 6, delete "to a third party"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 5 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 40 and nays 25, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Ingebrigtsen	Mathews	Rosen
Anderson, B.	Eken	Jasinski	Miller	Ruud
Anderson, P.	Gazelka	Jensen	Nelson	Senjem
Benson	Goggin	Johnson	Newman	Tomassoni
Bigham	Hall	Kiffmeyer	Osmek	Utke
Chamberlain	Hoffman	Koran	Pratt	Weber
Dahms	Housley	Lang	Rarick	Westrom
Draheim	Howe	Limmer	Relph	Wiger

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Jensen, Lang, Newman, Osmek, Ruud, Senjem, and Westrom.

Those who voted in the negative were:

Carlson	Dibble	Hawj	Laine	Pappas
Champion	Dziedzic	Hayden	Latz	Rest
Clausen	Eaton	Isaacson	Little	Simonson
Cohen	Franzen	Kent	Marty	Torres Ray
Cwodzinski	Frentz	Klein	Newton	Wiklund

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Laine, Latz, Newton, Rest, and Wiklund.

So the bill, as amended, was passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Benson moved that S.F. No. 7 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Benson, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 7 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 7:** A bill for an act relating to education finance; appropriating money for Language Essentials for Teachers of Reading and Spelling grants.

Senator Torres Ray moved to amend S.F. No. 7 as follows:

Page 1, after line 4, insert:

#### "ARTICLE 1

#### GENERAL EDUCATION

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

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

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

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

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

(4) strategies for improving instruction, curriculum, and student achievement, including (i) the English and, where practicable, the native language development and the academic achievement of English learners; and (ii) for all learners, access to culturally relevant or ethnic studies curriculum using culturally responsive methodologies;

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

(6) education effectiveness practices that integrate high-quality instruction;; rigorous curriculum;; technology;; inclusive and respectful learning and work environments for all students, families, and staff; and a collaborative professional culture that ~~develops and supports~~ retains qualified and racially, ethnically, and linguistically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

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

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after the day of final enactment.

Sec. 2. Minnesota Statutes 2018, section 120B.11, subdivision 3, is amended to read:

Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee ~~shall~~ must pursue community support to accelerate the academic and native literacy and achievement

of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school board rigorous academic standards; student achievement goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district assessments; means to improve students' equitable access to effective and more diverse teachers; strategies to ensure the curriculum and learning and work environments are inclusive and respectful toward all racial and ethnic groups; and program evaluations. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after the day of final enactment.

Sec. 3. Minnesota Statutes 2018, section 123B.09, subdivision 2, is amended to read:

Subd. 2. **School board member training.** A member shall receive training in school finance and management developed in consultation with the Minnesota School Boards Association and consistent with section 127A.19. The School Boards Association must make available to each newly elected school board member training in school finance and management consistent with section 127A.19 within 180 days of that member taking office. The program shall be developed in consultation with the department and appropriate representatives of higher education. For purposes of this subdivision only, the definition of school board member includes a board member of a tribal contract school under section 124D.83.

Sec. 4. Minnesota Statutes 2018, section 123B.147, subdivision 3, is amended to read:

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

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

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

(2) support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments for all students, families, and employees;



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

(3) (4) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;

(4) (5) include on-the-job observations and previous evaluations;

(5) (6) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

(6) (7) use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;

(7) (8) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, culturally responsive leadership practices, and a collaborative professional culture; and

(8) (9) for principals not meeting standards of professional practice or other criteria under this subdivision, implement a plan to improve the principal's performance and specify the procedure and consequence if the principal's performance is not improved.

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

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 5. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. ~~Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.~~

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to make schools' curriculum and learning and work environments more inclusive and respectful of students' racial, ethnic, and linguistic diversity and to address issues of structural inequities in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian. Examples of possible structural inequities include but are not limited to policies and practices that unintentionally result in disparate referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of access to racially and ethnically diverse teachers.

(d) Plan components and strategies should be informed by local data and may include but are not limited to the following efforts:

(1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;

(2) family engagement initiatives that involve families in their students' academic life and success, and improve relations between home and school;

(3) creating opportunities for students, families, staff, and community members who are of color or American Indian to share their experiences in the school setting with school staff and administration to inform development of specific proposals for making school environments more inclusive and respectful toward all students, families, and staff;

(4) professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be culturally responsive and successfully serve students who are from diverse racial, ethnic, and linguistic backgrounds;

(5) recruitment and retention of teachers, administrators, cultural and family liaisons, paraprofessionals, and other nonlicensed staff from racial, ethnic, and linguistic backgrounds represented in the student population to strengthen relationships with all students, families, and other members of the community;

(6) examining academic and discipline data, reexamining institutional policies and practices that result in opportunity and achievement disparities between racial and ethnic groups, and making necessary changes that increase access, meaningful participation, representation, and positive outcomes for students of color, American Indian students, and students who qualify for free or reduced-price lunch;

(7) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including but not limited to

students enrolled in alternative learning centers under section 123A.05, contract alternative programs under section 124D.69, and public alternative programs under section 126C.05, subdivision 15;

(8) developing or expanding ethnic studies course offerings to provide all students with in-depth opportunities to learn about their own and others' cultures and historical experiences; or

(9) examining and revising curricula in various subjects to be culturally relevant and inclusive of various racial and ethnic groups while meeting state academic standards.

~~(b)~~ (e) Among other requirements, an eligible district must implement effective, research-based interventions that include formative assessment practices to reduce the disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and as aligned with section 120B.11.

~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

**EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after the day of final enactment."

Page 1, after line 14, insert:

## "ARTICLE 2

### EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by section 626.556. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20,

section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) to tribal nations about tribally enrolled or descendant students to allow the tribal nation and school district or charter school to support the educational attainment of the student.

Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 7, is amended to read:

**Subd. 7. Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56. Transmitted records must document any service a pupil requires to prevent the inappropriate behavior from recurring. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to

the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

Sec. 3. Minnesota Statutes 2018, section 120B.021, subdivision 2, is amended to read:

Subd. 2. **Standards development.** (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

(1) the Tribal Nations Education Committee under section 124D.79, subdivision 4, and representatives from Minnesota's tribal nations and communities, including both Anishinaabe and Dakota;

~~(+)~~ (2) parents of school-age children and members of the public throughout the state;

~~(2)~~ (3) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;

~~(3)~~ (4) currently serving members of local school boards and charter school boards throughout the state;

~~(+)~~ (5) faculty teaching core subjects at postsecondary institutions in Minnesota; and

~~(5)~~ (6) representatives of the Minnesota business community.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;

(2) not require a specific teaching methodology or curriculum; and

(3) be consistent with the Constitutions of the United States and the state of Minnesota.

Sec. 4. **[120B.25] CURRICULUM POLICY.**

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under section 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to 121A.56.

Sec. 5. Minnesota Statutes 2018, section 121A.031, subdivision 5, is amended to read:

Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools are encouraged to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying. Districts and schools must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

(b) Districts and schools ~~are encouraged to~~ must:

- (1) engage all students in creating a safe and supportive school environment;
- (2) partner with parents and other community members to develop and implement prevention and intervention programs;
- (3) engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
- (4) train student bystanders to intervene in and report incidents of prohibited conduct to the school's primary contact person;
- (5) teach students to advocate for themselves and others;
- (6) prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and
- (7) foster student collaborations that foster a safe and supportive school climate.

Sec. 6. Minnesota Statutes 2018, section 121A.031, subdivision 6, is amended to read:

Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

- (1) define prohibited conduct, consistent with this section;
- (2) apply the prohibited conduct policy components in this section;
- (3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and

(4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

(1) periodically reviewing district and school programs and policies for compliance with this section;

(2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and

(3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's website information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

(d) The commissioner must develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and using evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

(e) The commissioner must develop and adopt state level standards for social, emotional, and cognitive development.

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

Subd. 10. **Suspension.** (a) "In-school suspension" means an instance in which a pupil is temporarily removed from the pupil's regular classroom for at least half a day for disciplinary purposes, but remains under the direct supervision of school personnel.

(b) "Direct supervision" means school personnel are physically present in the same location as the student under supervision.

(c) "Out-of-school suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for less than one school day ~~or less~~, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating



an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

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

**Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school. Nonexclusionary disciplinary policies and practices include but are not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for title one services or reading interventions, and alternative educational services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices also include but are not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4, paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (q); and 122A.627, clause (3).

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

**Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school or district administrator and a pupil's parent or guardian to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 10. Minnesota Statutes 2018, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil without attempting to ~~provide alternative educational services~~ use nonexclusionary disciplinary policies and practices before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 11. Minnesota Statutes 2018, section 121A.46, subdivision 4, is amended to read:

Subd. 4. **Suspension pending expulsion or exclusion hearing.** (a) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

(b) A school administrator must ensure that alternative educational services are provided when a pupil is suspended for more than five consecutive school days.

Sec. 12. Minnesota Statutes 2018, section 121A.46, is amended by adding a subdivision to read:

**Subd. 5. Minimum education services.** A suspended pupil must have the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for

satisfactorily completing the assignments. When a class assignment is modified due to the pupil not being physically present in the classroom setting, the modified assignment must address the same standards as the original assignment and provide the pupil with the same amount of credit when completed. A school principal or other person with administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teacher to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive feedback from the teacher.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 13. Minnesota Statutes 2018, section 121A.47, subdivision 2, is amended to read:

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

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
  - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on the department's website;
  - (2) examine the pupil's records before the hearing;
  - (3) present evidence; and
  - (4) confront and cross-examine witnesses.

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

Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~ which may include completing a character education program, consistent with section 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

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

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 15. Minnesota Statutes 2018, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; pupil withdrawals and physical assaults.** Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner of education. This report must include a statement of ~~alternative educational services~~ nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 16. Minnesota Statutes 2018, section 121A.55, is amended to read:

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

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems and shall. The policies must be designed to address students' inappropriate behavior from recurring.

(b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

(c) The school is responsible for ensuring that the alternative educational services, if the pupil wishes to take advantage of them, provided to the pupil must be adequate to allow the pupil to make progress towards toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission, and is in accordance with section 121A.46, subdivision 5.

(d) For an expulsion, exclusion, or pupil withdrawal agreement as defined in section 121A.41, subdivision 13:

(1) the school district must review the pupil's school work and grades on a quarterly basis to ensure the pupil is making progress toward readmission. A school district must communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services. If the pupil enrolls and is admitted into a new school district during the dismissal period, this obligation ends;

(2) if school-based mental health services are provided in the district under section 245.4889, a pupil remains eligible for those services until the pupil is enrolled in a new district; and

(3) the district must provide to the pupil's parent or guardian a list of mental health and counseling services available to the pupil. The list must also be posted on the district or charter school website.

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

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

**Sec. 17. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.**

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, tribal regalia, or objects of cultural significance at a graduation ceremony.

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

Sec. 18. Minnesota Statutes 2018, section 125A.30, is amended to read:

**125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

(a) A group of school districts or special education cooperatives, in cooperation with the county and tribal health and human service agencies located in the county or counties in which the districts or cooperatives are located, must establish an Interagency Early Intervention Committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local health, education, and county human service agencies, early childhood family education programs, Head Start, parents of young children with disabilities under age 12, child care resource and referral agencies, school readiness programs, current service providers, and agencies that serve families experiencing homelessness, and may also include representatives from other private or public agencies and school nurses. The committee must elect a chair from among its members and must meet at least quarterly.

(b) The committee must develop and implement interagency policies and procedures concerning the following ongoing duties:

(1) develop public awareness systems designed to inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, of available programs and services;

(2) to reduce families' need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;

(3) implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;

(4) identify the current services and funding being provided within the community for children with disabilities under age five and their families; and

(5) develop a plan for the allocation and expenditure of federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313).

(c) The local committee shall also participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families.

### ARTICLE 3

#### TEACHERS

##### Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** This section sets short-term and long-term state goals for increasing the percentage of teachers of color and American Indian teachers in Minnesota and for ensuring all students have equitable access to effective and racially and ethnically diverse teachers who reflect the diversity of students. The goals and report required under this section are also important for meeting state goals for the world's best workforce under section 120B.11, achievement and integration under section 124D.861, and higher education attainment under section 135A.012, all of which have been established to close persistent opportunity and achievement gaps that limit students' success in school and life and impede the state's economic growth.

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage of teachers who are of color or American Indian in Minnesota should increase at least two percentage points per year to have a teaching workforce that more closely reflects the state's increasingly diverse student population and to ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Beginning in 2020 and every even-numbered year thereafter, the Professional Educator Licensing and Standards Board must collaborate with the Department of Education and the Office of Higher Education to publish a summary report of each of the programs they administer and any other programs receiving state appropriations that have or include an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861, 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers. The board must, in coordination with the Office of Higher Education and Department of Education, provide policy and funding recommendations related to state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The report must also include recommendations for state policy and funding needed to achieve the goals of this section, as well as plans for sharing the report and activities of grant recipients, and opportunities among grant recipients of various programs to share effective practices with each other. The 2020 report must include a recommendation of whether a state advisory council should be established to address the shortage of racially and ethnically diverse teachers and what the composition and charge of such an advisory council would be if established. The board must consult with the state Indian Affairs Council and other ethnic councils along with other community and stakeholder groups, including students of color and American Indian students, in developing the report. By November 1 of each even-numbered year, the board must submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over education and higher education policy and finance. The report must be available to the public on the board's website.

Sec. 2. Minnesota Statutes 2018, section 122A.40, subdivision 8, is amended to read:

**Subd. 8. Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop a teacher evaluation and peer review process for probationary and continuing contract teachers through joint agreement. If a school board and the exclusive representative of the teachers do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 5;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when

a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

(3) ~~must be based on professional teaching standards established in rule~~ create, adopt, or revise a rubric of performance standards for teacher practice that must include culturally responsive methodologies and at least three levels of performance to determine common descriptions of effectiveness;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of content areas of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 5.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

#### ARTICLE 4

##### DEPARTMENT OF EDUCATION HOUSEKEEPING

Section 1. Minnesota Statutes 2018, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. **Program described.** American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, tribal, charter, or alternative schools enrolling American Indian children designed to:

(1) support postsecondary preparation for American Indian pupils;

(2) support the academic achievement of American Indian ~~students~~ pupils;



- (3) make the curriculum relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian ~~students~~ pupils must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program services by establishing cooperative liaisons with tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Sec. 2. Minnesota Statutes 2018, section 124D.78, subdivision 1, is amended to read:

Subdivision 1. **Parent committee.** (a) School boards and American Indian schools must provide for the maximum involvement of parents of children enrolled in education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the board of a school district in which there are ten or more American Indian students enrolled and each American Indian school must establish an American Indian education parent advisory committee.

(b) For purposes of this section, American Indian students are defined as persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

(c) If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and is subject to, at least, the requirements of this subdivision and subdivision 2.

(d) The American Indian education parent advisory committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. The school board or American Indian school must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of American Indian students served by the programs as evidenced by American Indian education parent advisory committee meeting minutes.

Sec. 3. Minnesota Statutes 2018, section 124D.78, subdivision 3, is amended to read:

Subd. 3. **Membership.** The American Indian education parent advisory committee must be composed of parents of children eligible to be enrolled in American Indian education programs; secondary students eligible to be served; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee must be parents of American Indian children enrolled or eligible to be enrolled in the programs. ~~The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.~~

Sec. 4. Minnesota Statutes 2018, section 124D.79, subdivision 2, is amended to read:

Subd. 2. **Technical assistance.** The commissioner ~~shall~~ must provide technical assistance, which must include an annual report of American Indian student data using the state count, to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Sec. 5. Minnesota Statutes 2018, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** A school district, charter school, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

## ARTICLE 5

### NUTRITION

Section 1. Minnesota Statutes 2018, section 124D.111, is amended to read:

#### **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE ACCOUNTING.**

Subdivision 1. **School ~~lunch aid computation~~ meal policy.** (a) Each Minnesota participant in the national school lunch program must adopt and post to its website, or the website of the organization where the meal is served, a school meal policy. The policy must:

(1) be in writing, accessible in multiple languages, and clearly communicate student meal charges when payment cannot be collected at the point of service;

(2) be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student;

(3) address whether the participant uses a collections agency to collect unpaid school meal debt;

(4) require any communication to collect unpaid school meal debt be done by school staff trained on the school district's policy on collecting student meal debt;

(5) require that all communication relating to school meal debt be delivered only to a student's parent or guardian and not directly to the student;

(6) ensure that once a participant has placed a meal on a tray or otherwise served the meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, because the student has outstanding meal debt;

(7) ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has outstanding debt;

(8) provide the vendor with its school meal policy if the school contracts with a third party for its meal services; and

(9) require school nutrition staff be trained on the policy.

(b) Any contract between a school and a third-party provider of meal services entered into or modified on or after July 1, 2020, must ensure that the third-party provider adheres to the participant's school meal policy.

**Subd. 1a. School lunch aid amounts.** Each school year, the state must pay participants in the national school lunch program the amount of 12.5 cents for each full paid and free student lunch and 52.5 cents for each reduced-price lunch served to students.

**Subd. 2. Application.** A school district, charter school, nonpublic school, or other participant in the national school lunch program shall apply to the department for this payment on forms provided by the department.

**Subd. 2a. Federal child and adult care food program; criteria and notice.** The commissioner must post on the department's website eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program. The posted criteria and information must inform interested nonprofit organizations about:

(1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;

(2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

**Subd. 3. School food service fund.** (a) The expenses described in this subdivision must be recorded as provided in this subdivision.

(b) In each district, the expenses for a school food service program for pupils must be attributed to a school food service fund. Under a food service program, the school food service may prepare or serve milk, meals, or snacks in connection with school or community service activities.

(c) Revenues and expenditures for food service activities must be recorded in the food service fund. The costs of processing applications, accounting for meals, preparing and serving food, providing kitchen custodial services, and other expenses involving the preparing of meals or the kitchen section of the lunchroom may be charged to the food service fund or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program must be charged to the general fund.

That portion of superintendent and fiscal manager costs that can be documented as attributable to the food service program may be charged to the food service fund provided that the school district does not employ or contract with a food service director or other individual who manages the food service program, or food service management company. If the cost of the superintendent or fiscal manager is charged to the food service fund, the charge must be at a wage rate not to exceed the statewide average for food service directors as determined by the department.

(d) Capital expenditures for the purchase of food service equipment must be made from the general fund and not the food service fund, unless the restricted balance in the food service fund at the end of the last fiscal year is greater than the cost of the equipment to be purchased.

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased from the food service fund.

(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company.

(g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund for up to three years without making the permanent transfer if the district submits to the commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at the end of the third fiscal year.

(h) If a surplus in the food service fund exists at the end of a fiscal year for three successive years, a district may recode for that fiscal year the costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program charged to the general fund according to paragraph (c) and charge those costs to the food service fund in a total amount not to exceed the amount of surplus in the food service fund.

Subd. 4. **No fees.** A participant that receives school lunch aid under this section must make lunch available without charge and must not deny a school lunch to all participating students who qualify for free or reduced-price meals, whether or not that student has an outstanding balance in the student's meal account attributable to a la carte purchases or for any other reason.

Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The participant must ensure that any reminders for payment of outstanding student meal ~~balances~~ debt do not intentionally demean or stigmatize, or humiliate any child participating in the school lunch program. The participant must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal debt. The participant must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal debt.

(b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 60 days.

Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "A la carte" means a food item ordered separately from the school meal.

(c) "School meal" means a meal provided to students during the school day.

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

## ARTICLE 6

### EARLY CHILDHOOD

#### Section 1. [121A.425] FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND PREKINDERGARTEN.

Subdivision 1. **Disciplinary dismissals prohibited.** A pupil enrolled in a preschool or prekindergarten program, including a child participating in early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, may not be subject to dismissals under this chapter. Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:

(1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;

(2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in a preschool or prekindergarten program; or

(3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Nelson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Wiger appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Relph
Anderson, B.	Gazelka	Jensen	Miller	Rosen
Anderson, P.	Goggin	Johnson	Nelson	Ruud
Benson	Hall	Kiffmeyer	Newman	Senjem
Chamberlain	Housley	Koran	Osmek	Utke
Dahms	Howe	Lang	Pratt	Weber
Draheim	Ingebrigtsen	Limmer	Rarick	Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Ingebrigtsen; Jensen; Johnson; Lang; Newman; Osmek; Ruud; Senjem; and Westrom.

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Marty	Torres Ray
Carlson	Eaton	Isaacson	Newton	Wiger
Champion	Eken	Kent	Pappas	Wiklund
Clausen	Franzen	Klein	Rest	
Cohen	Frentz	Laine	Simonson	
Cwodzinski	Hawj	Latz	Sparks	
Dibble	Hayden	Little	Tomassoni	

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Champion, Clausen, Eaton, Laine, Latz, Newton, Rest, Sparks, and Wiklund.

So the decision of the President was sustained.

S.F. No. 7 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 10, as follows:

Those who voted in the affirmative were:

Abeler	Benson	Champion	Cwodzinski	Draheim
Anderson, B.	Bigham	Clausen	Dahms	Dziedzic
Anderson, P.	Chamberlain	Cohen	Dibble	Eichorn

Eken	Ingebrigtsen	Latz	Osmek	Tomassoni
Franzen	Isaacson	Limmer	Pratt	Utke
Frentz	Jasinski	Little	Rarick	Weber
Gazelka	Jensen	Marty	Relph	Westrom
Goggin	Johnson	Mathews	Rosen	Wiger
Hall	Kiffmeyer	Miller	Ruud	
Hoffman	Klein	Nelson	Senjem	
Housley	Koran	Newman	Simonson	
Howe	Lang	Newton	Sparks	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Ingebrigtsen; Jensen; Johnson; Lang; Newman; Osmek; Ruud; Senjem; and Westrom.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Champion, Clausen, Latz, Newton, and Sparks.

Those who voted in the negative were:

Carlson	Hawj	Kent	Pappas	Torres Ray
Eaton	Hayden	Laine	Rest	Wiklund

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Eaton, Laine, Rest, and Wiklund.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### Senator Howe introduced--

**S.F. No. 123:** A bill for an act relating to labor; amending grievance procedure for public employment contracts; requiring rulemaking; amending Minnesota Statutes 2018, section 179A.20, subdivision 4; repealing Minnesota Statutes 2018, section 179A.21.

Senator Gazelka moved that S.F. No. 123 be laid on the table. The motion prevailed.

#### Senators Osmek, Tomassoni, and Westrom introduced--

**S.F. No. 124:** A bill for an act relating to energy; appropriating money for an ammonia production pilot demonstration project; appropriating money for a grant to the Mountain Iron Economic Development Authority to expand a city-owned building housing a solar panel manufacturer.

Senator Gazelka moved that S.F. No. 124 be laid on the table. The motion prevailed.

**Senator Pappas introduced--**

**S.F. No. 125:** A bill for an act relating to capital investment; appropriating money for the safe routes to school grant program; authorizing the sale and issuance of state bonds.

Referred to the Committee on Rules and Administration.

**Senator Pappas introduced--**

**S.F. No. 126:** A bill for an act relating to capital investment; appropriating money for an agriculture and health laboratory; authorizing the sale and issuance of state bonds.

Referred to the Committee on Rules and Administration.

**Senator Eichorn introduced--**

**S.F. No. 127:** A bill for an act relating to commerce; requiring notices for reverse mortgage loans; amending Minnesota Statutes 2018, section 47.58, subdivisions 1, 8, by adding subdivisions.

Referred to the Committee on Rules and Administration.

**Senator Newton introduced--**

**S.F. No. 128:** A bill for an act relating to state government; appropriating money to the Amateur Sports Commission.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced--**

**S.F. No. 129:** A bill for an act relating to elections; modifying requirements related to the release of election results at the 2020 state primary and state general elections.

Referred to the Committee on Rules and Administration.

**Senator Torres Ray introduced--**

**S.F. No. 130:** A bill for an act relating to education; modifying the safe schools levy; amending Minnesota Statutes 2018, section 126C.44.

Referred to the Committee on Rules and Administration.

**Senators Housley, Koran, Ruud, Hoffman, and Hall introduced--**

**S.F. No. 131:** A bill for an act relating to health; establishing requirements for hospitals to discharge patients to long-term care facilities; requiring hospitals to be reimbursed for certain COVID-19-related extended stays; appropriating money.

Senator Gazelka moved that S.F. No. 131 be laid on the table. The motion prevailed.



**Senators Kent, Sparks, Housley, Cwodzinski, and Torres Ray introduced--**

**S.F. No. 132:** A bill for an act relating to education; modifying school meal provisions; amending Minnesota Statutes 2018, section 124D.111.

Referred to the Committee on Rules and Administration.

**MEMBERS EXCUSED**

Senator Bakk was excused from the Session of today. Senator Sparks was excused from the Session of today from 11:45 p.m. to 1:00 a.m.

**ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 10:00 a.m., Friday, June 19, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

