

MINNESOTA YOUTH COUNCIL COMMITTEE

Annual Report

88TH LEGISLATURE

2013-2014



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i. Introduction

The 2014 Minnesota State Legislative Session was the first session the Minnesota Youth Council Committee represented the voices and interests of youth across the state of Minnesota. The Minnesota Youth Council Committee grew out of an interest by the Minnesota Youth Council (MYC), a diverse group of 72 youth and adults representing each congressional district of Minnesota. The MYC's mission is "working together to empower and mobilize youth across the state to exercise their voices, opinions and ideas to take action on youth issues." The MYC is a part of Minnesota Alliance With Youth, a statewide non-profit that serves as the state's leading youth development capacity-builder, convener, and collaborator. The Alliance catalyzes communities, helping all Minnesota youth graduate from high school on time with plans for ongoing success in school, work, and life. The legislation was passed in 2013 that formalized the relationship between the Minnesota Youth Council youth members and the MN Legislature, putting youth voice into law. In the statute it states that a representative from each party in the house and the senate take part as liaisons with the Minnesota Youth Council Committee. This year the committee was fortunate to work with Representatives Marquart and Myhra, and Senators Dahle and Hall. Representative Marquart's legislative aide, Joe Gould, served as staff support to the committee and provided crucial on-going support and guidance.

ii. Committee Members

The committee held two meetings in the State Office building during the session and heard a variety of bills related to youth. The agendas for both meetings and the bills heard are attached.

The Minnesota Youth Council Committee members included:

- Aimee Vue, Chair, Como Park Senior High
- Margo Sanders, Vice-Chair, Apple Valley High School
- Katelyn Bennis, Chaska Middle School
- Essence Blakemore, Coon Rapids High School
- Mario Chacon, Park Center Senior High School
- Tiaryn Daniels, Brooklyn Junior High

- D'Andre Gordon, Voyageurs Expedition School
- Rowan Hellwich, Great River Montessori
- Darren Jackson, Augsburg Fairview Academy
- Micaela Jacobson, Minnetonka High School
- Maddie McConkey, Blake School
- Allie Memmott, Mayo High School
- Andrew Nguyen, Denfeld High School
- Kevin Nguyen, Highland Park Senior High
- Anna Phearman, Watertown-Mayer High School
- Emily Pohl, Denfeld High School
- Hannah Quarnstrom, North Lakes Academy Charter School
- Harrison Redepenning, Anoka High School
- Cassidy Stokes, Bemidji High School
- Wyatt Tatge, Watertown-Mayer High School
- Guadalupe Thornhill, Central High School
- Kyra Tiffany, Anoka High School
- Heather Weller, New York Mills High School

iii. Bill Selection

In order to select the legislation that was heard before the committee, multiple methods were used to ensure a youth centered agenda and committee interest in the legislation. This process included council-wide voting, committee member conference calls, and youth led research. Once legislation was selected for each meeting, the youth members gathered further research and prepared to have educated and topical conversations with legislators and advocates during committee meetings. It was essential to educate the Minnesota Youth Council Committee members about the bills heard through mock committee hearings and debriefing the bills.

iv. Committee Meetings

The first committee meeting of the session, held on Friday March 7th, 2014 at 1pm, was dedicated to hearing legislators speak about committee meeting structures, and hearing testimony on a number of bills. The committee established an understanding and groundwork from the guidance and advice of Patrick McCormack, Representative Marquart, Chris Kwapick, and Representative Sheldon Johnson. Representative Norton, Hausman, Kahn, and Senator Torres Ray all came to testify on behalf of bills.

The second committee meeting of the session, held on Friday April 11th at 1pm, the MYCC heard three bills from Representative Mariani and Davnie, and Mark Haase on behalf of Senator Champion. While Representative Moran was unable to attend to speak on behalf of H.F. 2130, the committee was prepared to ask questions and give opinions on this piece of legislation as well.

Throughout the course of the two meetings the committee heard testimony from eleven legislators, several advocates, and members of the public on proposed legislation. Legislation heard by the committee covered a broad range of topics including the voting age, sexual health education, and the Safe and Supportive Schools Act. In 2012, the Minnesota Youth Council conducted a statewide survey surveying approximately 1,000 young people (results are attached). Through the youth-created survey, interestingly enough the same three topics arose in each of the congressional districts: crime, safety and gangs; drugs and alcohol abuse; and bullying. As the representative at the Minnesota Capitol for youth voice, the Minnesota Youth Council focused on bills relating to these issues as identified by Minnesota youth. Following the 2013 legislative session when the Minnesota Youth Council Committee Bill was passed, the MYCC focused on the three issues as identified by Minnesota youth and bills that ensured youth voice.

v. Next Year

Through the process of understanding what issues youth are facing, establishing an official legislative committee for youth, by youth, and hearing bills, the MYCC has created a historical moment in Minnesota history. The first time in the state's history is youth voice written into law. Much was learned through it all by the youth council members, Minnesota Alliance With Youth staff, supporters, and organizational partners of how to ensure youth voice is at the decision-making table. For following years, we hope to continue to represent youth voice and the issues youth face in Minnesota. With the first year being done, it was a successful learning year of understanding how the legislative process works.

As some of the MYC members are in their last year of high school, all have learned from the experience. The Chair of the committee, Aimee Vue, a recent graduate of Como Park Senior High and she reflects on her experience:

"It's been an amazing legislative year to have so many great pieces of legislation passed. With 2013 passing the MYCC bill, this year we are able to see how youth voice can truly be an integral part to the state's decision making process. Many of us have grown through this and learned many useful skills from serving on the committee."

The first year of the Minnesota Youth Council Committee has been a year of hands on education and empowerment, prospects the committee is devoted to bringing to the lives of more Minnesota youth through its work. In the future, with the experience of running and working as a committee as the foundation, the Minnesota Youth Council Committee plans on expanding its meeting count in order to hear and advise on more youth issues. The committee is also exploring the idea of having a more active hand in the crafting of youth focused legislation, with the long term goal of drafting a youth omnibus bill.

Engagement. Voice. Success.

MINNESOTA
YOUTH COUNCIL



MINNESOTA YOUTH COUNCIL

A Youth and Adult Partnership for Statewide Impact

The Minnesota Youth Council, an initiative of the Minnesota Alliance With Youth, is a diverse network of 72 eighth- through twelfth-graders and adult partners from each congressional district who collaboratively identify and address youth issues. Its members share their perspectives with policymakers, honing their critical thinking, public speaking, and leadership skills – addressing the dilemma that although young people can't vote, they often face the consequences of policy decisions.

Since 2005, the MYC has recruited, trained, and coordinated this network, connecting members to local elected officials such as mayors, school superintendents, and city council members, as well as legislators and policymakers at the state level.

MYC members focus on:

- **Education and Outreach.** MYC members educate and train each other, their peers, community members, and legislators on youth issues such as the opportunity gap. They also highlight the service-learning efforts of their peers through events such as Global Youth Service Day and the Red Wagon Awards.
- **Policy and Advocacy.** Through the MYC, youth are directly involved in policymaking. Annual events such as Youth Day at the Capitol and youth summits provide public venues for mobilizing other young people and disseminating unified messages.
- **Philanthropy.** In 2013, the MYC will regrant \$50,000 to organizations, programs, or projects that support learning within and beyond the classroom. With support from Youthprise, a Twin Cities-based youth development intermediary, young people will fund efforts in their communities while learning about grant-making and grant management.



"The MYC has given me a space where I can interact with youth in a partnership instead of an authoritarian relationship. It's also given my youth partner and I the opportunity to talk about political issues and power relations in our communities, schools, and work settings."

– Jamie Keith
Promise Fellow
St. Paul, District 4

"[The MYC] gives youth and also adults ... a chance to voice their opinions about what happens in Minnesota. It makes room and gives an opportunity for us to make a change. It builds leadership skills."

– Essence Blakemore
youth council member
St. Paul, District 4

continued ...

This year, MYC members are pushing for passage of a bill that will support the ongoing work of the Council – engaging thousands of youth in identifying resources, gaps in services, and connections between issues and policy; surveying and mapping community assets; developing a statewide policy agenda on youth issues; convening district and statewide summits – all of which inform their collective policy and philanthropy work to advance opportunities for all young people.

**This year alone,
65 youth and adult
MYC members will
contribute more
than 5,800 hours
of volunteer time.**

“Having the opportunity to be a part of this council and working to be sure rural youth voices are heard will make me a better leader when my grandma retires.”

– Justice Taylor
youth council member
Aitkin, District 8

“Being able to share this experience with my granddaughter solidifies the wisdom of being the change you want to see in your community and the world.”

– Kim Clement,
adult partner
Aitkin, District 8



MYC In Action: Surveying the State for Youth Perspectives

This fall, MYC members representing all eight congressional districts in Minnesota surveyed more than 800 youth about their greatest concerns. Leading the results were bullying; drug and alcohol abuse; and crime, safety, and gangs. From these findings, MYC members will develop a strategy to address these issues through policy and philanthropy. With funding from the youth development intermediary Youthprise, the MYC philanthropy committee will regrant \$50,000 to related initiatives.

The Minnesota Youth Council is part of a strategic partnership among the Minnesota Alliance With Youth, Youthprise, and youthrive. These organizations share resources and expertise to help transform communities so that all young people – statewide – can thrive.

The Minnesota Alliance With Youth is an affiliate of America's Promise – and Minnesota's leading convener, collaborator, and capacity-builder for youth development. The Alliance works with and for young people to ensure that all have access to fundamental resources, the “Five Promises”: caring adults, safe places, a healthy start, effective education, and opportunities to lead and serve. As a statewide network of existing organizations, the Alliance offers training, resources, support, and more than 100 AmeriCorps Promise Fellows annually to promote youth outcomes, including graduation for all.

Youthprise was founded in 2011 by the McKnight Foundation to increase the quality, accessibility, sustainability, and innovation of opportunities for learning beyond the classroom. Youthprise works collaboratively with municipalities, funders, policymakers, program providers, youth, and parents to ensure that all Minnesota youth, especially people who are traditionally underserved, have access to affordable, quality opportunities for learning beyond the classroom. For more information on Youthprise, visit www.youthprise.org.



With support from:





YOUTH SURVEY

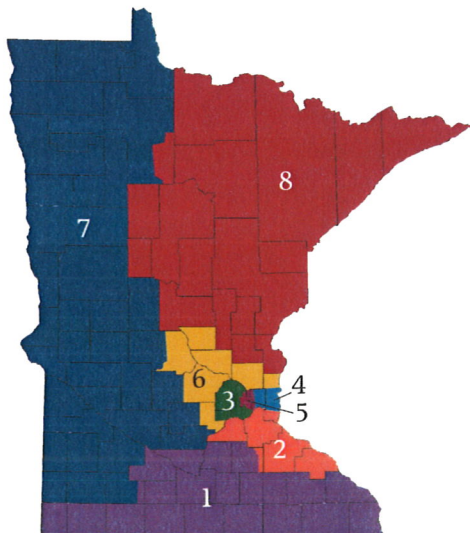
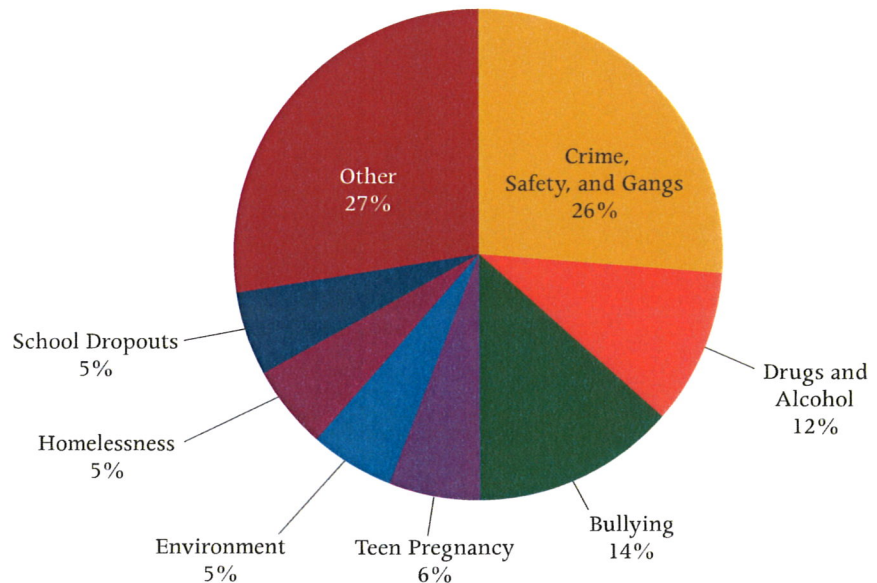
MYC Members Survey More than 1,000 Peers Statewide

Recently, young people from all congressional districts across the state surveyed more than 1,000 of their peers to uncover the biggest concerns in their communities. Their top three issues are:

- Crime, safety, and gangs
- Bullying
- Drugs and alcohol

Other (27%) includes issues of concern for four percent or less of youth: health care, youth employment, teacher fairness, classroom learning can be applied to real life, treatment by police, positive things to do after school, positive things to do on the weekends, opportunities for youth to be involved in improving the community, and other.

Issues of Concern to Youth



Issues of Concern by Congressional District

	Crime, Safety, and Gangs	Bullying	Drugs and Alcohol	Teen Pregnancy	Environment
District 1	25%	16%	10%	10%	9%
District 2	14%	24%	12%	4%	8%
District 3	20%	14%	18%	5%	4%
District 4	35%	13%	9%	6%	4%
District 5	35%	10%	5%	6%	5%
District 6	25%	20%	7%	1%	7%
District 7	25%	15%	16%	6%	5%
District 8	22%	17%	18%	8%	4%

Furthermore:

- While 44% feel accepted at their schools, 54% feel most accepted at after-school programs;
- 34.5% believe adults never or seldom listen to them about community concerns; and
- 37% do not feel respected in political arenas such as the state capitol, local city halls, and school board meetings.

And, though 47% feel they have the power to make change in their community, 33% say they have “little or no knowledge” of how to make change happen.

The MYC will act on these results by:

1. Supporting policy efforts focused on bullying, crime/safety/gangs, and drug and alcohol abuse;
2. Mobilizing communities in each of the eight congressional districts to support summits focused on the top youth issues identified in 2013–2014;
3. Developing a philanthropic approach that builds support for the issues identified in the mapping process, and regranting \$50,000 to address these issues by June 2013; and
4. Ensuring passage of the Minnesota Youth Council Bill to formally integrate youth voice into the Minnesota Legislature.



MYC members meet with Sen. Jim Carlson. (L-R: Tiaryn Daniels, Sheyenne Hokit, Kelly Timian, and Denisia Parker)

The Minnesota Youth Council is part of a strategic partnership among the Minnesota Alliance With Youth, Youthprise, and youthrive. These organizations share resources and expertise to help transform communities so that all young people – statewide – can thrive.

Methodology

- **Community Asset-mapping Process.** MYC members first explored the institutional assets of their communities: local businesses, social services, youth-serving organizations, and cultural groups. They then added their individual skills, networks, and talents.
- **Interviews, Youth Surveys, and Focus Groups.** MYC members generated questions addressing issues facing youth under 18 in their communities, and used them to:
 1. Interview people who they would go to if they wanted to create community change – teachers, mayors, and staff at the Minnesota Department of Education, for example;
 2. Create and disseminate a survey to more than 1,000 young people throughout the state to elicit their perspectives on issues, with the support of Rainbow Research; and
 3. Convene focus groups in Fergus Falls, Worthington, Minneapolis, Northfield, and Brooklyn Park to bring a qualitative perspective to the work.

The Minnesota Youth Council is a program of Minnesota Alliance With Youth, an affiliate of America's Promise – and Minnesota's leading convener, collaborator, and capacity-builder for youth development. The Alliance works with and for young people to ensure that all have access to fundamental resources, the “Five Promises”: caring adults, safe places, a healthy start, effective education, and opportunities to help others. As a statewide network of existing organizations, the Alliance offers training, resources, support, and more than 100 AmeriCorps Promise Fellows annually to promote youth outcomes, including graduation for all.

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. 2004

02/25/2014 Authored by Norton and Mariani

The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; further recognizing students' proficiency in languages
1.3 in addition to English; amending Minnesota Statutes 2012, section 120B.022;
1.4 Minnesota Statutes 2013 Supplement, sections 120B.11, subdivision 3;
1.5 120B.115; 124D.861, subdivision 3.

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

1.7 Section 1. Minnesota Statutes 2012, section 120B.022, is amended to read:

1.8 **120B.022 ELECTIVE STANDARDS.**

1.9 Subdivision 1. **Elective standards.** ~~(a)~~ A district must establish its own standards in
1.10 the following subject areas:

1.11 (1) career and technical education; and

1.12 (2) world languages.

1.13 A school district must offer courses in all elective subject areas.

1.14 Subd. 1a. Foreign language and culture; proficiency certificates. ~~(b)~~ (a) World
1.15 languages teachers and other school staff should develop and implement world languages
1.16 programs that acknowledge and reinforce the language proficiency and cultural awareness
1.17 that non-English language speakers already possess, and encourage students' proficiency
1.18 in multiple world languages. Programs under this ~~paragraph~~ section must encompass
1.19 indigenous American Indian languages and cultures, among other world languages and
1.20 cultures. The department shall consult with postsecondary institutions in developing
1.21 related professional development opportunities for purposes of this section.

1.22 ~~(e)~~ (b) Any Minnesota public, charter, or nonpublic school may award Minnesota
1.23 World Language Proficiency Certificates or Minnesota World Language Proficiency High
1.24 Achievement Certificates, consistent with this subdivision.

2.1 (c) The Minnesota World Language Proficiency Certificate recognizes students who
2.2 demonstrate listening, speaking, reading, and writing language skills at the American
2.3 Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and
2.4 reliable assessment tool. For languages listed as Category 3 by the United States Foreign
2.5 Service Institute or Category 4 by the United States Defense Language Institute, the
2.6 standard is Intermediate-Low for listening and speaking and Novice-High for reading
2.7 and writing.

2.8 (d) The Minnesota World Language Proficiency High Achievement Certificate
2.9 recognizes students who demonstrate listening, speaking, reading, and writing language
2.10 skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level
2.11 for K-12 learners on a valid and reliable assessment tool. For languages listed as Category
2.12 3 by the United States Foreign Service Institute or Category 4 by the United States
2.13 Defense Language Institute, the standard is Pre-Advanced for listening and speaking and
2.14 Intermediate-Mid for reading and writing.

2.15 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to
2.16 strive for the world's best workforce under sections 120B.11 and 124D.10, subdivision 8,
2.17 paragraph (u), and close the academic achievement and opportunity gap under sections
2.18 124D.861 and 124D.862, voluntary state bilingual and multilingual seals are established
2.19 to recognize high school graduates who demonstrate level 5 functional native proficiency
2.20 in speaking and reading on the Foreign Services Institute language proficiency tests or on
2.21 equivalent valid and reliable assessments in one or more languages in addition to English.
2.22 American Sign Language is a language other than English for purposes of this subdivision
2.23 and a world language for purposes of subdivision 1a.

2.24 (b) In addition to paragraph (a), to be eligible to receive a seal:

2.25 (1) students must satisfactorily complete all required English language arts credits;
2.26 and

2.27 (2) students whose primary language is other than English must demonstrate mastery
2.28 of Minnesota's English language proficiency standards.

2.29 (c) Consistent with this subdivision, a high school graduate who demonstrates
2.30 functional native proficiency in one language in addition to English is eligible to receive
2.31 the state bilingual seal. A high school graduate who demonstrates functional native
2.32 proficiency in more than one language in addition to English is eligible to receive the
2.33 state multilingual seal.

2.34 (d) School districts and charter schools, in consultation with regional centers
2.35 of excellence under section 120B.115, must give students periodic opportunities to
2.36 demonstrate their level of proficiency in speaking and reading in a language in addition

3.1 to English. Where valid and reliable assessments are unavailable, a school district or
3.2 charter school may rely on a licensed foreign language immersion teacher or a nonlicensed
3.3 community expert under section 122A.25 to assess a student's level of foreign, heritage, or
3.4 indigenous language proficiency under this section. School districts and charter schools
3.5 must maintain appropriate records to identify high school graduates eligible to receive the
3.6 state bilingual or multilingual seal. The school district or charter school must affix the
3.7 appropriate seal to the transcript of each high school graduate who meets the requirements
3.8 of this subdivision and may affix the seal to the student's diploma. A school district or
3.9 charter school must not charge the high school graduate a fee for this seal.

3.10 (e) A school district or charter school may award elective course credits in world
3.11 languages to a student who demonstrates the requisite proficiency in a language other
3.12 than English under this section.

3.13 (f) A school district or charter school may award community service credit to a
3.14 student who demonstrates level 5 functional native proficiency in speaking and reading
3.15 in a language other than English and who participates in community service activities
3.16 that are integrated into the curriculum, involve the participation of teachers, and support
3.17 biliteracy in the school or local community.

3.18 (g) The commissioner must develop a Web page for the electronic delivery of
3.19 these seals. The commissioner must list on the Web page those assessments that are
3.20 equivalent to the Foreign Services Institute language proficiency tests and make all
3.21 language proficiency tests and equivalent assessments available to school districts and
3.22 charter schools without cost.

3.23 (h) The colleges and universities of the Minnesota State Colleges and Universities
3.24 system must award at least four semester credits of foreign language to a student who
3.25 receives a state bilingual seal or a state multilingual seal under this subdivision and also
3.26 may award one or more semester credits of foreign language to a student who receives
3.27 a Minnesota world language proficiency certificate or a Minnesota world language high
3.28 achievement certificate under subdivision 1a.

3.29 Subd. 2. **Local assessments.** A district must use a locally selected assessment to
3.30 determine if a student has achieved an elective standard.

3.31 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
3.32 later.

3.33 Sec. 2. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 3, is
3.34 amended to read:

4.1 Subd. 3. **District advisory committee.** Each school board shall establish an
4.2 advisory committee to ensure active community participation in all phases of planning and
4.3 improving the instruction and curriculum affecting state and district academic standards,
4.4 consistent with subdivision 2. A district advisory committee, to the extent possible, shall
4.5 reflect the diversity of the district and its school sites, and shall include teachers, parents,
4.6 support staff, students, and other community residents. The district may establish site
4.7 teams as subcommittees of the district advisory committee under subdivision 4. The
4.8 district advisory committee shall recommend to the school board rigorous academic
4.9 standards, student achievement goals and measures consistent with subdivision 1a and
4.10 sections 120B.022, ~~subdivision 1, paragraphs (b) and (c)~~ subdivisions 1a and 1b, and
4.11 120B.35, district assessments, and program evaluations. School sites may expand upon
4.12 district evaluations of instruction, curriculum, assessments, or programs. Whenever
4.13 possible, parents and other community residents shall comprise at least two-thirds of
4.14 advisory committee members.

4.15 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
4.16 later.

4.17 Sec. 3. Minnesota Statutes 2013 Supplement, section 120B.115, is amended to read:

4.18 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

4.19 (a) Regional centers of excellence are established to assist and support school
4.20 boards, school districts, school sites, and charter schools in implementing research-based
4.21 interventions and practices to increase the students' achievement within a region.
4.22 The centers must develop partnerships with local and regional service cooperatives,
4.23 postsecondary institutions, integrated school districts, the department, children's mental
4.24 health providers, or other local or regional entities interested in providing a cohesive
4.25 and consistent regional delivery system that serves all schools equitably. Centers must
4.26 assist school districts, school sites, and charter schools in developing similar partnerships.
4.27 Center support may include assisting school districts, school sites, and charter schools
4.28 with common principles of effective practice, including:

- 4.29 (1) defining measurable education goals under ~~section~~ sections 120B.11, subdivision
4.30 2, and 120B.022, subdivisions 1a and 1b;
4.31 (2) implementing evidence-based practices;
4.32 (3) engaging in data-driven decision-making;
4.33 (4) providing multilayered levels of support;

5.1 (5) supporting culturally responsive teaching and learning aligning state and local
5.2 academic standards and career and college readiness benchmarks; and

5.3 (6) engaging parents, families, youth, and local community members in programs
5.4 and activities at the school district, school site, or charter school.

5.5 Centers must work with school site leadership teams to build capacity to implement
5.6 programs that close the achievement gap, increase students' progress and growth toward
5.7 career and college readiness, and increase student graduation rates.

5.8 (b) The department must assist the regional centers of excellence to meet staff,
5.9 facilities, and technical needs, provide the centers with programmatic support, and work
5.10 with the centers to establish a coherent statewide system of regional support, including
5.11 consulting, training, and technical support, to help school boards, school districts, school
5.12 sites, and charter schools effectively and efficiently implement the world's best workforce
5.13 goals under section 120B.11 and other state and federal education initiatives.

5.14 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
5.15 later.

5.16 Sec. 4. Minnesota Statutes 2013 Supplement, section 124D.861, subdivision 3, is
5.17 amended to read:

5.18 Subd. 3. **Public engagement; progress report and budget process.** (a) To
5.19 receive revenue under section 124D.862, the school board of an eligible district must
5.20 incorporate school and district plan components under section 120B.11 into the district's
5.21 comprehensive integration plan.

5.22 (b) A school board must hold at least one formal annual hearing to publicly report its
5.23 progress in realizing the goals identified in its plan. At the hearing, the board must provide
5.24 the public with longitudinal data demonstrating district and school progress in reducing
5.25 the disparities in student academic performance among the specified categories of students
5.26 and in realizing racial and economic integration, consistent with the district plan and the
5.27 measures in paragraph (a). At least 30 days before the formal hearing under this paragraph,
5.28 the board must post its plan, its preliminary analysis, relevant student performance data,
5.29 and other longitudinal data on the district's Web site. A district must hold one hearing to
5.30 meet the hearing requirements of both this section and section 120B.11.

5.31 (c) The district must submit a detailed budget to the commissioner by March 15 in
5.32 the year before it implements its plan. The commissioner must review, and approve or
5.33 disapprove the district's budget by June 1 of that year.

6.1 (d) The longitudinal data required under paragraph (a) must be based on student
6.2 growth and progress in reading and mathematics, as defined under section 120B.30,
6.3 subdivision 1, and student performance data and achievement reports from fully adaptive
6.4 reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016
6.5 school year under section 120B.30, subdivision 1a, and either (i) school enrollment
6.6 choices, (ii) the number of world language proficiency or high achievement certificates
6.7 awarded under section 120B.022, subdivision 1, ~~paragraphs (b) and (c)~~ 1a, or the number
6.8 of state bilingual and multilingual seals issued under section 120B.022, subdivision 1b,
6.9 or (iii) school safety and students' engagement and connection at school under section
6.10 120B.35, subdivision 3, paragraph (d). Additional longitudinal data may be based on:
6.11 students' progress toward career and college readiness under section 120B.30, subdivision
6.12 1; or rigorous coursework completed under section 120B.35, subdivision 3, paragraph
6.13 (c), clause (2).

6.14 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
6.15 later.

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. 826

02/21/2013 Authored by Davnie, Yarusso, Melin, Mariani, Bernardy and others
The bill was read for the first time and referred to the Committee on Education Policy
03/04/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law
03/06/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations
03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Education Finance
04/02/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means
04/20/2013 Adoption of Report: Pass as Amended and Read Second Time
05/06/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
04/08/2014 Returned to the House as Amended by the Senate
Read Third Time as Amended by the Senate
Repassed by the House

1.1 A bill for an act
1.2 relating to education; providing for safe and supportive schools by prohibiting
1.3 bullying; amending Minnesota Statutes 2012, sections 124D.895, subdivision 1;
1.4 124D.8955; Minnesota Statutes 2013 Supplement, section 124D.10, subdivision
1.5 8; proposing coding for new law in Minnesota Statutes, chapters 121A; 127A;
1.6 repealing Minnesota Statutes 2012, section 121A.0695.

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

1.8 Section 1. [121A.031] SCHOOL STUDENT BULLYING POLICY.

1.9 Subdivision 1. Student bullying policy; scope and application. (a) This section
1.10 applies to bullying by a student against another student enrolled in a public school and
1.11 which occurs:

1.12 (1) on the school premises, at the school functions or activities, or on the school
1.13 transportation;

1.14 (2) by use of electronic technology and communications on the school premises,
1.15 during the school functions or activities, on the school transportation, or on the school
1.16 computers, networks, forums, and mailing lists; or

1.17 (3) by use of electronic technology and communications off the school premises to
1.18 the extent such use substantially and materially disrupts student learning or the school
1.19 environment.

1.20 (b) A nonpublic school under section 123B.41, subdivision 9, consistent with its
1.21 school accreditation cycle, is encouraged to electronically transmit to the commissioner its
1.22 antibullying policy, if any, and any summary data on its bullying incidents.

1.23 (c) This section does not apply to a home school under sections 120A.22, subdivision
1.24 4, and 120A.24, or a nonpublic school under section 123B.41, subdivision 9.

2.1 (d) A school-aged child who voluntarily participates in a public school activity such
2.2 as a co-curricular or extra-curricular activity, is subject to the same student bullying policy
2.3 provisions applicable to the public school students participating in the activity.

2.4 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have
2.5 the meanings given them.

2.6 (b) "District" means a district under section 120A.05, subdivision 8.

2.7 (c) "Public school" or "school" means a public school under section 120A.05,
2.8 subdivisions 9, 11, 13, and 17, and a charter school under section 124D.10.

2.9 (d) "Student" means a student enrolled in a school under paragraph (c).

2.10 (e) "Bullying" means intimidating, threatening, abusive, or harming conduct that is
2.11 objectively offensive and:

2.12 (1) there is an actual or perceived imbalance of power between the student engaging
2.13 in prohibited conduct and the target of the behavior and the conduct is repeated or forms a
2.14 pattern; or

2.15 (2) materially and substantially interferes with a student's educational opportunities
2.16 or performance or ability to participate in school functions or activities or receive school
2.17 benefits, services, or privileges.

2.18 (f) "Cyberbullying" means bullying using technology or other electronic
2.19 communication, including, but not limited to, a transfer of a sign, signal, writing, image,
2.20 sound, or data, including a post on a social network Internet Web site or forum, transmitted
2.21 through a computer, cell phone, or other electronic device.

2.22 (g) Intimidating, threatening, abusive, or harming conduct may involve, but is not
2.23 limited to, conduct that causes physical harm to a student or a student's property or
2.24 causes a student to be in reasonable fear of harm to person or property; under Minnesota
2.25 common law, violates a student's reasonable expectation of privacy, defames a student,
2.26 or constitutes intentional infliction of emotional distress against a student; is directed at
2.27 any student or students, including those based on a person's actual or perceived race,
2.28 ethnicity, color, creed, religion, national origin, immigration status, sex, marital status,
2.29 familial status, socioeconomic status, physical appearance, sexual orientation, including
2.30 gender identity and expression, academic status related to student performance, disability,
2.31 or status with regard to public assistance, age, or any additional characteristic defined
2.32 in chapter 363A. However, prohibited conduct need not be based on any particular
2.33 characteristic defined in this paragraph or chapter 363A.

2.34 (h) "Prohibited conduct" means bullying or cyberbullying as defined under this
2.35 subdivision or retaliation for asserting, alleging, reporting, or providing information about
2.36 such conduct or knowingly making a false report about bullying.

3.1 (i) "Remedial response" means a measure to stop and correct prohibited conduct,
3.2 prevent prohibited conduct from recurring, and protect, support, and intervene on behalf
3.3 of the student who is the target of the prohibited conduct. Districts and schools may seek
3.4 the assistance of the school safety technical assistance center under section 127A.052 to
3.5 develop and implement remedial responses on behalf of a student who is the target of
3.6 prohibited conduct, to stop and correct a student engaging in prohibited conduct, and for
3.7 use with students and adults in the school community.

3.8 **Subd. 3. Local district and school policy.** (a) Districts and schools, in consultation
3.9 with students, parents, and community organizations, to the extent practicable, shall adopt,
3.10 implement, and, on a cycle consistent with other district policies, review, and revise where
3.11 appropriate, a written policy to prevent and prohibit student bullying consistent with this
3.12 section. The policy must conform with sections 121A.41 to 121A.56. A district or school
3.13 must adopt and implement a local policy under subdivisions 3 to 5 or comply with the
3.14 provisions of the state model policy in subdivision 6.

3.15 (b) Each local district and school policy must establish research-based,
3.16 developmentally appropriate best practices that include preventive and remedial measures
3.17 and effective discipline for deterring policy violations; apply throughout the school or
3.18 district; and foster active student, parent, and community participation. A district or
3.19 school may request assistance from the school safety technical assistance center under
3.20 section 127A.052 in complying with local policy requirements. The policy shall:

3.21 (1) define the roles and responsibilities of students, school personnel, and volunteers
3.22 under the policy;

3.23 (2) specifically list the characteristics contained in subdivision 2, paragraph (g);

3.24 (3) emphasize remedial responses;

3.25 (4) be conspicuously posted in the administrative offices of the school and school
3.26 district in summary form;

3.27 (5) be given to each school employee and independent contractor, if a contractor
3.28 regularly interacts with students, at the time of employment with the district or school;

3.29 (6) be included in the student handbook on school policies; and

3.30 (7) be available to all parents and other school community members in an electronic
3.31 format in the languages appearing on the district or school Web site, consistent with
3.32 the district policies and practices.

3.33 (c) Consistent with its applicable policies and practices, Each district and school
3.34 under this subdivision must discuss its policy with students, school personnel, and
3.35 volunteers and provide appropriate training for all school personnel to prevent, identify,
3.36 and respond to prohibited conduct. Districts and schools must establish a training cycle,

4.1 not to exceed a period of three school years, for school personnel under this paragraph.
4.2 Newly employed school personnel must receive the training within the first year of their
4.3 employment with the district or school. A district or school administrator may accelerate
4.4 the training cycle or provide additional training based on a particular need or circumstance.

4.5 (d) Each district and school under this subdivision must submit an electronic copy of
4.6 its prohibited conduct policy to the commissioner.

4.7 Subd. 4. **Local policy components.** (a) Each district and school policy implemented
4.8 under this section must, at a minimum:

4.9 (1) designate a staff member as the primary contact person in the school building
4.10 to receive reports of prohibited conduct under clause (3), ensure the policy and its
4.11 procedures including restorative practices, consequences, and sanctions are fairly and
4.12 fully implemented, and serve as the primary contact on policy and procedural matters
4.13 implicating both the district or school and the department;

4.14 (2) require school employees who witness prohibited conduct or possess reliable
4.15 information that would lead a reasonable person to suspect that a student is a target of
4.16 prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;

4.17 (3) provide a procedure to begin to investigate reports of prohibited conduct within
4.18 three school days of the report, and make the primary contact person responsible for the
4.19 investigation and any resulting record and for keeping and regulating access to any record;

4.20 (4) indicate how a school will respond to an identified incident of prohibited
4.21 conduct, including immediately intervening to protect the target of the prohibited
4.22 conduct; at the school administrator's discretion and consistent with state and federal
4.23 data practices law governing access to data, including section 13.02, subdivision 8, a
4.24 presumption that a district or school official will notify the parent of the reported target
4.25 of the prohibited conduct and the parent of the actor engaged in the prohibited conduct;
4.26 providing other remedial responses to the prohibited conduct; and ensuring that remedial
4.27 responses are tailored to the particular incident and nature of the conduct and the student's
4.28 developmental age and behavioral history;

4.29 (5) prohibit reprisals or retaliation against any person who asserts, alleges, or reports
4.30 prohibited conduct or provides information about such conduct and establish appropriate
4.31 consequences for a person who engages in reprisal or retaliation;

4.32 (6) allow anonymous reporting but do not rely solely on an anonymous report to
4.33 determine discipline;

4.34 (7) provide information about available community resources to the target, actor,
4.35 and other affected individuals, as appropriate;

- 5.1 (8) where appropriate for a child with a disability to prevent or respond to prohibited
5.2 conduct, allow the child's individualized education program or section 504 plan to address
5.3 the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;
5.4 (9) use new employee training materials, the school publication on school rules,
5.5 procedures, and standards of conduct, and the student handbook on school policies
5.6 to publicize the policy;
5.7 (10) require ongoing professional development, consistent with section 122A.60, to
5.8 build the skills of all school personnel who regularly interact with students, including, but
5.9 not limited to, educators, administrators, school counselors, social workers, psychologists,
5.10 other school mental health professionals, school nurses, cafeteria workers, custodians,
5.11 bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to
5.12 identify, prevent, and appropriately address prohibited conduct;
5.13 (11) allow the alleged actor in an investigation of prohibited conduct to present
5.14 a defense; and
5.15 (12) inform affected students and their parents of their rights under state and federal
5.16 data practices laws to obtain access to data related to the incident and their right to contest
5.17 the accuracy or completeness of the data.
5.18 (b) Professional development under a local policy includes, but is not limited to,
5.19 information about:
5.20 (1) developmentally appropriate strategies both to prevent and to immediately and
5.21 effectively intervene to stop prohibited conduct;
5.22 (2) the complex dynamics affecting an actor, target, and witnesses to prohibited
5.23 conduct;
5.24 (3) research on prohibited conduct, including specific categories of students at risk
5.25 for prohibited conduct in school;
5.26 (4) the incidence and nature of cyberbullying; and
5.27 (5) Internet safety and cyberbullying.
5.28 **Subd. 5. Safe and supportive schools programming.** (a) Districts and schools
5.29 are encouraged to provide developmentally appropriate programmatic instruction to
5.30 help students identify, prevent, and reduce prohibited conduct; value diversity in school
5.31 and society; develop and improve students' knowledge and skills for solving problems,
5.32 managing conflict, engaging in civil discourse, and recognizing, responding to, and
5.33 reporting prohibited conduct; and make effective prevention and intervention programs
5.34 available to students. Upon request, the school safety technical assistance center under
5.35 section 127A.052 must assist a district or school in helping students understand social
5.36 media and cyberbullying. Districts and schools must establish strategies for creating a

6.1 positive school climate and use evidence-based social-emotional learning to prevent and
6.2 reduce discrimination and other improper conduct.

6.3 (b) Districts and schools are encouraged to:

6.4 (1) engage all students in creating a safe and supportive school environment;

6.5 (2) partner with parents and other community members to develop and implement
6.6 prevention and intervention programs;

6.7 (3) engage all students and adults in integrating education, intervention, and other
6.8 remedial responses into the school environment;

6.9 (4) train student bystanders to intervene in and report incidents of prohibited conduct
6.10 to the school's primary contact person;

6.11 (5) teach students to advocate for themselves and others;

6.12 (6) prevent inappropriate referrals to special education of students who may engage
6.13 in prohibited conduct; and

6.14 (7) foster student collaborations that foster a safe and supportive school climate.

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

6.21 (1) define prohibited conduct, consistent with this section;

6.22 (2) apply the prohibited conduct policy components in this section;

6.23 (3) for a child with a disability, whenever an evaluation by an individualized
6.24 education program team or a section 504 team indicates that the child's disability affects
6.25 the child's social skills development or the child is vulnerable to prohibited conduct
6.26 because of the child's disability, the child's individualized education program or section
6.27 504 plan may address the skills and proficiencies the child needs to not engage in and
6.28 respond to such conduct; and

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

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

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

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

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

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

7.7 Subd. 7. **Relation to existing law.** This section does not:

7.8 (1) establish any private right of action;

7.9 (2) limit rights currently available to an individual under other civil or criminal law,
7.10 including, but not limited to, chapter 363A; or

7.11 (3) interfere with a person's rights of religious expression and free speech and
7.12 expression under the First Amendment of the Unites States Constitution.

7.13 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
7.14 later.

7.15 Sec. 2. **[121A.031] NOTICE OF THE RIGHTS AND RESPONSIBILITIES**
7.16 **OF STUDENTS AND PARENTS UNDER THE SAFE AND SUPPORTIVE**
7.17 **MINNESOTA SCHOOLS ACT.**

7.18 A district or school subject to section 121A.031 must include in the student
7.19 discipline policy it distributes or otherwise transmits to students and their parents annually
7.20 at the beginning of each school year notice about the rights and responsibilities of students
7.21 and their parents under the Safe and Supportive Minnesota Schools Act.

7.22 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
7.23 later.

7.24 Sec. 3. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 8, is
7.25 amended to read:

7.26 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all
7.27 federal, state, and local health and safety requirements applicable to school districts.

7.28 (b) A school must comply with statewide accountability requirements governing
7.29 standards and assessments in chapter 120B.

7.30 (c) A school authorized by a school board may be located in any district, unless the
7.31 school board of the district of the proposed location disapproves by written resolution.

7.32 (d) A charter school must be nonsectarian in its programs, admission policies,
7.33 employment practices, and all other operations. An authorizer may not authorize a charter

8.1 school or program that is affiliated with a nonpublic sectarian school or a religious
8.2 institution. A charter school student must be released for religious instruction, consistent
8.3 with section 120A.22, subdivision 12, clause (3).

8.4 (e) Charter schools must not be used as a method of providing education or
8.5 generating revenue for students who are being home-schooled. This paragraph does not
8.6 apply to shared time aid under section 126C.19.

8.7 (f) The primary focus of a charter school must be to provide a comprehensive
8.8 program of instruction for at least one grade or age group from five through 18 years
8.9 of age. Instruction may be provided to people younger than five years and older than
8.10 18 years of age.

8.11 (g) A charter school may not charge tuition.

8.12 (h) A charter school is subject to and must comply with chapter 363A and section
8.13 121A.04.

8.14 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
8.15 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
8.16 123B.34 to 123B.39.

8.17 (j) A charter school is subject to the same financial audits, audit procedures, and
8.18 audit requirements as a district, except as required under subdivision 6a. Audits must be
8.19 conducted in compliance with generally accepted governmental auditing standards, the
8.20 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
8.21 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
8.22 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
8.23 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
8.24 necessary because of the program at the school. Deviations must be approved by the
8.25 commissioner and authorizer. The Department of Education, state auditor, legislative
8.26 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
8.27 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
8.28 must submit a plan under section 123B.81, subdivision 4.

8.29 (k) A charter school is a district for the purposes of tort liability under chapter 466.

8.30 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,
8.31 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

8.32 (m) A charter school is subject to the Pledge of Allegiance requirement under
8.33 section 121A.11, subdivision 3.

8.34 (n) A charter school offering online courses or programs must comply with section
8.35 124D.095.

8.36 (o) A charter school and charter school board of directors are subject to chapter 181.

9.1 (p) A charter school must comply with section 120A.22, subdivision 7, governing
9.2 the transfer of students' educational records and sections 138.163 and 138.17 governing
9.3 the management of local records.

9.4 (q) A charter school that provides early childhood health and developmental
9.5 screening must comply with sections 121A.16 to 121A.19.

9.6 (r) A charter school that provides school-sponsored youth athletic activities must
9.7 comply with section 121A.38.

9.8 (s) A charter school is subject to and must comply with continuing truant notification
9.9 under section 260A.03.

9.10 (t) A charter school must develop and implement a teacher evaluation and peer
9.11 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (12).

9.12 (u) A charter school must adopt a policy, plan, budget, and process, consistent with
9.13 section 120B.11, to review curriculum, instruction, and student achievement and strive
9.14 for the world's best workforce.

9.15 (v) A charter school must comply with section 121A.031 governing policies on
9.16 prohibited conduct.

9.17 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
9.18 later.

9.19 Sec. 4. Minnesota Statutes 2012, section 124D.895, subdivision 1, is amended to read:

9.20 Subdivision 1. **Program goals.** The department, in consultation with the state
9.21 curriculum advisory committee, must develop guidelines and model plans for parental
9.22 involvement programs that will:

9.23 (1) engage the interests and talents of parents or guardians in recognizing and
9.24 meeting the emotional, intellectual, and physical needs of their school-age children;

9.25 (2) promote healthy self-concepts among parents or guardians and other family
9.26 members;

9.27 (3) offer parents or guardians a chance to share and learn about educational skills,
9.28 techniques, and ideas;

9.29 (4) provide creative learning experiences for parents or guardians and their
9.30 school-age children, including involvement from parents or guardians of color;

9.31 (5) encourage parents to actively participate in their district's curriculum advisory
9.32 committee under section 120B.11 in order to assist the school board in improving
9.33 children's education programs; ~~and~~

9.34 (6) encourage parents to help in promoting school desegregation/integration; and

10.1 (7) partner with parents in establishing a positive school climate by developing
10.2 and implementing prevention and intervention programs on prohibited conduct under
10.3 section 121A.031.

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

10.5 Sec. 5. Minnesota Statutes 2012, section 124D.8955, is amended to read:

10.6 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

10.7 (a) In order to promote and support student achievement, a local school board is
10.8 encouraged to formally adopt and implement a parent and family involvement policy that
10.9 promotes and supports:

10.10 (1) communication between home and school that is regular, two-way, and
10.11 meaningful;

10.12 (2) parenting skills;

10.13 (3) parents and caregivers who play an integral role in assisting student learning and
10.14 learn about fostering students' academic success and learning at home and school;

10.15 (4) welcoming parents in the school and seeking their support and assistance;

10.16 (5) partnerships with parents in the decisions that affect children and families
10.17 in the schools; and

10.18 (6) providing community resources to strengthen schools, families, and student
10.19 learning, including establishing a safe and supportive school climate by developing and
10.20 implementing prevention and intervention programs on prohibited conduct under section
10.21 121A.031.

10.22 (b) A school board that implements a parent and family involvement policy under
10.23 paragraph (a) must convene an advisory committee composed of an equal number of
10.24 resident parents who are not district employees and school staff to make recommendations
10.25 to the board on developing and evaluating the board's parent and family involvement
10.26 policy. If possible, the advisory committee must represent the diversity of the district. The
10.27 advisory committee must consider the district's demographic diversity and barriers to
10.28 parent involvement when developing its recommendations. The advisory committee must
10.29 recommend to the school board and district or school how programs serving children and
10.30 adolescents can collaborate on:

10.31 (1) understanding child and adolescent development;

10.32 (2) encouraging healthy communication between parents and children;

10.33 (3) managing students' behavior through positive reinforcement;

10.34 (4) establishing expectations for student behavior;

11.1 (5) providing media and Internet limits and supervision; and

11.2 (6) promoting resilience and reducing risks for children.

11.3 The advisory committee must present its recommendations to the board for board
11.4 consideration.

11.5 (c) The board must consider best practices when implementing this policy.

11.6 (d) The board periodically must review this policy to determine whether it is aligned
11.7 with the most current research findings on parent involvement policies and practices and
11.8 how effective the policy is in supporting increased student achievement.

11.9 (e) Nothing in this section obligates a school district to exceed any parent or family
11.10 involvement requirement under federal law.

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

11.12 Sec. 6. **[127A.051] SCHOOL SAFETY TECHNICAL ASSISTANCE COUNCIL.**

11.13 **Subdivision 1. Establishment and membership; terms.** (a) A 23-member
11.14 multiagency leadership council is established to improve school climate and school
11.15 safety so that all Minnesota students in prekindergarten through grade 12 schools and
11.16 higher education institutions have a safe and supportive learning environment in order to
11.17 maximize each student's learning potential.

11.18 (b) The council shall consist of:

11.19 (1) the commissioners or their designees from the Departments of Education,
11.20 Health, Human Rights, Human Services, Public Safety, and Corrections, and the Office of
11.21 Higher Education;

11.22 (2) one representative each from the Minnesota Association of School
11.23 Administrators, Minnesota School Boards Association, Elementary School Principals
11.24 Association, Association of Secondary School Principals, and Education Minnesota as
11.25 selected by each organization;

11.26 (3) two representatives each of student support personnel, parents, and students as
11.27 selected by the commissioner of education;

11.28 (4) two representatives of local law enforcement as selected by the commissioner of
11.29 public safety;

11.30 (5) two representatives of the judicial branch as selected by the chief justice of
11.31 the Supreme Court; and

11.32 (6) one charter school representative selected by the Minnesota Association of
11.33 Charter Schools.

12.1 (c) A member serves at the pleasure of their appointing authority and continues
12.2 to serve until their successor is appointed.

12.3 Subd. 2. **Duties.** The council must provide leadership for the following activities:

12.4 (1) establishment of norms and standards for prevention, intervention, and support
12.5 around issues of prohibited conduct;

12.6 (2) advancement of evidence-based policy and best practices to improve school
12.7 climate and promote school safety;

12.8 (3) development and dissemination of resources and training for schools and
12.9 communities about issues of prohibited conduct under section 121A.031, and other school
12.10 safety-related issues; and

12.11 (4) develop policies and procedures for the services provided by the school climate
12.12 center under section 127A.052.

12.13 Subd. 3. **Meetings; chair.** The commissioner of education must convene the first
12.14 meeting of the council by October 1, 2014, and must serve as chair. The council must meet
12.15 at least one time per year. The council does not need a quorum to conduct its meetings.

12.16 Subd. 4. **Compensation.** Council members are not eligible for compensation or
12.17 reimbursement for expenses related to council activities.

12.18 Subd. 5. **Support.** The Department of Education and the Department of Public
12.19 Safety must provide technical assistance to council members upon request. The council,
12.20 upon request, must consult with the school safety technical assistance center and the
12.21 school safety center.

12.22 Subd. 6. **Reporting.** The council must report its activities annually by October 1,
12.23 to the commissioner of education. The Department of Education must post the council's
12.24 meeting notices and other relevant information regarding its duties on the agency's Web site.

12.25 Subd. 7. **Expiration.** The council expires on June 30, 2019.

12.26 Sec. 7. **[127A.052] SCHOOL SAFETY TECHNICAL ASSISTANCE CENTER.**

12.27 (a) The commissioner shall establish a school safety technical assistance center
12.28 at the department to help districts and schools under section 121A.031 provide a safe
12.29 and supportive learning environment and foster academic achievement for all students
12.30 by focusing on prevention, intervention, support, and recovery efforts to develop and
12.31 maintain safe and supportive schools. The center must work collaboratively with
12.32 implicated state agencies identified by the center and schools, communities, and interested
12.33 individuals and organizations to determine how to best use available resources.

12.34 (b) The center's services shall include:

12.35 (1) evidence-based policy review, development, and dissemination;

- 13.1 (2) single, point-of-contact services designed for schools, parents, and students
13.2 seeking information or other help;
- 13.3 (3) qualitative and quantitative data gathering, interpretation, and dissemination of
13.4 summary data for existing reporting systems and student surveys and the identification
13.5 and pursuit of emerging trends and issues;
- 13.6 (4) assistance to districts and schools in using Minnesota student survey results to
13.7 inform intervention and prevention programs;
- 13.8 (5) education and skill building;
- 13.9 (6) multisector and multiagency planning and advisory activities incorporating
13.10 best practices and research; and
- 13.11 (7) administrative and financial support for school and district planning, schools
13.12 recovering from incidents of violence, and school and district violence prevention
13.13 education.
- 13.14 (c) The center shall:
- 13.15 (1) compile and make available to all districts and schools evidence-based elements
13.16 and resources to develop and maintain safe and supportive schools;
- 13.17 (2) establish and maintain a central repository for collecting and analyzing
13.18 information about prohibited conduct under section 121A.031, including, but not limited to:
- 13.19 (i) training materials on strategies and techniques to prevent and appropriately
13.20 address prohibited conduct under section 121A.031;
- 13.21 (ii) model programming;
- 13.22 (iii) remedial responses consistent with section 121A.031, subdivision 2, paragraph
13.23 (i); and
- 13.24 (iv) other resources for improving the school climate and preventing prohibited
13.25 conduct under section 121A.031;
- 13.26 (3) assist districts and schools to develop strategies and techniques for effectively
13.27 communicating with and engaging parents in efforts to protect and deter students from
13.28 prohibited conduct under section 121A.031; and
- 13.29 (4) solicit input from social media experts on implementing this section.
- 13.30 (d) The commissioner shall provide administrative services including personnel,
13.31 budget, payroll and contract services, and staff support for center activities including
13.32 developing and disseminating materials, providing seminars, and developing and
13.33 maintaining a Web site. Center staff shall include a center director, a data analyst
13.34 coordinator, and trainers who provide training to affected state and local organizations
13.35 under a fee-for-service agreement. The financial, administrative, and staff support the

- 14.1 commissioner provides under this section must be based on an annual budget and work
14.2 program developed by the center and submitted to the commissioner by the center director.
14.3 (e) School safety technical assistance center staff may consult with school safety
14.4 center staff at the Department of Public Safety in providing services under this section.
14.5 (f) The center is voluntary and advisory. The center does not have enforcement,
14.6 rulemaking, oversight, or regulatory authority.
14.7 (g) The center expires on June 30, 2019.
14.8 **EFFECTIVE DATE.** This section is effective beginning July 1, 2014.
14.9 Sec. 8. **REPEALER.**
14.10 Minnesota Statutes 2012, section 121A.0695, is repealed effective July 1, 2014.

APPENDIX
Repealed Minnesota Statutes: H0826-7

121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.

Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. 2127

02/25/2014 Authored by Kahn

The bill was read for the first time and referred to the Committee on Transportation Policy

- 1.1 A bill for an act
1.2 relating to public safety; traffic regulations; creating criminal penalties related to
1.3 vulnerable road users; amending Minnesota Statutes 2012, sections 169.011, by
1.4 adding a subdivision; 169.13, by adding a subdivision; 171.17, subdivision 1.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2012, section 169.011, is amended by adding a
1.7 subdivision to read:
- 1.8 Subd. 92a. **Vulnerable road user.** (a) "Vulnerable road user" means a person upon
1.9 a roadway or shoulder of a street or highway who is:
- 1.10 (1) a pedestrian, including but not limited to someone engaged while in the
1.11 performance of official duties in emergency services, traffic control, highway assistance
1.12 services, or maintenance, construction, or utility work;
- 1.13 (2) on a nonmotorized vehicle or device, including but not limited to a bicycle,
1.14 bicycle trailer, skateboard, or in-line skates;
- 1.15 (3) on a motorcycle, motorized bicycle, motorized foot scooter, or electric personal
1.16 assistive mobility device;
- 1.17 (4) on an implement of husbandry; or
- 1.18 (5) riding an animal upon a roadway, or driving any animal drawing a vehicle upon a
1.19 roadway.
- 1.20 (b) Vulnerable road user includes the operator and any passengers on, in, or of a
1.21 vehicle or device identified under paragraph (a), if applicable.
- 1.22 Sec. 2. Minnesota Statutes 2012, section 169.13, is amended by adding a subdivision
1.23 to read:

- 2.1 Subd. 2a. **Enhanced penalty; vulnerable road user.** (a) If a violation of
2.2 subdivision 1 or 2 results in substantial bodily harm or great bodily harm to a vulnerable
2.3 road user, the person is guilty of a gross misdemeanor.
2.4 (b) If a violation of subdivision 2 results in death of a vulnerable road user, the
2.5 person is guilty of a felony, and may be sentenced to imprisonment for not more than two
2.6 years or to payment of a fine of not more than \$4,000, or both.
2.7 (c) If a violation of subdivision 1 results in death of a vulnerable road user, the
2.8 person is guilty of a felony, and may be sentenced to imprisonment for not more than five
2.9 years or to payment of a fine of not more than \$10,000, or both.
2.10 (d) Notwithstanding any other law, when a court sentences a person convicted under
2.11 this subdivision, it shall:
2.12 (1) impose a fine of not less than 30 percent of the maximum fine authorized by law;
2.13 (2) order the offender to serve not less than 100 hours of community work service; and
2.14 (3) order the offender to take a course of study at an approved driver improvement
2.15 clinic.
2.16 (e) The court may reduce the amount of the minimum fine under paragraph (d),
2.17 clause (1), to not less than \$100, if the convicted person qualifies for the services of
2.18 a public defender, or if the court finds on the record that:
2.19 (1) the convicted person is indigent; or
2.20 (2) immediate payment would create undue hardship for the convicted person or
2.21 that person's immediate family.
2.22 (f) For purposes of this subdivision:
2.23 (1) "approved driver improvement clinic" has the meaning given in section 171.20,
2.24 subdivision 3;
2.25 (2) "great bodily harm" has the meaning given in section 609.02, subdivision 8; and
2.26 (3) "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.
2.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
2.28 committed on or after that date.

- 2.29 Sec. 3. Minnesota Statutes 2012, section 171.17, subdivision 1, is amended to read:
2.30 Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license
2.31 of a driver upon receiving a record of the driver's conviction of:
2.32 (1) manslaughter resulting from the operation of a motor vehicle or criminal
2.33 vehicular homicide or injury under section 609.21;
2.34 (2) a violation of section 169A.20 or 609.487;
2.35 (3) a felony in the commission of which a motor vehicle was used;

- 3.1 (4) failure to stop and disclose identity and render aid, as required under section
3.2 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury
3.3 of another;
- 3.4 (5) perjury or the making of a false affidavit or statement to the department under
3.5 any law relating to the application, ownership, or operation of a motor vehicle, including
3.6 on the certification required under section 171.05, subdivision 2, paragraph (a), clause (1),
3.7 item (ii), to issue an instruction permit to a homeschool student;
- 3.8 (6) except as this section otherwise provides, three charges of violating within a
3.9 period of 12 months any of the provisions of chapter 169 or of the rules or municipal
3.10 ordinances enacted in conformance with chapter 169, for which the accused may be
3.11 punished upon conviction by imprisonment;
- 3.12 (7) two or more violations, within five years, of the misdemeanor offense described
3.13 in section 169.444, subdivision 2, paragraph (a);
- 3.14 (8) the gross misdemeanor offense described in section 169.444, subdivision 2,
3.15 paragraph (b);
- 3.16 (9) a gross misdemeanor offense under section 169.13, subdivision 2a, which must
3.17 be for a revocation period of not less than six months;
- 3.18 (10) an offense in another state that, if committed in this state, would be grounds for
3.19 revoking the driver's license; or
- 3.20 ~~(10)~~ (11) a violation of an applicable speed limit by a person driving in excess of
3.21 100 miles per hour. The person's license must be revoked for six months for a violation of
3.22 this clause, or for a longer minimum period of time applicable under section 169A.53,
3.23 169A.54, or 171.174.
- 3.24 (b) The department shall immediately revoke the school bus endorsement of a driver
3.25 upon receiving a record of the driver's conviction of the misdemeanor offense described in
3.26 section 169.443, subdivision 7.
- 3.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
3.28 committed on or after that date.

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. 1954

02/25/2014 Authored by Atkins

The bill was read for the first time and referred to the Committee on Elections

1.1 A bill for an act
1.2 relating to elections; authorizing individuals under the age of 18 to vote at a
1.3 primary election in certain circumstances; amending Minnesota Statutes 2012,
1.4 section 201.014, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 201.014, subdivision 1, is amended to read:

1.7 Subdivision 1. **Requirements.** (a) Except as provided in subdivision 2, an
1.8 individual who meets the following requirements at the time of an election is eligible to
1.9 vote. The individual must:

1.10 ~~(a)~~ (1) be 18 years of age or older;

1.11 ~~(b)~~ (2) be a citizen of the United States; and

1.12 ~~(c)~~ (3) maintain residence in Minnesota for 20 days immediately preceding the
1.13 election.

1.14 (b) Notwithstanding paragraph (a), clause (1), an individual who has not reached
1.15 the age of 18 but who meets all other eligibility requirements for voting may cast a
1.16 ballot at a primary election, for purposes of nominating candidates to be voted on at
1.17 the subsequent general election, if the individual will be 18 years of age or older at the
1.18 time the general election is held.

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. **3168**

03/17/2014 Authored by Mariani, Brynaert, Slocum, Bly and Davnie
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for programs to promote healthy relationships
1.3 and sexual development; appropriating money; amending Minnesota Statutes
1.4 2012, section 121A.23.

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

1.6 Section 1. Minnesota Statutes 2012, section 121A.23, is amended to read:

1.7 **121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF**
1.8 **SEXUALLY TRANSMITTED INFECTIONS AND DISEASES PROMOTE**
1.9 **HEALTHY RELATIONSHIPS AND SEXUAL DEVELOPMENT.**

1.10 Subdivision 1. ~~Sexually transmitted infections and diseases~~ Healthy relationships
1.11 and sexual development program. The commissioner of education, in consultation with
1.12 the commissioner of health, shall assist districts in developing and implementing a program
1.13 to prevent and reduce the risk of sexually transmitted infections and diseases, including but
1.14 not exclusive to human immune deficiency virus and human papilloma virus. Each district
1.15 must have a program to develop knowledge and skills to promote healthy relationships and
1.16 sexual development and to prevent and reduce sexual health risks that includes at least:

1.17 (1) planning materials, guidelines, and other technically accurate and updated
1.18 information;

1.19 (2) a comprehensive, technically accurate, and updated curriculum that includes
1.20 helping students to abstain from sexual activity until marriage;

1.21 (3) cooperation and coordination among districts and SCs;

1.22 (4) a targeting of adolescents, especially those who may be at high risk of sexual
1.23 harassment, violence or abuse, contracting sexually transmitted infections and diseases,
1.24 unplanned pregnancies, or other sexual health risks for prevention efforts;

- 2.1 (5) involvement of parents and other community members;
- 2.2 (6) in-service training for appropriate district staff and school board members;
- 2.3 (7) collaboration with state agencies and organizations having a children and
- 2.4 adolescent health, sexual violence prevention or victim services, child protection, sexually
- 2.5 transmitted infection and disease prevention, or sexually transmitted infection and disease
- 2.6 risk reduction program;
- 2.7 (8) collaboration with local or regional community health services, agencies and
- 2.8 organizations having a ~~sexually transmitted infection and disease prevention or sexually~~
- 2.9 ~~transmitted infection and disease~~ healthy relationships and sexual development or risk
- 2.10 reduction program with a focus on youth and adolescents; and
- 2.11 (9) participation by state and local student organizations.

2.12 The department may provide assistance at a neutral site to a nonpublic school

2.13 participating in a district's program. District programs must not conflict with the health

2.14 and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2,

2.15 subdivision 7, or department health and physical education standards.

2.16 If a district fails to develop and implement a program ~~to prevent and reduce the~~

2.17 ~~risk of sexually transmitted infection and disease~~, the department must assist the service

2.18 cooperative in the region serving that district to develop or implement the program.

2.19 Subd. 1a. **Healthy relationships and sexuality program assistance.** (a) The

2.20 commissioner of education, in consultation with the commissioner of health, shall

2.21 assist districts in developing and implementing a program. The assistance shall include

2.22 resources and training to help:

2.23 (1) school districts plan the program;

2.24 (2) school districts evaluate and select curriculum that is comprehensive, consistent

2.25 with current medical knowledge and practice, age appropriate, and designed for use in

2.26 schools. Such curriculum shall provide information consistent with standards established

2.27 by national school health education associations, including the American Association

2.28 of Health Education, the American School Health Association, National Education

2.29 Association Health Information Network, or the Society of State Leaders of Health and

2.30 Physical Education;

2.31 (3) teachers provide effective sexual health education instruction, including but not

2.32 limited to effective use of curriculum; communication and decision-making; engagement

2.33 of family and other community resources; understanding of sexual health in the context of

2.34 values; relationships and diversity such as differences in race, gender, ethnicity, culture,

2.35 and sexual orientation; and appropriate accommodation of alternative learning based on

2.36 differences, including, but not limited to, language or disability;

3.1 (4) school nurses, counselors, and other personnel identify sexual health risks,
3.2 including but not limited to risk for sexual harassment, violence, or abuse, and to provide
3.3 support, referrals, and linkages to diverse service options to help students and families
3.4 address sexual health service needs, including but not limited to pregnancy, sexually
3.5 transmitted infections, sexual harassment, violence or abuse, and other emotional or
3.6 behavioral health issues that may be related to sexual development; and

3.7 (5) school districts develop programs that provide for engagement of students,
3.8 parents, school boards, staff, and other community partners in the development of
3.9 programs and policies, including policies for providing parental or guardian notification,
3.10 opportunity to review curriculum, and options for parents or guardians to arrange for
3.11 alternative learning for their child; coordination with other school districts and service
3.12 learning networks; use of consultants; and engagement of youth, parents, local public
3.13 health, health care providers, and other community partners to develop a shared strategy
3.14 for promoting youth and adolescent sexual health.

3.15 (b) The commissioner of education, in consultation with the commissioner of health,
3.16 may enter into cooperative agreements or provide grants to school districts to support the
3.17 development and implementation of a program, including but not limited to training
3.18 for teachers and release time and acquisition of curriculum, materials, experts, support,
3.19 and consulting services.

3.20 Subd. 1b. **Accountability and evaluation.** (a) The commissioner of education shall
3.21 monitor compliance and evaluate the program by:

3.22 (1) routinely collecting information provided by school districts that demonstrate
3.23 compliance with the minimum program requirements established in subdivision 1;

3.24 (2) routinely collecting more detailed information from a limited number of school
3.25 districts, selected to reflect diversity in size and geography, to demonstrate and describe
3.26 specific implementation activities; and

3.27 (3) identifying data collected through the Minnesota Student Survey that is relevant
3.28 to the purpose of the program, is consistent with standards established by national school
3.29 health associations included in subdivision 1a, paragraph (a), clause (2), and can be
3.30 routinely monitored and analyzed as indicators of the program's effect on student behavior.

3.31 (b) The commissioner of education shall report to the chairs of the senate and
3.32 house of representatives committees having jurisdiction over education and health on
3.33 compliance with the program and its effectiveness within 30 days after the beginning of
3.34 each new regular session of the Minnesota legislature.

3.35 Subd. 2. **Funding sources.** The commissioner or districts may accept funds
3.36 for sexually transmitted infection and disease prevention programs developed and

4.1 implemented under this section from public and private sources including public health
4.2 funds and foundations, department professional development funds, ~~federal block grants~~
4.3 ~~or other federal or state public grants.~~

4.4 Sec. 2. **APPROPRIATION.**

4.5 Subdivision 1. Department of Education. The sums indicated in this section are
4.6 appropriated from the general fund to the Department of Education for the fiscal years
4.7 designated.

4.8 Subd. 2. Healthy relationships and sexual development. For programs to promote
4.9 healthy relationships and sexual development under section 1:

4.10 \$ 2015

4.11 Of this amount, \$..... is for grants to school districts and \$..... is for the department
4.12 to provide assistance, accountability, and evaluation. The base budget for this program for
4.13 fiscal year 2016 and later is \$.....

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State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH SESSION

H. F. No. 2130

02/25/2014 Authored by Moran

The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; requiring student-to-school counselor ratio at national
1.3 average; creating a task force on racial diversity of teachers and guidance
1.4 counselors; requiring a report; proposing coding for new law in Minnesota
1.5 Statutes, chapter 121A.
1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[121A.24] SCHOOL COUNSELORS.**

1.8 (a) A school district shall report the student-to-school counselor ratio for
1.9 kindergarten through grade 8 and grades 9 through 12 to the department in the form and
1.10 manner requested by the commissioner. Beginning in the 2016-2017 school year, a school
1.11 district with ratios above that reported under paragraph (b) must submit a plan to the
1.12 department to meet those ratios within two school years.

1.13 (b) By February 1, 2015, and every five years thereafter, the department shall report
1.14 the current national average student-to-school counselor ratio for kindergarten through
1.15 grade 8 and grades 9 through 12.

1.16 Sec. 2. **TEACHER AND SCHOOL COUNSELOR DIVERSITY TASK FORCE.**

1.17 Subdivision 1. **Establishment.** The commissioner of education, in collaboration
1.18 with the president of the University of Minnesota and the chancellor of the Minnesota
1.19 State Colleges and Universities, shall appoint an advisory task force by July 1, 2014, to
1.20 research and develop recommendations on increasing diversity among teachers and school
1.21 counselors to reflect the current and future predicted diversity of students within the state.

1.22 Subd. 2. **Duties.** The duties of the task force include:

2.1 (1) analyzing demographic information of current teachers and school counselors
2.2 in all school districts and teacher and school counselor candidates in all Board of
2.3 Teaching-approved licensure programs;

2.4 (2) analyzing demographic trends for teachers, school counselors, and students
2.5 through the 2030-2031 school year;

2.6 (3) recommending programs that may reduce the difference between projected
2.7 student populations and projected teacher and school counselor pools through the
2.8 2030-2031 school year;

2.9 (4) recommending recruiting, reporting, and monitoring strategies for school
2.10 districts to establish and maintain a teacher and school counselor staff that reflects the
2.11 diversity of the district's students; and

2.12 (5) recommending resources and interventions that the Department of Education
2.13 may use to support school districts in establishing and maintaining a teacher and school
2.14 counselor staff that reflects the diversity of the district's students.

2.15 Subd. 3. **Report.** By January 6, 2015, the task force must submit its
2.16 recommendations to the commissioner of education. The commissioner shall report
2.17 the findings and recommendations to the legislative committees with jurisdiction over
2.18 kindergarten through grade 12 education by January 13, 2015.

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2214

(SENATE AUTHORS: CHAMPION, Petersen, B., Eaton and Hayden)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5930	Introduction and first reading
		Referred to Judiciary
03/04/2014	5965	Author added Peterson
03/12/2014	6117a	Comm report: To pass as amended and re-refer to Finance
04/08/2014	7823a	Comm report: To pass as amended
	7827	Second reading
04/10/2014	8054	HF substituted on General Orders HF2576
04/25/2014	8289	Author added Eaton
05/08/2014	8877	Author added Hayden

1.1 A bill for an act
 1.2 relating to criminal justice; modifying provisions governing expungement of
 1.3 criminal records; requiring business screening services to delete expunged
 1.4 records; allowing expungement of eviction records in certain cases; amending
 1.5 Minnesota Statutes 2012, sections 260B.198, subdivision 6; 332.70, by adding
 1.6 a subdivision; 504B.345, subdivision 1; 609A.02, subdivision 3; 609A.03,
 1.7 subdivisions 1, 5, 7, 8; proposing coding for new law in Minnesota Statutes,
 1.8 chapter 609A.

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

1.10 Section 1. Minnesota Statutes 2012, section 260B.198, subdivision 6, is amended to
 1.11 read:

1.12 Subd. 6. **Expungement.** ~~Except when legal custody is transferred under the~~
 1.13 ~~provisions of subdivision 1, clause (4),~~ (a) The court may expunge the adjudication of
 1.14 all records relating to the arrest and delinquency proceedings at any time that it deems
 1.15 advisable if the court determines that expungement of the record would yield a benefit
 1.16 to the subject of the record that outweighs the detriment to the public and public safety
 1.17 in sealing the record and the burden on the court and public agencies or jurisdictions in
 1.18 issuing, enforcing, and monitoring the order.

1.19 (b) In making a determination under this subdivision, the court shall consider:

1.20 (1) the age, education, experience, and background, including mental and emotional
 1.21 development, of the subject of the record at the time of commission of the offense;
 1.22 (2) the circumstances and nature and severity of the offense, including any
 1.23 aggravating or mitigating factors in the commission of the offense;
 1.24 (3) victim and community impact, including age and vulnerability of the victim;
 1.25 (4) the level of participation of the subject of the record in the planning and carrying
 1.26 out of the offense, including familial or peer influence in the commission of the offense;

- 2.1 (5) the juvenile delinquency and criminal history of the subject of the record;
2.2 (6) the programming history of the subject of the record, including child welfare,
2.3 school and community-based, and probation interventions, and the subject's willingness to
2.4 participate meaningfully in programming, probation, or both;
2.5 (7) any other aggravating or mitigating circumstance bearing on the culpability or
2.6 potential for rehabilitation of the subject of the record; and
2.7 (8) the benefit that expungement would yield to the subject of the record in pursuing
2.8 education, employment, housing, or other necessities.
2.9 (c) Notwithstanding paragraph (a), a record that is expunged under this subdivision
2.10 may be opened or exchanged between criminal justice agencies in the same manner as a
2.11 criminal record under section 609A.03, subdivision 7, paragraph (b).
2.12 (d) Section 609A.03, subdivision 9, applies to an appeal of an order under this
2.13 subdivision.

2.14 Sec. 2. Minnesota Statutes 2012, section 332.70, is amended by adding a subdivision
2.15 to read:

2.16 Subd. 3a. **Deletion of expunged records.** If a business screening service knows that
2.17 a criminal record has been sealed, expunged, or is the subject of a pardon, the screening
2.18 service shall promptly delete the record.

2.19 Sec. 3. Minnesota Statutes 2012, section 504B.345, subdivision 1, is amended to read:

2.20 Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall
2.21 immediately enter judgment that the plaintiff shall have recovery of the premises, and shall
2.22 tax the costs against the defendant. The court shall issue execution in favor of the plaintiff
2.23 for the costs and also immediately issue a writ of recovery of premises and order to vacate.

2.24 (b) The court shall give priority in issuing a writ of recovery of premises and order
2.25 to vacate for an eviction action brought under section 504B.171 or on the basis that the
2.26 tenant is causing a nuisance or seriously endangers the safety of other residents, their
2.27 property, or the landlord's property.

2.28 (c) If the court or jury finds for the defendant;

2.29 (1) the court shall enter judgment for the defendant, tax the costs against the plaintiff,
2.30 and issue execution in favor of the defendant; and

2.31 (2) the court may expunge the records relating to the action under the provisions
2.32 of section 484.014 at the time judgment is entered or after that time upon motion of the
2.33 defendant.

3.1 (d) Except in actions brought: (1) under section 504B.291 as required by section
3.2 609.5317, subdivision 1; (2) under section 504B.171; or (3) on the basis that the tenant is
3.3 causing a nuisance or seriously endangers the safety of other residents, their property, or
3.4 the landlord's property, upon a showing by the defendant that immediate restitution of the
3.5 premises would work a substantial hardship upon the defendant or the defendant's family,
3.6 the court shall stay the writ of recovery of premises and order to vacate for a reasonable
3.7 period, not to exceed seven days.

3.8 Sec. 4. Minnesota Statutes 2012, section 609A.02, subdivision 3, is amended to read:

3.9 Subd. 3. **Certain criminal proceedings ~~not resulting in conviction~~.** (a) A petition
3.10 may be filed under section 609A.03 to seal all records relating to an arrest, indictment or
3.11 information, trial, or verdict if the records are not subject to section 299C.11, subdivision
3.12 1, paragraph (b), and if:

3.13 (1) all pending actions or proceedings were resolved in favor of the petitioner.

3.14 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a
3.15 resolution in favor of the petitioner;

3.16 (2) the petitioner has successfully completed the terms of a diversion program or
3.17 stay of adjudication and has not been charged with a new crime for at least one year since
3.18 completion of the diversion program or stay of adjudication;

3.19 (3) the petitioner was convicted of or received a stayed sentence for a petty
3.20 misdemeanor, misdemeanor, or gross misdemeanor and has not been convicted of a new
3.21 crime for at least three years since discharge of the sentence for the crime; or

3.22 (4) the petitioner was convicted of or received a stayed sentence for a felony
3.23 violation of an offense listed in paragraph (b), and has not been convicted of a new crime
3.24 for at least five years since discharge of the sentence for the crime.

3.25 (b) Paragraph (a), clause (4), applies to the following offenses:

3.26 (1) section 35.824 (altering livestock certificate);

3.27 (2) section 62A.41 (insurance regulations);

3.28 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

3.29 (4) section 152.025 (controlled substance in the fifth degree); 152.027, subdivision
3.30 6, paragraph (c) (sale of synthetic cannabinoids); or 152.097 (sale of simulated controlled
3.31 substance);

3.32 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
3.33 subdivision 14, paragraph (a), clause (1) or (2) (accident resulting in death or great
3.34 bodily harm);

3.35 (6) chapter 201; 203B; or 204C (voting violations);

- 4.1 (7) section 228.45; 228.47; 228.49; 228.50, or 228.51 (false bill of lading);
4.2 (8) section 256.984 (false declaration in assistance application);
4.3 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
4.4 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
4.5 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
4.6 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize
4.7 notices and solicitations);
4.8 (13) section 346.155, subdivision 10 (failure to control regulated animal);
4.9 (14) section 349.2127; or 349.22 (gambling regulations);
4.10 (15) section 588.20 (contempt);
4.11 (16) section 609.26, subdivision 6, paragraph (a), clause (1) (deprivation of custodial
4.12 or parental rights);
4.13 (17) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
4.14 (18) section 609.31 (leaving state to evade establishment of paternity); or 609.375,
4.15 subdivision 2a (nonsupport of spouse or child);
4.16 (19) section 609.3242, subdivision 2, clause (2) (prostitution crime in school or
4.17 park zone);
4.18 (20) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from
4.19 civil commitment or mental illness);
4.20 (21) section 609.487, subdivision 3 (fleeing a peace officer);
4.21 (22) section 609.49 (failure to appear in court); or 609.495, subdivision 1 (aiding
4.22 offender to avoid arrest);
4.23 (23) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other
4.24 theft offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1)
4.25 (theft of \$1,000 or less with risk of bodily harm);
4.26 (24) section 609.525 (bringing stolen goods into state);
4.27 (25) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
4.28 (26) section 609.527, subdivision 3, clause (3), or subdivision 5a (identity theft);
4.29 (27) section 609.527, subdivision 5b (possession or use of scanning device or
4.30 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
4.31 check); or 609.529 (mail theft);
4.32 (28) section 609.53 (receiving stolen goods);
4.33 (29) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
4.34 over \$500);
4.35 (30) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
4.36 (31) section 609.551 (rustling and livestock theft);

- 5.1 (32) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
5.2 (33) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
5.3 (34) section 609.595, subdivision 1, clauses (2) to (4), and subdivision 1a, paragraph
5.4 (a) (criminal damage to property);
5.5 (35) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
5.6 (36) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
5.7 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
5.8 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
5.9 (37) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
5.10 4, paragraph (a) (lottery fraud);
5.11 (38) section 609.652 (fraudulent driver's license and identification card);
5.12 (39) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
5.13 609.66, subdivision 1b (furnishing firearm to minor); or 609.66, subdivision 1c (furnishing
5.14 a dangerous weapon);
5.15 (40) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
5.16 (41) section 609.667 (removing or altering serial number on firearm); or 609.686,
5.17 subdivision 2 (tampering with fire alarm);
5.18 (42) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
5.19 subsequent violation or minor victim);
5.20 (43) section 609.80, subdivision 2 (interference with cable communications system);
5.21 (44) section 609.821, subdivision 2 (financial transaction card fraud);
5.22 (45) section 609.822 (residential mortgage fraud);
5.23 (46) section 609.825, subdivision 2 (bribery of participant or official in contest);
5.24 (47) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
5.25 transit operator);
5.26 (48) section 609.88 (computer damage); or 609.89 (computer theft);
5.27 (49) section 609.893, subdivision 2 (telecommunications and information services
5.28 fraud);
5.29 (50) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
5.30 (51) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
5.31 property);
5.32 (52) section 609.896 (movie pirating);
5.33 (53) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
5.34 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
5.35 subdivision 2 (transfer of pistol to ineligible person); or
5.36 (54) section 624.7181 (rifle or shotgun in public by minor).

6.1 Sec. 5. [609A.025] NO PETITION REQUIRED IN CERTAIN CASES WITH
6.2 PROSECUTOR AGREEMENT AND NOTIFICATION.

6.3 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
6.4 criminal record for a person described in section 609A.02, subdivision 3, without the filing
6.5 of a petition unless it determines that the interests of the public and public safety in keeping
6.6 the record public outweigh the disadvantages to the subject of the record in not sealing it.

6.7 (b) Before agreeing to the sealing of a record under this section, the prosecutor shall
6.8 make a good faith effort to notify any identifiable victims of the offense of the intended
6.9 agreement and the opportunity to object to the agreement.

6.10 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
6.11 for a person described in section 609A.02, subdivision 3, paragraph (a), clause (2), may
6.12 occur before or after the criminal charges are dismissed.

6.13 Sec. 6. Minnesota Statutes 2012, section 609A.03, subdivision 1, is amended to read:

6.14 Subdivision 1. **Petition; filing fee.** An individual who is the subject of a criminal
6.15 record who is seeking the expungement of the record shall file a petition under this section
6.16 and pay a filing fee in the amount required under section 357.021, subdivision 2, clause
6.17 (1). The filing fee may be waived in cases of indigency and shall be waived in the cases
6.18 described in section 609A.02, subdivision 3, paragraph (a), clause (1).

6.19 Sec. 7. Minnesota Statutes 2012, section 609A.03, subdivision 5, is amended to read:

6.20 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by
6.21 paragraph (b), expungement of a criminal record is an extraordinary remedy to be granted
6.22 only upon clear and convincing evidence that it would yield a benefit to the petitioner
6.23 commensurate with the disadvantages to the public and public safety of:

6.24 (1) sealing the record; and

6.25 (2) burdening the court and public authorities to issue, enforce, and monitor an
6.26 expungement order.

6.27 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning
6.28 for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a),
6.29 clause (1) or (2), the court shall grant the petition to seal the record unless the agency
6.30 or jurisdiction whose records would be affected establishes by clear and convincing
6.31 evidence that the interests of the public and public safety outweigh the disadvantages
6.32 to the petitioner of not sealing the record.

6.33 (c) In making a determination under this subdivision, the court shall consider:

- 7.1 (1) the nature and severity of the underlying crime the record of which would be
7.2 sealed;
- 7.3 (2) the risk, if any, the petitioner poses to individuals or society;
7.4 (3) the length of time since the crime occurred;
7.5 (4) the steps taken by the petitioner towards rehabilitation following the crime;
7.6 (5) aggravating or mitigating factors relating to the underlying crime, including the
7.7 petitioner's level of participation, claims of innocence, and irregularities in the trial;
7.8 (6) the reasons for the expungement, including the petitioner's attempts to obtain
7.9 employment, housing, or other necessities;
- 7.10 (7) the petitioner's criminal record;
7.11 (8) the petitioner's record of employment and community involvement;
7.12 (9) the recommendations of interested law enforcement, prosecutorial, and
7.13 corrections officials;
- 7.14 (10) the recommendations of victims of the underlying crime; and
7.15 (11) other factors deemed relevant by the court.
- 7.16 ~~(e)~~ (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the
7.17 court issues an expungement order it may require that the criminal record be sealed, the
7.18 existence of the record not be revealed, and the record not be opened except as required
7.19 under subdivision 7. Records must not be destroyed or returned to the subject of the record.

7.20 Sec. 8. Minnesota Statutes 2012, section 609A.03, subdivision 7, is amended to read:

7.21 Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related
7.22 to a charge supported by probable cause, the DNA samples and DNA records held by
7.23 the Bureau of Criminal Apprehension and collected under authority other than section
7.24 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

7.25 (b) Notwithstanding the issuance of an expungement order:

7.26 (1) an expunged record may be opened ~~for purposes of a criminal investigation,~~
7.27 ~~prosecution, or sentencing, upon an ex parte court order~~ or exchanged between criminal
7.28 justice agencies without a court order if the record is pertinent in initiating, furthering,
7.29 or completing an investigation or prosecution or for sentencing purposes or providing
7.30 probation or other correctional services;

7.31 (2) an expunged record of a conviction may be opened for purposes of evaluating a
7.32 prospective employee in a criminal justice agency without a court order; and

7.33 (3) an expunged record of a conviction may be opened for purposes of a background
7.34 study under section 245C.08 unless the court order for expungement is directed
7.35 specifically to the commissioner of human services.

8.1 ~~Upon request by law enforcement, prosecution, or corrections authorities, an agency~~
8.2 ~~or jurisdiction subject to an expungement order shall inform the requester of the existence~~
8.3 ~~of a sealed record and of the right to obtain access to it as provided by this paragraph (c)~~
8.4 An agency or jurisdiction subject to an expungement order shall maintain the record in a
8.5 manner that provides access to the record by a criminal justice agency under paragraph
8.6 (b), clause (1), but notifies the recipient that the record has been sealed. Upon request by
8.7 the commissioner of human services, an agency or jurisdiction subject to an expungement
8.8 order shall inform the commissioner of the existence of the sealed record and of the right
8.9 to obtain access to the record under paragraph (b), clause (3). An expunged record that is
8.10 opened or exchanged under this subdivision remains subject to the expungement order in
8.11 the hands of the person receiving the record.

8.12 (d) Notwithstanding section 138.17, a criminal justice agency that receives an
8.13 expunged record under paragraph (b), clause (1), shall destroy the record when the
8.14 investigation becomes inactive or the record is no longer needed for the purpose for which
8.15 it was obtained.

8.16 (e) For purposes of this section, a "criminal justice agency" means courts or a
8.17 government agency that performs the administration of criminal justice under statutory
8.18 authority.

8.19 Sec. 9. Minnesota Statutes 2012, section 609A.03, subdivision 8, is amended to read:

8.20 Subd. 8. **Distribution and confirmation of expungement orders.** (a) The court
8.21 administrator shall send a copy of an expungement order to each agency and jurisdiction
8.22 whose records are affected by the terms of the order and send a letter to the petitioner
8.23 identifying each agency that received the order.

8.24 (b) Each agency and jurisdiction receiving the order must send a letter to the
8.25 petitioner confirming that the record has been expunged.

8.26 (c) Data on the petitioner in a letter sent under this subdivision are private data
8.27 on individuals as defined in section 13.02.

8.28 Sec. 10. **[609A.04] REMEDY.**

8.29 An individual whose record is expunged under this chapter or other law may bring
8.30 an action under section 13.08 against a government entity that opens or exchanges the
8.31 expunged record in a manner not authorized by law.

Minnesota Youth Council Legislative Committee Agenda
Friday, March 7th, 1 to 3pm
State Office Building 200

- I. Representative Paul Marquart to speak on his role as committee chair and answer questions
- II. Representative Alice Hausman to speak on her role as committee chair and answer questions
- III. Patrick McCormack to speak on practices and procedures in committees and answer questions
- IV. Representative Kim Norton to provide testimony and answer questions on H.F. 2004: Students' proficiency in languages in addition to English further recognized.
- V. Representative Jim Davnie to provide testimony and answer questions on H.F. 826: Safe and supportive schools provided, and rulemaking authorized.
- VI. Representative Phyllis Kahn to provide testimony and answer questions on H.F. 2127: Create criminal penalties to protect vulnerable road users (people on a road's shoulder who are pedestrians, skaters, skateboarders, motorbike users, tractor drivers, etc.)
- VII. Chris Kwapick, on behalf of Representative Joe Atkins to provide testimony and answer questions on H.F. 1954: Elections; individuals under the age of 18 authorized to vote at a primary election if the individual will be 18 years of age or older at the time of the general election.
- VIII. Representative Sheldon Johnson on his role as committee chair and answer questions

STATE OF MINNESOTA
YOUTH COUNCIL COMMITTEE

FIRST MEETING

MINUTES

Aimee Vue, Chair of the Minnesota Youth Council, called the meeting to order at 1:00PM, March 7th, 2014 in Room 10 of the State Office Building.

The Committee Legislative Assistant noted the roll.

Members present:

Katelyn Bennis
Mario Chacon
Tiaryn Daniels
D'Andre Gordon
Rowan Hellwich
Darren Jackson
Micaela Jacobson
Maddie McConkey
Andrew Nguyen
Kevin Nguyen
Anna Phearman
Emily Pohl
Harrison Redepenning
Margo Sanders
Wyatt Tatge
Guadalupe Thornhill
Kyra Tiffany
Aimee Vue
Heather Weller

A quorum was present.

Representative Paul Marquart spoke on his role as committee chair and answered questions.

Representative Alice Hausman spoke on her role as committee chair and answered questions.

Patrick McCormack, Director of House Research, spoke on practices and procedures in committees and answered questions.

Representative Kim Norton provided testimony and answered questions on HF 2004: Students' proficiency in languages in addition to English further recognized.

Members' questions and comments were addressed throughout the bill's presentation.

Chris Kwapick, staff member on behalf of Representative Joe Atkins, provided testimony and answered questions on HF 1954: Elections; individuals under the age of 18 authorized to vote at a primary election if the individual will be 18 years of age or older at the time of the general election. Public testimony was provided by Representative Leidiger (spoke against the bill); Representative Phyllis Kahn (in support of the bill); Jack Grey, youth worker (in support of the bill); Nichole Bean, Minnesota Youth Council (in support of the bill).

Members' questions and comments were addressed throughout the bill's presentation. Representative Jim Davnie provided testimony and answered questions on HF 826: Safe and supportive schools provided, and rulemaking authorized. Public testimony was provided by Megan Miller, Minnesota Youth Council (spoke in support of the bill).

Members' questions and comments were addressed throughout the bill's presentation.

Representative Phyllis Kahn provided testimony and answered questions on HF 2127: Create criminal penalties to protect vulnerable road users (people on a road's shoulder who are pedestrians, skaters, skateboarders, motorbike users, tractor drivers, etc.). Public testimony was provided by Sarah Davis, defense attorney (provided clarification of current law); Representative Leidiger (spoke against the bill); Melissa Henry, bicyclist advocate (spoke in support of the bill).

Members' questions and comments were addressed throughout the bill's presentation.

Senator Patricia Torres Ray spoke on her role as committee chair and answered questions.

Representative Sheldon Johnson spoke on his role as committee chair and answered questions.

The meeting was adjourned at 3:10PM.

Aimee Vue, Chair

Joe Gould, Committee Legislative Assistant

Minnesota Youth Council Legislative Committee Agenda

Friday, April 11th, 1 to 3pm

State Office Building 200

- I. Call to Order by Chair Vue
- II. Call to approve the minutes.
- III. Representative Carlos Mariani to provide testimony on H.F. 3168: Healthy relationship and sexual development programs provided, and money appropriated
- IV. Bob Tracy, MNCASA/Sexual Health Education Coalition, to provide an overview of the Bill
- V. Judith Kahn, Teenwise Minnesota, to speak on Sexual health education and adolescent health
- VI. Yvonne Cournoyer, MNCASA, to speak on Sexual health education and sexual violence prevention
- VII. Questions from committee members
- VIII. Representative Moran to provide testimony on H.F. 2130: Require student-to-school counselor ratio at national average, create a task force on racial diversity of teachers and guidance counselors.
- IX. Questions to Representative Moran from committee members
- X. Jim Davnie to update the committee on the passage of H.F. 826: Safe and supportive schools provided, and rulemaking authorized.
- XI. Questions from committee members to Representative Davnie
- XII. Mark Haase from the Council on Crime & Justice to provide testimony on behalf of Senator Champion to on S.F. 2214: Expungement of criminal records and eviction records provisions modifications
- XIII. Questions to Senator Champion from committee members
- XIV. Adjournment by Chair Vue

STATE OF MINNESOTA
YOUTH COUNCIL COMMITTEE

SECOND MEETING

MINUTES

Aimee Vue, Chair of the Minnesota Youth Council, called the meeting to order at 1:00PM, April 11th, 2014 in Room 200 of the State Office Building.

The Committee Legislative Assistant noted the roll.

Members present:

Allie Memmott
Margo Sanders
Micaela Jacobson
Katelyn Bennis
Tiaryn Daniels
Rowan Hellwich
Guadalupe Thornhill
Darren Jackson
Harrison Redepenning
Wyatt Tatge
Anna Phearman
Cassidy Stokes
Andrew Nguyen
Hannah Quanstrom
Mario Chacon
Aimee Vue
Madeleine McConkey
Essence Blakemore

A quorum was present.

Chair Vue asked for approval of the March 7th, 2014 minutes. A motion was made and the minutes were approved by voice vote.

Representative Paul Marquart welcomed committee members to the Capitol.

Representative Carlos Mariani also welcomed committee members to the Capitol and provided testimony on HF3168 (Mariani) Healthy relationship and sexual development programs