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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 368

1.1 A bill for an act
1.2 relating to education; prohibiting malicious and sadistic conduct involving race,
1.3 gender, religion, sexual harassment, sexual orientation, and sexual exploitation;
1.4 proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.6 Section 1. [121A.0312] MALICIOUS AND SADISTIC CONDUCT.

1.7 (a) For purposes of this section, "malicious and sadistic conduct" means creating a hostile
1.8 learning environment by acting with the intent to cause harm by intentionally injuring
1.9 another without just cause or reason or engaging in extreme or excessive cruelty or delighting
1.10 in cruelty.

1.11 (b) A school board must adopt a written policy to address malicious and sadistic conduct
1.12 involving race, gender, religion, sexual harassment, sexual orientation, and sexual exploitation
1.13 by a district or school staff member or student enrolled in a public or charter school against
1.14 a staff member or student that occurs as described in section 121A.031, subdivision 1.

1.15 (c) The policy must apply to students, teachers, administrators, and other school
1.16 personnel; must include at a minimum the components under section 121A.031, subdivision
1.17 4, paragraph (a); and must include disciplinary actions for each violation of the policy.
1.18 Disciplinary actions must conform with collective bargaining agreements and sections
1.19 121A.41 to 121A.56.

1.20 (d) The policy must be conspicuously posted throughout each school building, distributed
1.21 to each district employee and independent contractor at the time of entering into an
1.22 employment contract, and included in each school's student handbook on school policies.
1.23 Each school must develop a process for discussing with students, parents of students, and

- 2.1 school employees the school's policy addressing malicious and sadistic conduct involving
- 2.2 race, gender, religion, sexual harassment, sexual orientation, and sexual exploitation.