

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 1048**

(SENATE AUTHORS: TORRES RAY)

DATE  
02/15/2021

D-PG

Introduction and first reading  
Referred to Education Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; prohibiting dismissals of students in kindergarten through  
1.3 grade 3; amending Minnesota Statutes 2020, section 121A.425.

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

1.5 Section 1. Minnesota Statutes 2020, section 121A.425, is amended to read:

1.6 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
1.7 **PREKINDERGARTEN EARLY LEARNING.**

1.8 Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following  
1.9 is not subject to dismissals under this chapter:

1.10 (1) a preschool or prekindergarten program, including a ~~child participating in~~ early  
1.11 childhood family education, school readiness, school readiness plus, voluntary  
1.12 prekindergarten, Head Start, or other school-based preschool or prekindergarten program;  
1.13 may not be subject to dismissals under this chapter; or

1.14 (2) kindergarten through grade 3.

1.15 (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after  
1.16 resources outlined in subdivision 2 have been exhausted, and only in circumstances where  
1.17 there is an ongoing serious safety threat to the child or others.

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

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

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

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

2.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.