

1.1 Senator moves to amend the delete-everything amendment (SCS3870A-3)
1.2 to S.F. No. 3870 as follows:

1.3 Page 66, after line 17, insert:

1.4 "Sec. 9. Minnesota Statutes 2024, section 121A.425, subdivision 1, is amended to read:

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

1.7 ~~(1) a preschool or prekindergarten program, including an early childhood family~~
1.8 ~~education, school readiness, school readiness plus, voluntary prekindergarten, Head Start,~~
1.9 ~~or other school-based preschool or prekindergarten program; or is not subject to dismissals~~
1.10 ~~under this chapter.~~

1.11 ~~(2) kindergarten through grade 3.~~

1.12 (b) This ~~provision~~ subdivision does not apply to a dismissal from school for less than
1.13 one school day, except as provided under chapter 125A and federal law for a student receiving
1.14 special education services.

1.15 (c) A pupil enrolled in kindergarten through grade 3 may only be dismissed for a period
1.16 of up to one partial day and one full day of school immediately following an incident where
1.17 the pupil's actions inflicted or were reasonably likely to inflict upon themselves or another
1.18 person at the school:

1.19 (1) bodily harm causing a significant physical injury or physical trauma or with the
1.20 potential to cause significant physical injury or physical trauma;

1.21 (2) substantial bodily harm; or

1.22 (3) great bodily harm.

1.23 (d) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings
1.24 given them in section 609.02, subdivisions 7, 7a, and 8.

1.25 (e) A pupil in kindergarten through grade 3 must not be dismissed for conduct:

1.26 (1) that was not likely to inflict bodily harm, substantial bodily harm, or great bodily
1.27 harm upon themselves or another person at school;

1.28 (2) characterized as disruptive or disorderly;

1.29 (3) causing damage to property, but not to themselves or another person; or

2.1 (4) that was verbal and not likely to result in bodily harm, substantial bodily harm, or
2.2 great bodily harm to others.

2.3 (f) If a pupil is dismissed under this subdivision, the school must communicate with the
2.4 pupil's parent or guardian regarding the incident. After a second dismissal and within five
2.5 school days of the incident causing the second dismissal, the school must convene a meeting
2.6 of the pupil's primary instructor, school counseling staff, their parent or guardian, and, if
2.7 applicable, individualized education program team members to identify and discuss the
2.8 following:

2.9 (1) factors that may have contributed to the incident, including but not limited to student
2.10 skill deficits, staff skill deficits, sensory or environmental factors, emotional or physical
2.11 trauma, and other external factors; and

2.12 (2) a plan to address missing student or staff skills or, where applicable, necessary mental
2.13 health supports.

2.14 (g) The pupil's return to school must not be dependent upon convening the meeting
2.15 according to paragraph (f).

2.16 (h) A school administrator must use the dismissal time to prepare for the pupil's reentry
2.17 to school. The dismissal must be reported consistent with section 121A.53.

2.18 ~~(e)~~ (i) Notwithstanding this subdivision, expulsions and exclusions may be used only
2.19 after resources outlined in subdivision 2 have been exhausted, and only in circumstances
2.20 where there is an ongoing serious safety threat to the child or others.

2.21 **EFFECTIVE DATE.** This section is effective for the 2026-2027 school year and later."

2.22 Renumber the sections in sequence and correct the internal references

2.23 Amend the title accordingly