

MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2023

NEW: PREK-3 DISCIPLINARY DISMISSALS - (MN Statutes 121A.425)

LEGAL DEFINITION

- "**Dismissal**" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

FULL AND EQUITABLE PARTICIPATION

- A student enrolled in preschool through grade 3 cannot be subject to **dismissal**.

Exclusions and expulsions may only be used after a school implements at least one of the following methods:

- Collaborating with the student's family or guardian, child mental health consultant or provider, education specialist, or other community-based supports
- Creating a plan, written with the parent or guardian, that details the action and support needed for the student to fully participate in the current educational program
- Providing a referral for needed support services, including:
 - parenting education, home visits, other supportive education interventions
 - evaluation to determine if the pupil is eligible for special education services or 504 services (when appropriate)

EXCEPTIONS TO EXCLUSION / EXPULSION DISMISSALS:

- The prohibition does not apply to a dismissal from school for **less than one school day**. (*Special education student dismissals need to follow state and federal special education law*)
- The prohibition does not apply when there is an **ongoing serious safety threat** to the child or others.

EFFECTIVE DATE - JULY 1, 2023