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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3533

A bill for an act

relating to education; prohibiting classroom instruction related to gender identity in public schools; requiring parental notification; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A.

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

Section 1. **[120B.111] SEXUAL ORIENTATION OR GENDER IDENTITY.**

An individual or group of individuals providing classroom instruction to students at a public school must not engage in classroom discussion or provide classroom instruction regarding sexual orientation or gender identity to students in kindergarten through grade 8. The commissioner must provide schools with guidelines to implement and enforce this section.

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

Sec. 2. **[121A.0655] PARENTAL NOTICE; STUDENT HEALTH AND WELL-BEING.**

Subdivision 1. **Parental notice; procedure.** The commissioner must adopt procedures for a public school to notify a student's parent or guardian if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being, or a change in the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental rights of a parent or guardian to make decisions regarding the upbringing and control of their child by requiring school personnel to encourage a student to discuss issues relating to the student's well-being with their parent or guardian or to facilitate discussion of the issue with the

parent or guardian. The procedures must not prohibit a parent or guardian from accessing any of their child's education and health records created, maintained, or used by the school district.

Subd. 2. **Health care services; notice.** At the beginning of the school year, a school board or charter school board of directors must notify parents and guardians of each health care service offered at their child's school and the option to withhold consent to or decline any specific service. Parental consent to a health care service does not waive the parent's or guardian's right to access their child's health records or to be notified about a change in their child's services or monitoring.

Subd. 3. **Questionnaire or health screening form.** Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 8, a school board or charter school board must provide the questionnaire or health screening form to the student's parent or guardian and obtain the parent's or guardian's prior written permission to administer the questionnaire or form.

Subd. 4. **Prohibited procedures.** A school board or charter school board of directors must not adopt procedures that prohibit school employees from notifying a parent or guardian about their child's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold such information from a parent or guardian. A school employee must not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

Subd. 5. **Principal notification; parent concern; appeal.** (a) A school board or charter school board of directors must adopt procedures for a parent or guardian to notify the school principal, or their designee, regarding the process for resolving concerns. The concerns must be resolved within seven calendar days after the parental notification. If the concern remains unresolved within 30 calendar days after the parental notification to the principal, the school board or charter school board of directors must either resolve the concern or provide a statement of the reasons for not resolving the concern.

(b) Within 30 calendar days following the local board's decision or statement under paragraph (a), a parent or guardian may:

(1) file an appeal of the decision or a complaint with the commissioner of education. The commissioner must determine facts relating to the dispute over the district's or charter school's practice or procedure, consider information provided by the district or charter

school, and provide a recommended decision for resolution to the school board or charter school board of directors within 30 days after receipt of the appeal; or

(2) bring an action against the school board or charter school board of directors to obtain a declaratory judgment that the board's procedure or practice violates this section and seek injunctive relief. A court may award damages and must award reasonable attorney fees and court costs to a parent or guardian who receives declaratory or injunctive relief.

(c) A school board or charter school board of directors must adopt policies to notify parents and guardians of the procedures available under this section.

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