

Q & A: Pupil Fair Dismissal Act (PFDA)

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding the PFDA. This document addresses documents that must be given to students and parents when a student is suspended or expelled, timing of administrative conferences and out-of-school suspension notices, and the duration of out-of-school suspensions.

The purpose of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal question.

Question 1: Do school districts need to send/provide a copy of the PFDA Act to students and parents/guardians when a student is suspended or expelled/excluded from school?

Answer: Yes. A copy of the Pupil Fair Dismissal Act (Minn. Stat. Sections 121A.40-121A.56) must be provided to a student and the student's parent or guardian when a student is suspended from school or when a district proposes to expel or exclude a student from school.

Question 2: Do I need to include the specific number of days a student will be suspended in the Notice of Suspension?

Answer: Yes. The suspension notice must state that the suspension is for a specific number of days.

Question 3: What is the maximum length that a student can be suspended for one disciplinary incident?

Answer: Ten school days. If the district is in the process of initiating an expulsion, school administration may, with notice to the student and parent, extend the suspension to a total of 15 school days (Minn. Stat. § 121A.40, subd. 10).

Question 4: Does the PFDA require school districts to decide whether or not they are proceeding with an out-of-school suspension or expulsion/exclusion within a specific number of days of a particular incident?

Answer: No. The PFDA does not set a limit on the number of days that can elapse between the date of the incident and the decision to suspend or expel/exclude a student. Once the decision is made, the school district must have held an informal administrative conference, or as soon as practicable following the suspension if it appears the student will create an immediate and substantial danger to self or to surrounding persons or property. The Student is to be provided a copy of the notice of

suspension at or before the commencement of the suspension, and the parent/guardian must be served with a copy within 48 hours of the administrative conference, or the suspension, whichever occurs first.

Question 5: What must be included in the notice of suspension?

Answer: The written notice of suspension must contain the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan if applicable, and a copy of the PFDA.

Authority: PFDA - Minn. Stat. Sections 121A.40 and 121A.56.