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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2103

03/07/2019 Authored by Sandstede
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying grounds for revocation, suspension, or denial of
1.3 a teaching license; codifying the code of ethics for teachers; amending Minnesota
1.4 Statutes 2018, sections 122A.175, subdivision 2; 122A.18, subdivision 8; 122A.20,
1.5 subdivisions 1, 2; 214.01, subdivision 3; 626.556, subdivisions 10, 11; 631.40,
1.6 subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 122A;
1.7 repealing Minnesota Rules, part 8710.2100, subparts 1, 2.

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

1.9 Section 1. Minnesota Statutes 2018, section 122A.175, subdivision 2, is amended to read:

1.10 Subd. 2. Background check account. An educator licensure background check account
1.11 is created in the special revenue fund. The Department of Education, the Professional
1.12 Educator Licensing and Standards Board, and the Board of School Administrators must
1.13 deposit all payments submitted by license applicants for criminal background checks
1.14 conducted by the Bureau of Criminal Apprehension in the educator licensure background
1.15 check account. Amounts in the account are annually appropriated to the commissioner of
1.16 education for payment to the superintendent of the Bureau of Criminal Apprehension
1.17 Professional Educator Licensing and Standards Board for the costs of background checks
1.18 on applicants for licensure.

1.19 Sec. 2. Minnesota Statutes 2018, section 122A.18, subdivision 8, is amended to read:

1.20 Subd. 8. Background checks. (a) The Professional Educator Licensing and Standards
1.21 Board and the Board of School Administrators must request obtain a criminal history
1.22 background check including information from the superintendent of the Bureau of Criminal
1.23 Apprehension on all first-time teaching applicants for licenses under their jurisdiction.
1.24 Applicants must include with their licensure applications:

2.1 (1) an executed criminal history consent form, including fingerprints; and

2.2 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension  
2.3 for the fee for conducting the criminal history background check.

2.4 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the  
2.5 background check required under paragraph (a) by retrieving criminal history data as defined  
2.6 in section 13.87 and shall also conduct a search of the national criminal records repository.  
2.7 The superintendent is authorized to exchange fingerprints with the Federal Bureau of  
2.8 Investigation for purposes of the criminal history check. The superintendent shall recover  
2.9 the cost to the bureau of a background check through the fee charged to the applicant under  
2.10 paragraph (a).

2.11 ~~(c) The Professional Educator Licensing and Standards Board or the Board of School~~  
2.12 ~~Administrators may issue a license pending completion of a background check under this~~  
2.13 ~~subdivision, but must notify the individual and the school district or charter school employing~~  
2.14 ~~the individual that the individual's license may be revoked based on the result of the~~  
2.15 ~~background check.~~

2.16 Sec. 3. Minnesota Statutes 2018, section 122A.20, subdivision 1, is amended to read:

2.17 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional  
2.18 Educator Licensing and Standards Board or Board of School Administrators, whichever  
2.19 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board  
2.20 employing a teacher, a teacher organization, or any other interested person, refuse to issue,  
2.21 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following  
2.22 causes:

2.23 (1) immoral character or conduct;

2.24 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

2.25 (3) gross inefficiency or willful neglect of duty;

2.26 (4) failure to meet licensure requirements; ~~or~~

2.27 (5) fraud or misrepresentation in obtaining a license; or

2.28 (6) engagement in any sexual conduct or contact with a student.

2.29 The written complaint must specify the nature and character of the charges.

2.30 (b) The Professional Educator Licensing and Standards Board or Board of School  
2.31 Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue,

3.1 refuse to renew, or automatically revoke a teacher's license to teach without the right to a  
 3.2 hearing upon receiving a certified copy of a conviction showing that the teacher has been  
 3.3 convicted of:

3.4 (1) child abuse, as defined in section 609.185, provided that a conviction for a violation  
 3.5 of section 609.224, subdivisions 1 and 2, assault in the fifth degree, or 609.2242, subdivisions  
 3.6 1 and 2, domestic assault, shall not result in the automatic revocation of a teacher's license;

3.7 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

3.8 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

3.9 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution, or housing  
 3.10 an unrelated minor engaged in prostitution under section 609.324, subdivision subdivisions  
 3.11 1; and 1a;

3.12 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,  
 3.13 or 609.3451, subdivision 3; or

3.14 (6) indecent exposure under section 617.23, subdivision subdivisions 2 and 3;

3.15 (7) solicitation of children to engage in sexual conduct or communication of sexually  
 3.16 explicit materials to children under section 609.352;

3.17 (8) interference with privacy under section 609.746 or stalking under section 609.749  
 3.18 and the victim was a minor;

3.19 (9) using minors in a sexual performance under section 617.246;

3.20 (10) possessing pornographic works involving a minor under section 617.247; or

3.21 (11) any other offense not listed in this paragraph that requires the person to register as  
 3.22 a predatory offender under section 243.166, or a crime under a similar law of another state  
 3.23 or the United States. The board shall send notice of this licensing action to the district in  
 3.24 which the teacher is currently employed.

3.25 (c) A person whose license to teach has been revoked, not issued, or not renewed under  
 3.26 paragraph (b), may petition the board to reconsider the licensing action if the person's  
 3.27 conviction for child abuse or sexual abuse is reversed by a final decision of the court of  
 3.28 appeals or the supreme court or if the person has received a pardon for the offense. The  
 3.29 petitioner shall attach a certified copy of the appellate court's final decision or the pardon  
 3.30 to the petition. Upon receiving the petition and its attachment, the board shall schedule and  
 3.31 hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the  
 3.32 petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal

4.1 of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified  
 4.2 from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing  
 4.3 action. If the board finds that the petitioner is not disqualified from teaching under paragraph  
 4.4 (a), clause (1), it shall reverse its previous licensing action.

4.5 (d) The Professional Educator Licensing and Standards Board or Board of School  
 4.6 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may  
 4.7 refuse to issue, refuse to renew, or revoke a teacher's license to teach, upon receiving a  
 4.8 certified copy of a conviction showing that the teacher has been convicted of:

4.9 (1) a qualified, domestic violence-related offense as defined in section 609.02, subdivision  
 4.10 16; or

4.11 (2) embezzlement of public funds under section 609.54, clause (1) or (2).

4.12 If an offense included in clauses (1) to (2) is already included in paragraph (b), the provisions  
 4.13 of paragraph (b) apply to the conduct.

4.14 (e) The Professional Educator Licensing and Standards Board or Board of School  
 4.15 Administrators, whichever has jurisdiction over a teacher's licensure, may suspend a teacher's  
 4.16 license pending an investigation into a report of conduct that would be grounds for revocation  
 4.17 under paragraph (b). The teacher's license is suspended until the licensing board completes  
 4.18 its disciplinary investigation and determines whether disciplinary action is necessary.

4.19 (f) For purposes of this subdivision, The Professional Educator Licensing and Standards  
 4.20 Board is delegated the authority to suspend or revoke coaching licenses.

4.21 Sec. 4. Minnesota Statutes 2018, section 122A.20, subdivision 2, is amended to read:

4.22 Subd. 2. **Mandatory reporting.** (a) A school board, a superintendent, a charter school  
 4.23 board, a charter school executive director, or a charter school authorizer must report to the  
 4.24 Professional Educator Licensing and Standards Board, the Board of School Administrators,  
 4.25 or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has  
 4.26 jurisdiction over the teacher's or administrator's license, when its teacher or administrator  
 4.27 is discharged or resigns from employment after a charge is filed with the school board under  
 4.28 section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed  
 4.29 that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses  
 4.30 (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation  
 4.31 is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5); 122A.41,  
 4.32 subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator  
 4.33 is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a),

5.1 clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate  
5.2 licensing board within ten days after the discharge, suspension, or resignation has occurred.  
5.3 The licensing board to which the report is made must investigate the report for violation of  
5.4 subdivision 1 and the reporting board, administrator, or authorizer must cooperate in the  
5.5 investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon  
5.6 written request from the licensing board having jurisdiction over the license, a board, charter  
5.7 school, authorizer, charter school executive director, or school superintendent shall provide  
5.8 the licensing board with information about the teacher or administrator from the district's  
5.9 files, any termination or disciplinary proceeding, any settlement or compromise, or any  
5.10 investigative file. Upon written request from the appropriate licensing board, a board or  
5.11 school superintendent may, at the discretion of the board or school superintendent, solicit  
5.12 the written consent of a student and the student's parent to provide the licensing board with  
5.13 information that may aid the licensing board in its investigation and license proceedings.  
5.14 The licensing board's request need not identify a student or parent by name. The consent  
5.15 of the student and the student's parent must meet the requirements of chapter 13 and Code  
5.16 of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent  
5.17 form to the district. Any data transmitted to any board under this section is private data  
5.18 under section 13.02, subdivision 12, notwithstanding any other classification of the data  
5.19 when it was in the possession of any other agency.

5.20 (b) The licensing board to which a report is made must transmit to the Attorney General's  
5.21 Office any record or data it receives under this subdivision for the sole purpose of having  
5.22 the Attorney General's Office assist that board in its investigation. When the Attorney  
5.23 General's Office has informed an employee of the appropriate licensing board in writing  
5.24 that grounds exist to suspend or revoke a teacher's license to teach, that licensing board  
5.25 must consider suspending or revoking or decline to suspend or revoke the teacher's or  
5.26 administrator's license within 45 days of receiving a stipulation executed by the teacher or  
5.27 administrator under investigation or a recommendation from an administrative law judge  
5.28 that disciplinary action be taken.

5.29 (c) The Professional Educator Licensing and Standards Board and Board of School  
5.30 Administrators must report to the appropriate law enforcement authorities a revocation,  
5.31 suspension, or agreement involving a loss of license, relating to a teacher or administrator's  
5.32 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement  
5.33 authority" means a police department, county sheriff, or tribal police department. A report  
5.34 by the Professional Educator Licensing and Standards Board to appropriate law enforcement

6.1 authorities does not diminish, modify, or otherwise affect the responsibilities of a school  
6.2 board or any person mandated to report abuse under section 626.556.

6.3 Sec. 5. **[122A.59] CODE OF ETHICS FOR TEACHERS.**

6.4 Subdivision 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a  
6.5 number of obligations, one of which is to adhere to principles that define professional  
6.6 conduct. These principles are reflected in the following code of ethics, which sets forth to  
6.7 the education profession and the public it serves the standards of professional conduct and  
6.8 procedures for implementation. This code shall apply to all persons licensed according to  
6.9 rules established by the Professional Educator Licensing and Standards Board.

6.10 Subd. 2. **Standards of professional conduct.** (a) A teacher must provide professional  
6.11 education services in a nondiscriminatory manner.

6.12 (b) A teacher must make reasonable effort to protect a student from conditions harmful  
6.13 to health and safety.

6.14 (c) In accordance with state and federal laws, a teacher must disclose confidential  
6.15 information about individuals only when a compelling professional purpose is served or  
6.16 when required by law.

6.17 (d) A teacher must take reasonable disciplinary action in exercising the authority to  
6.18 provide an atmosphere conducive to learning.

6.19 (e) A teacher must not use a professional relationship with a student, parent, or colleague  
6.20 to private advantage.

6.21 (f) A teacher must delegate authority for teaching responsibilities only to licensed  
6.22 personnel.

6.23 (g) A teacher must not deliberately suppress or distort subject matter.

6.24 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to the  
6.25 teacher's own qualifications or other teachers' qualifications.

6.26 (i) A teacher must not knowingly make a false or malicious statement about a student  
6.27 or colleague.

6.28 (j) A teacher must accept a contract for a teaching position that requires licensing only  
6.29 if properly or provisionally licensed for that position.

6.30 (k) A teacher must not engage in any sexual conduct or contact with a student.

7.1 Sec. 6. Minnesota Statutes 2018, section 214.01, subdivision 3, is amended to read:

7.2 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board"  
7.3 means the Professional Educator Licensing and Standards Board established pursuant to  
7.4 section 122A.07, the Board of School Administrators established pursuant to section 122A.14,  
7.5 the Board of Barber Examiners established pursuant to section 154.001, the Board of  
7.6 Cosmetologist Examiners established pursuant to section 155A.20, the Board of Assessors  
7.7 established pursuant to section 270.41, the Board of Architecture, Engineering, Land  
7.8 Surveying, Landscape Architecture, Geoscience, and Interior Design established pursuant  
7.9 to section 326.04, the Private Detective and Protective Agent Licensing Board established  
7.10 pursuant to section 326.33, the Board of Accountancy established pursuant to section  
7.11 326A.02, and the Peace Officer Standards and Training Board established pursuant to section  
7.12 626.841.

7.13 Sec. 7. Minnesota Statutes 2018, section 626.556, subdivision 10, is amended to read:

7.14 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**  
7.15 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The  
7.16 police department or the county sheriff shall immediately notify the local welfare agency  
7.17 or agency responsible for child protection reports under this section orally and in writing  
7.18 when a report is received. The local welfare agency or agency responsible for child protection  
7.19 reports shall immediately notify the local police department or the county sheriff orally and  
7.20 in writing when a report is received. The county sheriff and the head of every local welfare  
7.21 agency, agency responsible for child protection reports, and police department shall each  
7.22 designate a person within their agency, department, or office who is responsible for ensuring  
7.23 that the notification duties of this paragraph are carried out. When the alleged maltreatment  
7.24 occurred on tribal land, the local welfare agency or agency responsible for child protection  
7.25 reports and the local police department or the county sheriff shall immediately notify the  
7.26 tribe's social services agency and tribal law enforcement orally and in writing when a report  
7.27 is received. When a police department or county sheriff determines that a child has been  
7.28 the subject of physical abuse, sexual abuse, or neglect by a person licensed by the  
7.29 Professional Educator Licensing and Standards Board or Board of School Administrators,  
7.30 it shall, in addition to its other duties under this section, immediately inform the licensing  
7.31 board. Law enforcement will work collaboratively with the board that has jurisdiction over  
7.32 the matter, including sharing documents and evidence to continue the investigation.

8.1 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct  
8.2 a family assessment or an investigation as appropriate to prevent or provide a remedy for  
8.3 child maltreatment. The local welfare agency:

8.4 (1) shall conduct an investigation on reports involving sexual abuse or substantial child  
8.5 endangerment;

8.6 (2) shall begin an immediate investigation if, at any time when it is using a family  
8.7 assessment response, it determines that there is reason to believe that sexual abuse or  
8.8 substantial child endangerment or a serious threat to the child's safety exists;

8.9 (3) may conduct a family assessment for reports that do not allege sexual abuse or  
8.10 substantial child endangerment. In determining that a family assessment is appropriate, the  
8.11 local welfare agency may consider issues of child safety, parental cooperation, and the need  
8.12 for an immediate response;

8.13 (4) may conduct a family assessment on a report that was initially screened and assigned  
8.14 for an investigation. In determining that a complete investigation is not required, the local  
8.15 welfare agency must document the reason for terminating the investigation and notify the  
8.16 local law enforcement agency if the local law enforcement agency is conducting a joint  
8.17 investigation; and

8.18 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an  
8.19 Indian child's tribe when the agency has reason to believe the family assessment or  
8.20 investigation may involve an Indian child. For purposes of this clause, "immediate notice"  
8.21 means notice provided within 24 hours.

8.22 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or  
8.23 individual functioning within the family unit as a person responsible for the child's care, or  
8.24 sexual abuse by a person with a significant relationship to the child when that person resides  
8.25 in the child's household or by a sibling, the local welfare agency shall immediately conduct  
8.26 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family  
8.27 assessment or investigation, the local welfare agency shall gather information on the existence  
8.28 of substance abuse and domestic violence and offer services for purposes of preventing  
8.29 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected  
8.30 minor, and supporting and preserving family life whenever possible. If the report alleges a  
8.31 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or  
8.32 endangerment, under section 609.378, the local law enforcement agency and local welfare  
8.33 agency shall coordinate the planning and execution of their respective investigation and  
8.34 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.

9.1 Each agency shall prepare a separate report of the results of its investigation or assessment.  
9.2 In cases of alleged child maltreatment resulting in death, the local agency may rely on the  
9.3 fact-finding efforts of a law enforcement investigation to make a determination of whether  
9.4 or not maltreatment occurred. When necessary the local welfare agency shall seek authority  
9.5 to remove the child from the custody of a parent, guardian, or adult with whom the child is  
9.6 living. In performing any of these duties, the local welfare agency shall maintain appropriate  
9.7 records.

9.8 If the family assessment or investigation indicates there is a potential for abuse of alcohol  
9.9 or other drugs by the parent, guardian, or person responsible for the child's care, the local  
9.10 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part  
9.11 9530.6615.

9.12 (c) When a local agency receives a report or otherwise has information indicating that  
9.13 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,  
9.14 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it  
9.15 shall, in addition to its other duties under this section, immediately inform the ombudsman  
9.16 established under sections 245.91 to 245.97. The commissioner of education shall inform  
9.17 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child  
9.18 defined as a client in section 245.91 that maltreatment occurred at a school as defined in  
9.19 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

9.20 (d) Authority of the local welfare agency responsible for assessing or investigating the  
9.21 child abuse or neglect report, the agency responsible for assessing or investigating the report,  
9.22 and of the local law enforcement agency for investigating the alleged abuse or neglect  
9.23 includes, but is not limited to, authority to interview, without parental consent, the alleged  
9.24 victim and any other minors who currently reside with or who have resided with the alleged  
9.25 offender. The interview may take place at school or at any facility or other place where the  
9.26 alleged victim or other minors might be found or the child may be transported to, and the  
9.27 interview conducted at, a place appropriate for the interview of a child designated by the  
9.28 local welfare agency or law enforcement agency. The interview may take place outside the  
9.29 presence of the alleged offender or parent, legal custodian, guardian, or school official. For  
9.30 family assessments, it is the preferred practice to request a parent or guardian's permission  
9.31 to interview the child prior to conducting the child interview, unless doing so would  
9.32 compromise the safety assessment. Except as provided in this paragraph, the parent, legal  
9.33 custodian, or guardian shall be notified by the responsible local welfare or law enforcement  
9.34 agency no later than the conclusion of the investigation or assessment that this interview  
9.35 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile

10.1 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare  
10.2 agency, order that, where reasonable cause exists, the agency withhold notification of this  
10.3 interview from the parent, legal custodian, or guardian. If the interview took place or is to  
10.4 take place on school property, the order shall specify that school officials may not disclose  
10.5 to the parent, legal custodian, or guardian the contents of the notification of intent to interview  
10.6 the child on school property, as provided under this paragraph, and any other related  
10.7 information regarding the interview that may be a part of the child's school record. A copy  
10.8 of the order shall be sent by the local welfare or law enforcement agency to the appropriate  
10.9 school official.

10.10 (e) When the local welfare, local law enforcement agency, or the agency responsible  
10.11 for assessing or investigating a report of maltreatment determines that an interview should  
10.12 take place on school property, written notification of intent to interview the child on school  
10.13 property must be received by school officials prior to the interview. The notification shall  
10.14 include the name of the child to be interviewed, the purpose of the interview, and a reference  
10.15 to the statutory authority to conduct an interview on school property. For interviews  
10.16 conducted by the local welfare agency, the notification shall be signed by the chair of the  
10.17 local social services agency or the chair's designee. The notification shall be private data  
10.18 on individuals subject to the provisions of this paragraph. School officials may not disclose  
10.19 to the parent, legal custodian, or guardian the contents of the notification or any other related  
10.20 information regarding the interview until notified in writing by the local welfare or law  
10.21 enforcement agency that the investigation or assessment has been concluded, unless a school  
10.22 employee or agent is alleged to have maltreated the child. Until that time, the local welfare  
10.23 or law enforcement agency or the agency responsible for assessing or investigating a report  
10.24 of maltreatment shall be solely responsible for any disclosures regarding the nature of the  
10.25 assessment or investigation.

10.26 Except where the alleged offender is believed to be a school official or employee, the  
10.27 time and place, and manner of the interview on school premises shall be within the discretion  
10.28 of school officials, but the local welfare or law enforcement agency shall have the exclusive  
10.29 authority to determine who may attend the interview. The conditions as to time, place, and  
10.30 manner of the interview set by the school officials shall be reasonable and the interview  
10.31 shall be conducted not more than 24 hours after the receipt of the notification unless another  
10.32 time is considered necessary by agreement between the school officials and the local welfare  
10.33 or law enforcement agency. Where the school fails to comply with the provisions of this  
10.34 paragraph, the juvenile court may order the school to comply. Every effort must be made

11.1 to reduce the disruption of the educational program of the child, other students, or school  
11.2 staff when an interview is conducted on school premises.

11.3 (f) Where the alleged offender or a person responsible for the care of the alleged victim  
11.4 or other minor prevents access to the victim or other minor by the local welfare agency, the  
11.5 juvenile court may order the parents, legal custodian, or guardian to produce the alleged  
11.6 victim or other minor for questioning by the local welfare agency or the local law  
11.7 enforcement agency outside the presence of the alleged offender or any person responsible  
11.8 for the child's care at reasonable places and times as specified by court order.

11.9 (g) Before making an order under paragraph (f), the court shall issue an order to show  
11.10 cause, either upon its own motion or upon a verified petition, specifying the basis for the  
11.11 requested interviews and fixing the time and place of the hearing. The order to show cause  
11.12 shall be served personally and shall be heard in the same manner as provided in other cases  
11.13 in the juvenile court. The court shall consider the need for appointment of a guardian ad  
11.14 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be  
11.15 present at the hearing on the order to show cause.

11.16 (h) The commissioner of human services, the ombudsman for mental health and  
11.17 developmental disabilities, the local welfare agencies responsible for investigating reports,  
11.18 the commissioner of education, and the local law enforcement agencies have the right to  
11.19 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,  
11.20 including medical records, as part of the investigation. Notwithstanding the provisions of  
11.21 chapter 13, they also have the right to inform the facility under investigation that they are  
11.22 conducting an investigation, to disclose to the facility the names of the individuals under  
11.23 investigation for abusing or neglecting a child, and to provide the facility with a copy of  
11.24 the report and the investigative findings.

11.25 (i) The local welfare agency responsible for conducting a family assessment or  
11.26 investigation shall collect available and relevant information to determine child safety, risk  
11.27 of subsequent child maltreatment, and family strengths and needs and share not public  
11.28 information with an Indian's tribal social services agency without violating any law of the  
11.29 state that may otherwise impose duties of confidentiality on the local welfare agency in  
11.30 order to implement the tribal state agreement. The local welfare agency or the agency  
11.31 responsible for investigating the report shall collect available and relevant information to  
11.32 ascertain whether maltreatment occurred and whether protective services are needed.  
11.33 Information collected includes, when relevant, information with regard to the person reporting  
11.34 the alleged maltreatment, including the nature of the reporter's relationship to the child and  
11.35 to the alleged offender, and the basis of the reporter's knowledge for the report; the child

12.1 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral  
12.2 sources having relevant information related to the alleged maltreatment. The local welfare  
12.3 agency or the agency responsible for investigating the report may make a determination of  
12.4 no maltreatment early in an investigation, and close the case and retain immunity, if the  
12.5 collected information shows no basis for a full investigation.

12.6 Information relevant to the assessment or investigation must be asked for, and may  
12.7 include:

12.8 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment  
12.9 reports that were screened out and not accepted for assessment or investigation; information  
12.10 relating to developmental functioning; credibility of the child's statement; and whether the  
12.11 information provided under this clause is consistent with other information collected during  
12.12 the course of the assessment or investigation;

12.13 (2) the alleged offender's age, a record check for prior reports of maltreatment, and  
12.14 criminal charges and convictions. The local welfare agency or the agency responsible for  
12.15 assessing or investigating the report must provide the alleged offender with an opportunity  
12.16 to make a statement. The alleged offender may submit supporting documentation relevant  
12.17 to the assessment or investigation;

12.18 (3) collateral source information regarding the alleged maltreatment and care of the  
12.19 child. Collateral information includes, when relevant: (i) a medical examination of the child;  
12.20 (ii) prior medical records relating to the alleged maltreatment or the care of the child  
12.21 maintained by any facility, clinic, or health care professional and an interview with the  
12.22 treating professionals; and (iii) interviews with the child's caretakers, including the child's  
12.23 parent, guardian, foster parent, child care provider, teachers, counselors, family members,  
12.24 relatives, and other persons who may have knowledge regarding the alleged maltreatment  
12.25 and the care of the child; and

12.26 (4) information on the existence of domestic abuse and violence in the home of the child,  
12.27 and substance abuse.

12.28 Nothing in this paragraph precludes the local welfare agency, the local law enforcement  
12.29 agency, or the agency responsible for assessing or investigating the report from collecting  
12.30 other relevant information necessary to conduct the assessment or investigation.

12.31 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access  
12.32 to medical data and records for purposes of clause (3). Notwithstanding the data's  
12.33 classification in the possession of any other agency, data acquired by the local welfare  
12.34 agency or the agency responsible for assessing or investigating the report during the course

13.1 of the assessment or investigation are private data on individuals and must be maintained  
13.2 in accordance with subdivision 11. Data of the commissioner of education collected or  
13.3 maintained during and for the purpose of an investigation of alleged maltreatment in a school  
13.4 are governed by this section, notwithstanding the data's classification as educational,  
13.5 licensing, or personnel data under chapter 13.

13.6 In conducting an assessment or investigation involving a school facility as defined in  
13.7 subdivision 2, paragraph (c), the commissioner of education shall collect investigative  
13.8 reports and data that are relevant to a report of maltreatment and are from local law  
13.9 enforcement and the school facility.

13.10 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact  
13.11 with the child reported to be maltreated and with the child's primary caregiver sufficient to  
13.12 complete a safety assessment and ensure the immediate safety of the child. The face-to-face  
13.13 contact with the child and primary caregiver shall occur immediately if sexual abuse or  
13.14 substantial child endangerment is alleged and within five calendar days for all other reports.  
13.15 If the alleged offender was not already interviewed as the primary caregiver, the local welfare  
13.16 agency shall also conduct a face-to-face interview with the alleged offender in the early  
13.17 stages of the assessment or investigation. At the initial contact, the local child welfare agency  
13.18 or the agency responsible for assessing or investigating the report must inform the alleged  
13.19 offender of the complaints or allegations made against the individual in a manner consistent  
13.20 with laws protecting the rights of the person who made the report. The interview with the  
13.21 alleged offender may be postponed if it would jeopardize an active law enforcement  
13.22 investigation.

13.23 (k) When conducting an investigation, the local welfare agency shall use a question and  
13.24 answer interviewing format with questioning as nondirective as possible to elicit spontaneous  
13.25 responses. For investigations only, the following interviewing methods and procedures must  
13.26 be used whenever possible when collecting information:

13.27 (1) audio recordings of all interviews with witnesses and collateral sources; and

13.28 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the  
13.29 alleged victim and child witnesses.

13.30 (l) In conducting an assessment or investigation involving a school facility as defined  
13.31 in subdivision 2, paragraph (c), the commissioner of education shall collect available and  
13.32 relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d,  
13.33 except that the requirement for face-to-face observation of the child and face-to-face interview  
13.34 of the alleged offender is to occur in the initial stages of the assessment or investigation

14.1 provided that the commissioner may also base the assessment or investigation on investigative  
14.2 reports and data received from the school facility and local law enforcement, to the extent  
14.3 those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

14.4 Sec. 8. Minnesota Statutes 2018, section 626.556, subdivision 11, is amended to read:

14.5 Subd. 11. **Records.** (a) Except as provided in paragraph (b) and subdivisions 10b, 10d,  
14.6 10g, and 11b, all records concerning individuals maintained by a local welfare agency or  
14.7 agency responsible for assessing or investigating the report under this section, including  
14.8 any written reports filed under subdivision 7, shall be private data on individuals, except  
14.9 insofar as copies of reports are required by subdivision 7 to be sent to the local police  
14.10 department or the county sheriff. All records concerning determinations of maltreatment  
14.11 by a facility are nonpublic data as maintained by the Department of Education, except insofar  
14.12 as copies of reports are required by subdivision 7 to be sent to the local police department  
14.13 or the county sheriff. Reports maintained by any police department or the county sheriff  
14.14 shall be private data on individuals except the reports shall be made available to the  
14.15 investigating, petitioning, or prosecuting authority, including county medical examiners or  
14.16 county coroners. Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data  
14.17 other than the reports. The local social services agency or agency responsible for assessing  
14.18 or investigating the report shall make available to the investigating, petitioning, or prosecuting  
14.19 authority, including county medical examiners or county coroners or their professional  
14.20 delegates, any records which contain information relating to a specific incident of neglect  
14.21 or abuse which is under investigation, petition, or prosecution and information relating to  
14.22 any prior incidents of neglect or abuse involving any of the same persons. The records shall  
14.23 be collected and maintained in accordance with the provisions of chapter 13. In conducting  
14.24 investigations and assessments pursuant to this section, the notice required by section 13.04,  
14.25 subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim  
14.26 of abuse or neglect. An individual subject of a record shall have access to the record in  
14.27 accordance with those sections, except that the name of the reporter shall be confidential  
14.28 while the report is under assessment or investigation except as otherwise permitted by this  
14.29 subdivision. Any person conducting an investigation or assessment under this section who  
14.30 intentionally discloses the identity of a reporter prior to the completion of the investigation  
14.31 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,  
14.32 the name of the reporter shall be confidential. The subject of the report may compel disclosure  
14.33 of the name of the reporter only with the consent of the reporter or upon a written finding  
14.34 by the court that the report was false and that there is evidence that the report was made in

15.1 bad faith. This subdivision does not alter disclosure responsibilities or obligations under  
15.2 the Rules of Criminal Procedure.

15.3 (b) Upon request of the legislative auditor, data on individuals maintained under this  
15.4 section must be released to the legislative auditor in order for the auditor to fulfill the auditor's  
15.5 duties under section 3.971. The auditor shall maintain the data in accordance with chapter  
15.6 13.

15.7 (c) The commissioner of education must be provided with all requested data that are  
15.8 relevant to a report of maltreatment and are in possession of a school facility as defined in  
15.9 subdivision 2, paragraph (c), when the data is requested pursuant to an assessment or  
15.10 investigation of a maltreatment report of a student in a school. If the commissioner of  
15.11 education makes a determination of maltreatment involving an individual performing work  
15.12 within a school facility who is licensed by a board or other agency, the commissioner shall  
15.13 provide ~~necessary and relevant information to the licensing entity to enable the entity to~~  
15.14 fulfill with the full investigative file including but not limited to witness statements, all  
15.15 documents provided by witnesses or the district, a witness list, the full and complete  
15.16 maltreatment determination report including the witness name key, and other information  
15.17 the licensing agency deems necessary in completing its statutory duties. Upon written request  
15.18 from the appropriate licensing board, the commissioner of education may solicit the written  
15.19 consent of a student and the student's parent to provide the licensing board with information  
15.20 that may aid the licensing board in its investigation and license proceedings, including the  
15.21 student's name. Notwithstanding section 13.03, subdivision 4, data received by a licensing  
15.22 entity under this paragraph are governed by section 13.41 or other applicable law governing  
15.23 data of the receiving entity, except that this section applies to the classification of and access  
15.24 to data on the reporter of the maltreatment.

15.25 Sec. 9. Minnesota Statutes 2018, section 631.40, subdivision 4, is amended to read:

15.26 Subd. 4. **Licensed teachers.** When a person is convicted of child abuse, as defined in  
15.27 section 609.185, or sexual abuse under section 609.342, 609.343, 609.344, 609.345,  
15.28 609.3451, subdivision 3, or 617.23, subdivision 3, sex trafficking in the first degree under  
15.29 section 609.322, subdivision 1; sex trafficking in the second degree under section 609.322,  
15.30 subdivision 1a; engaging in hiring, or agreeing to hire a minor to engage in prostitution  
15.31 under section 609.324, subdivisions 1 and 1a; exposure under section 617.23, subdivisions  
15.32 2 and 3; solicitation of children to engage in sexual conduct or communication of sexually  
15.33 explicit materials to children under section 609.352; interference with privacy under section  
15.34 609.746; or stalking under section 609.749, and the victim was a minor; using minors in a

16.1 sexual performance under section 617.246; possessing pornographic works involving a  
16.2 minor under section 617.247; or any other offense not listed in this paragraph that requires  
16.3 the person to register as a predatory offender under section 243.166; the court shall determine  
16.4 whether the person is licensed to teach under chapter 122A. If the offender is a licensed  
16.5 teacher, the court administrator shall send a certified copy of the conviction to the  
16.6 Professional Educator Licensing and Standards Board or the Board of School Administrators,  
16.7 whichever has jurisdiction over the teacher's license, within ten days after the conviction.

16.8 Sec. 10. **REPEALER.**

16.9 Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

**8710.2100 CODE OF ETHICS FOR MINNESOTA TEACHERS.**

Subpart 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. A teacher shall provide professional education services in a nondiscriminatory manner.

B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.

G. A teacher shall not deliberately suppress or distort subject matter.

H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

I. A teacher shall not knowingly make false or malicious statements about students or colleagues.

J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.