

A bill for an act
relating to education; modifying school background check requirements relating
to disciplinary actions; amending Minnesota Statutes 2008, section 123B.03,
subdivision 1a.

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

Section 1. Minnesota Statutes 2008, section 123B.03, subdivision 1a, is amended to
read:

Subd. 1a. **Investigation of disciplinary actions taken against prospective
teachers.** (a) At the time a school board or other hiring authority conducts the criminal
history background check required under subdivision 1 on an individual offered
employment as a teacher, the school board or other hiring authority must contact the
Board of Teaching to determine whether the board has taken disciplinary action against
the teacher based on a board determination that sexual misconduct or attempted sexual
misconduct occurred between the teacher and a student or other misconduct resulting in
board disciplinary action. If disciplinary action has been taken based on ~~this type of~~
misconduct, the school board or other hiring authority must obtain access to data that are
public under section 13.41, subdivision 5, that relate to the substance of the disciplinary
action. In addition, the school board or other hiring authority must require the individual
to provide information in the employment application regarding all current and previous
disciplinary actions in Minnesota and other states taken against the individual's teaching
license as a result of sexual misconduct or attempted sexual misconduct with a student
or other misconduct and indicate to the applicant that intentionally submitting false or
incomplete information is a ground for dismissal.

2.1 (b) For purposes of this subdivision, "disciplinary action" does not include an action
2.2 based on court-ordered child support or maintenance payment arrearages under section
2.3 214.101 or delinquent state taxes under section 270C.72.

2.4 (c) For purposes of this subdivision, "disciplinary action" includes any action taken
2.5 by the Board of Teaching, a school district, a local law enforcement agency, or other
2.6 governmental entity as a result of a teacher registering any alcohol concentration on
2.7 school grounds during the school day.

2.8 **EFFECTIVE DATE.** This section is effective May 1, 2009.