

A bill for an act

relating to education; amending school background check requirements;
amending Minnesota Statutes 2006, section 123B.03, subdivision 3, by adding a
subdivision.

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

Section 1. Minnesota Statutes 2006, section 123B.03, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section:

(a) "School" means a school as defined in section 120A.22, subdivision 4, except
a home school, and includes a school receiving tribal contract or grant school aid under
section 124D.83; school, for the purposes of this section, also means a service cooperative,
a special education cooperative, or an education district under Minnesota Statutes 1997
Supplement, section 123.35, a charter school under section 124D.10, an intermediate
school district under section 136D.01, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school principal or other person having
general control and supervision of the school.

(c) "Security violations" means the failure to prevent or failure to institute safeguards
to prevent access, use, retention, or dissemination of information in violation of the
security and management control outsourcing standard.

Sec. 2. Minnesota Statutes 2006, section 123B.03, is amended by adding a subdivision
to read:

Subd. 4. **Third-party handling of criminal history record information.** (a)
For purposes of this section, a school hiring authority may contract with a third party to

H.F. No. 2955, as introduced - 2007-2008th Legislative Session (2007-2008)

2.1 conduct background checks required in subdivision 1. Prior to engaging in such contract
2.2 the school hiring authority shall:

2.3 (1) request and receive written permission from the state compact officer as defined
2.4 in section 299C.58, article I, paragraph (2), item (B);

2.5 (2) provide the state compact officer a copy of the contract; and

2.6 (3) inquire of the state compact officer whether a prospective contractor has any
2.7 security violations.

2.8 (b) The contract shall specifically describe the purposes for which the background
2.9 check information may be made available and shall incorporate by reference a security
2.10 and management control outsourcing standard approved by the state compact officer.