

(SENATE AUTHORS: NELSON, Senjem, Rosen, Bonoff and Olson)

DATE	D-PG	OFFICIAL STATUS
03/03/2011	325	Introduction and first reading Referred to Education
04/28/2011	1483a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety

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A bill for an act

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relating to education; modifying parent notification of child maltreatment in a

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school facility; requiring a policy for educating employees about mandatory

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child maltreatment reporting; amending Minnesota Statutes 2010, section

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122A.20, subdivision 1; proposing coding for new law in Minnesota Statutes,

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chapter 123B.

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

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Section 1. Minnesota Statutes 2010, section 122A.20, subdivision 1, is amended to

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read:

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Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Board of

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Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's

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licensure, may, on the written complaint of the school board employing a teacher, a teacher

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organization, or any other interested person, refuse to issue, refuse to renew, suspend, or

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revoke a teacher's license to teach for any of the following causes:

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(1) immoral character or conduct;

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

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(3) gross inefficiency or willful neglect of duty;

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(4) failure to meet licensure requirements; or

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(5) fraud or misrepresentation in obtaining a license.

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

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(b) The Board of Teaching or Board of School Administrators, whichever

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has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or

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automatically revoke a teacher's license to teach without the right to a hearing upon

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receiving a certified copy of:

(1) a conviction showing that the teacher has been convicted of child abuse, as defined in section 609.185, sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, using minors in a sexual performance under section 617.246, or possessing pornographic works involving a minor under section 617.247, or under a similar law of another state or the United States; or

(2) a termination or discharge showing that the teacher has been terminated or discharged by a school board for maltreatment of a minor on one or more occasions in any school facility.

The board shall send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the Court of Appeals or the Supreme Court or if the person has received a pardon for the offense. The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

(d) For purposes of this subdivision, the Board of Teaching is delegated the authority to suspend or revoke coaching licenses.

Sec. 2. [123B.031] MODEL POLICY; MANDATORY CHILD MALTREATMENT REPORTING.

School board training for district employees regarding employee responsibility as mandatory child maltreatment reporters shall address all aspects of maltreatment reporting such as the criminal aspects of failing to report child abuse in the school facility. The commissioner shall maintain a model policy and make it available to school boards.