

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 540

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

| DATE       | D-PG  | OFFICIAL STATUS   |
|------------|-------|---|
| 03/03/2011 | 325   | Introduction and first reading<br>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  
relating to education; modifying parent notification of child maltreatment in a  
school facility; requiring a policy for educating employees about mandatory  
child maltreatment reporting; amending Minnesota Statutes 2010, section  
122A.20, subdivision 1; proposing coding for new law in Minnesota Statutes,  
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  
read:

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

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(1) immoral character or conduct;  
(2) failure, without justifiable cause, to teach for the term of the teacher's contract;  
(3) gross inefficiency or willful neglect of duty;  
(4) failure to meet licensure requirements; or  
(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  
has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or  
automatically revoke a teacher's license to teach without the right to a hearing upon  
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 commissioner determined that maltreatment occurred under section 626.556, subdivision 10e, paragraph (d), and as a result of that determination, the school board terminated or discharged the teacher.

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.**

The commissioner of education shall maintain and make available to school boards a model policy on mandated reporting of child neglect or physical or sexual abuse under section 626.556. Each school board shall adopt a written policy governing mandated child maltreatment reporting. School districts shall include these policies in school personnel handbooks and shall review the policies at least annually for compliance with state law.