

2.1 (1) information related to names of substantiated perpetrators of maltreatment of
2.2 vulnerable adults that has been received by the commissioner as required under section
2.3 626.557, subdivision 9c, paragraph (j);

2.4 (2) the commissioner's records relating to the maltreatment of minors in licensed
2.5 programs, and from findings of maltreatment of minors as indicated through the social
2.6 service information system;

2.7 (3) information from juvenile courts as required in subdivision 4 for individuals listed
2.8 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

2.9 (4) information from the Bureau of Criminal Apprehension, including information
2.10 regarding a background study subject's registration in Minnesota as a predatory offender
2.11 under section 243.166;

2.12 (5) except as provided in clause (6), information received as a result of submission of
2.13 fingerprints for a national criminal history record check, when the commissioner has
2.14 reasonable cause as defined under section 245C.05, subdivision 5, or as required under
2.15 section 144.057, subdivision 1, clause (2);

2.16 (6) for a background study related to a child foster care application for licensure, a
2.17 transfer of permanent legal and physical custody of a child under sections 260C.503 to
2.18 260C.515, or adoptions, and for a background study required for family child care, certified
2.19 license-exempt child care, child care centers, ~~and~~ legal nonlicensed child care authorized
2.20 under chapter 119B, and Head Start programs the commissioner shall also review:

2.21 (i) information from the child abuse and neglect registry for any state in which the
2.22 background study subject has resided for the past five years; and

2.23 (ii) when the background study subject is 18 years of age or older, information received
2.24 following submission of fingerprints for a national criminal history record check; and

2.25 (7) for a background study required for family child care, certified license-exempt child
2.26 care centers, licensed child care centers, ~~and~~ legal nonlicensed child care authorized under
2.27 chapter 119B, and Head Start programs, the background study shall also include a name
2.28 and date-of-birth search of the National Sex Offender Public Web site.

2.29 (b) Notwithstanding expungement by a court, the commissioner may consider information
2.30 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
2.31 of the petition for expungement and the court order for expungement is directed specifically
2.32 to the commissioner.

3.1 (c) The commissioner shall also review criminal case information received according
3.2 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
3.3 to individuals who have already been studied under this chapter and who remain affiliated
3.4 with the agency that initiated the background study.

3.5 (d) When the commissioner has reasonable cause to believe that the identity of a
3.6 background study subject is uncertain, the commissioner may require the subject to provide
3.7 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
3.8 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
3.9 shall not be saved by the commissioner after they have been used to verify the identity of
3.10 the background study subject against the particular criminal record in question.

3.11 (e) The commissioner may inform the entity that initiated a background study under
3.12 NETStudy 2.0 of the status of processing of the subject's fingerprints.

3.13 Sec. 3. Minnesota Statutes 2016, section 245C.12, is amended to read:

3.14 **245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

3.15 (a) For the purposes of background studies completed by tribal organizations performing
3.16 licensing activities otherwise required of the commissioner under this chapter, after obtaining
3.17 consent from the background study subject, tribal licensing agencies shall have access to
3.18 criminal history data in the same manner as county licensing agencies and private licensing
3.19 agencies under this chapter.

3.20 (b) Tribal organizations may contract with the commissioner to obtain background study
3.21 data on individuals under tribal jurisdiction related to adoptions according to section 245C.34.
3.22 Tribal organizations may also contract with the commissioner to obtain background study
3.23 data on individuals under tribal jurisdiction related to child foster care according to section
3.24 245C.34.

3.25 (c) For the purposes of background studies completed to comply with a tribal
3.26 organization's licensing requirements for individuals affiliated with a tribally licensed nursing
3.27 facility, the commissioner shall obtain criminal history data from the National Criminal
3.28 Records Repository in accordance with section 245C.32.

3.29 (d) Tribal organizations may contract with the commissioner to conduct background
3.30 studies or obtain background study data on individuals affiliated with a child care program
3.31 sponsored, managed, or licensed by a tribal organization. Studies conducted under this
3.32 paragraph require the commissioner to conduct a national criminal history record check as
3.33 defined in section 245C.02, subdivision 5a. Any tribally affiliated child care program that

4.1 does not contract with the commissioner to conduct background studies is exempt from the
4.2 relevant requirements in this chapter. A study conducted under this paragraph must include
4.3 all components of studies for certified license-exempt child care centers under this chapter
4.4 to be transferable to other child care entities.

4.5 **Sec. 4. [245C.121] BACKGROUND STUDY; HEAD START PROGRAMS.**

4.6 Head Start programs that receive funding disbursed under section 119A.52 may contract
4.7 with the commissioner to conduct background studies and obtain background study data
4.8 on individuals affiliated with a Head Start program. Studies conducted under this paragraph
4.9 require the commissioner to conduct a national criminal history record check as defined in
4.10 section 245C.02, subdivision 5a. Any Head Start program site that does not contract with
4.11 the commissioner, is not licensed, and is not registered to receive funding under chapter
4.12 119B is exempt from the relevant requirements in this chapter. Nothing in this paragraph
4.13 supersedes requirements for background studies in this chapter, chapter 119B, or child care
4.14 centers under chapter 245H that are related to licensed child care programs or programs
4.15 registered to receive funding under chapter 119B. A study conducted under this paragraph
4.16 must include all components of studies for certified license-exempt child care centers under
4.17 this chapter to be transferable to other child care entities.