SENATE

STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1436

1.1   A bill for an act

1.2   relating to human services; governing certain background studies related to tribal
1.3   organizations and Head Start programs; amending Minnesota Statutes 2018, section
1.4   245C.12; proposing coding for new law in Minnesota Statutes, chapter 245C.

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

1.6   Section 1. Minnesota Statutes 2018, section 245C.12, is amended to read:

1.7   **245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

1.8   Subdivision 1. **Access to data.** (a) For the purposes of background studies completed

1.9   by tribal organizations performing licensing activities otherwise required of the commissioner

1.10   under this chapter, after obtaining consent from the background study subject, tribal licensing

1.11   agencies shall have access to criminal history data in the same manner as county licensing

1.12   agencies and private licensing agencies under this chapter.

1.13   Subd. 2. **Adoptions; child foster care.** (b) Tribal organizations may contract with the

1.14   commissioner to obtain background study data on individuals under tribal jurisdiction related

1.15   to adoptions according to section 245C.34. Tribal organizations may also contract with the

1.16   commissioner to obtain background study data on individuals under tribal jurisdiction related

1.17   to child foster care according to section 245C.34.

1.18   Subd. 3. **Nursing facility.** (c) For the purposes of background studies completed to

1.19   comply with a tribal organization's licensing requirements for individuals affiliated with a

1.20   tribally licensed nursing facility, the commissioner shall obtain criminal history data from

1.21   the National Criminal Records Repository in accordance with section 245C.32.

1.22   Subd. 4. **Child care.** (a) Tribal organizations may contract with the commissioner to:

2.1   (1) conduct background studies on individuals affiliated with a child care program

2.2   sponsored, managed, or licensed by a tribal organization; and

2.3   (2) obtain background study data on individuals affiliated with a child care program

2.4   sponsored, managed, or licensed by a tribal organization.

2.5   (b) The commissioner must include a national criminal history record check in a

2.6   background study conducted under paragraph (a).

2.7   (c) A tribally affiliated child care program that does not contract with the commissioner

2.8   to conduct background studies is exempt from the relevant requirements in this chapter. For

2.9   a background study conducted under this subdivision to be transferable to other child care

2.10   entities, the study must include all components of studies for a certified license-exempt

2.11   child care center under this chapter.

2.12   Sec. 2. **[245C.125] BACKGROUND STUDY; HEAD START PROGRAMS.**

2.13   (a) Head Start programs that receive funds under section 119A.52 may contract with

2.14   the commissioner to:

2.15   (1) conduct background studies on individuals affiliated with a Head Start program; and

2.16   (2) obtain background study data on individuals affiliated with a Head Start program.

2.17   (b) The commissioner must include a national criminal history record check in a

2.18   background study conducted under paragraph (a).

2.19   (c) A Head Start program site that does not contract with the commissioner, is not

2.20   licensed, and is not registered to receive payments under chapter 119B is exempt from the

2.21   relevant requirements in this chapter. Nothing in this section supersedes requirements for

2.22   background studies in this chapter or chapter 119B or 245H that relate to licensed child care

2.23   programs or programs registered to receive payments under chapter 119B. For a background

2.24   study conducted under this section to be transferable to other child care entities, the study

2.25   must include all components of studies for a certified license-exempt child care center under

2.26   this chapter.