

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1769

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DATE	D-PG	OFFICIAL STATUS
03/16/2015	900	Introduction and first reading Referred to Education See SF3, Art. 2, Sec. 16, 24 (First Special Session)

A bill for an act

1.1 relating to education; expanding the list of offenses that authorizes the Board
 1.2 of Teaching or Board of School Administrators to deny or revoke a teaching
 1.3 license; conforming the list of offenses with grounds for immediate discharge;
 1.4 amending Minnesota Statutes 2014, sections 122A.20, subdivision 1; 122A.40,
 1.5 subdivision 13; 122A.41, subdivision 6.
 1.6

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

1.8 Section 1. Minnesota Statutes 2014, section 122A.20, subdivision 1, is amended to read:

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

- 1.14 (1) immoral character or conduct;
 1.15 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;
 1.16 (3) gross inefficiency or willful neglect of duty;
 1.17 (4) failure to meet licensure requirements; or
 1.18 (5) fraud or misrepresentation in obtaining a license.

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

1.20 (b) The Board of Teaching or Board of School Administrators, whichever
 1.21 has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or
 1.22 automatically revoke a teacher's license to teach without the right to a hearing upon
 1.23 receiving a certified copy of a conviction showing that the teacher has been convicted
 1.24 of child abuse, as defined in section 609.185, sex trafficking in the first degree under
 1.25 section 609.322, subdivision 1, sex trafficking in the second degree under section 609.322,

2.1 subdivision 1a, engaging in hiring, or agreeing to hire a minor to engage in prostitution
 2.2 under section 609.324, subdivision 1, sexual abuse under section 609.342, 609.343,
 2.3 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation of
 2.4 children to engage in sexual conduct or communication of sexually explicit materials
 2.5 to children under section 609.352, interference with privacy under section 609.746 or
 2.6 stalking under section 609.749 and the victim was a minor, using minors in a sexual
 2.7 performance under section 617.246, or possessing pornographic works involving a minor
 2.8 under section 617.247, or any other offense not listed in this paragraph that requires the
 2.9 person to register as a predatory offender under section 243.166, or a crime under a similar
 2.10 law of another state or the United States. The board shall send notice of this licensing
 2.11 action to the district in which the teacher is currently employed.

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

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

2.26 Sec. 2. Minnesota Statutes 2014, section 122A.40, subdivision 13, is amended to read:

2.27 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph
 2.28 (b), a board may discharge a continuing-contract teacher, effective immediately, upon any
 2.29 of the following grounds:

2.30 (1) immoral conduct, insubordination, or conviction of a felony;

2.31 (2) conduct unbecoming a teacher which requires the immediate removal of the
 2.32 teacher from classroom or other duties;

2.33 (3) failure without justifiable cause to teach without first securing the written release
 2.34 of the school board;

3.1 (4) gross inefficiency which the teacher has failed to correct after reasonable written
3.2 notice;

3.3 (5) willful neglect of duty; or

3.4 (6) continuing physical or mental disability subsequent to a 12 months leave of
3.5 absence and inability to qualify for reinstatement in accordance with subdivision 12.

3.6 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
3.7 discriminatory practice described in section 363A.13.

3.8 Prior to discharging a teacher under this paragraph, the board must notify the teacher
3.9 in writing and state its ground for the proposed discharge in reasonable detail. Within
3.10 ten days after receipt of this notification the teacher may make a written request for a
3.11 hearing before the board and it shall be granted before final action is taken. The board
3.12 may suspend a teacher with pay pending the conclusion of the hearing and determination
3.13 of the issues raised in the hearing after charges have been filed which constitute ground for
3.14 discharge. If a teacher has been charged with a felony and the underlying conduct that
3.15 is the subject of the felony charge is a ground for a proposed immediate discharge, the
3.16 suspension pending the conclusion of the hearing and determination of the issues may be
3.17 without pay. If a hearing under this paragraph is held, the board must reimburse the teacher
3.18 for any salary or compensation withheld if the final decision of the board or the arbitrator
3.19 does not result in a penalty to or suspension, termination, or discharge of the teacher.

3.20 (b) A board must discharge a continuing-contract teacher, effective immediately,
3.21 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the
3.22 teacher's license has been revoked due to a conviction for child abuse ~~or~~, as defined in
3.23 section 609.185; sex trafficking in the first degree under section 609.322, subdivision 1;
3.24 sex trafficking in the second degree under section 609.322, subdivision 1a; engaging
3.25 in hiring or agreeing to hire a minor to engage in prostitution under section 609.324,
3.26 subdivision 1; sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451,
3.27 subdivision 3, or 617.23, subdivision 3; solicitation of children to engage in sexual
3.28 conduct or communication of sexually explicit materials to children under section
3.29 609.352; interference with privacy under section 609.746 or stalking under section
3.30 609.749 and the victim was a minor; using minors in a sexual performance under section
3.31 617.246; possessing pornographic works involving a minor under section 617.247; or
3.32 any other offense not listed in this paragraph that requires the person to register as a
3.33 predatory offender under section 243.166, or a crime under a similar law of another state
3.34 or the United States.

3.35 (c) When a teacher is discharged under paragraph (b) or when the commissioner
3.36 makes a final determination of child maltreatment involving a teacher under section

4.1 626.556, subdivision 11, the school principal or other person having administrative
 4.2 control of the school must include in the teacher's employment record the information
 4.3 contained in the record of the disciplinary action or the final maltreatment determination,
 4.4 consistent with the definition of public data under section 13.41, subdivision 5, and must
 4.5 provide the Board of Teaching and the licensing division at the department with the
 4.6 necessary and relevant information to enable the Board of Teaching and the department's
 4.7 licensing division to fulfill their statutory and administrative duties related to issuing,
 4.8 renewing, suspending, or revoking a teacher's license. Information received by the Board
 4.9 of Teaching or the licensing division at the department under this paragraph is governed
 4.10 by section 13.41 or other applicable law governing data of the receiving entity. In addition
 4.11 to the background check required under section 123B.03, a school board or other school
 4.12 hiring authority must contact the Board of Teaching and the department to determine
 4.13 whether the teacher's license has been suspended or revoked, consistent with the discharge
 4.14 and final maltreatment determinations identified in this paragraph. Unless restricted by
 4.15 federal or state data practices law or by the terms of a collective bargaining agreement,
 4.16 the responsible authority for a school district must disseminate to another school district
 4.17 private personnel data on a current or former teacher employee or contractor of the district,
 4.18 including the results of background investigations, if the requesting school district seeks
 4.19 the information because the subject of the data has applied for employment with the
 4.20 requesting school district.

4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.22 Sec. 3. Minnesota Statutes 2014, section 122A.41, subdivision 6, is amended to read:

4.23 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided
 4.24 in paragraph (b), causes for the discharge or demotion of a teacher either during or after
 4.25 the probationary period must be:

4.26 (1) immoral character, conduct unbecoming a teacher, or insubordination;

4.27 (2) failure without justifiable cause to teach without first securing the written release
 4.28 of the school board having the care, management, or control of the school in which the
 4.29 teacher is employed;

4.30 (3) inefficiency in teaching or in the management of a school, consistent with
 4.31 subdivision 5, paragraph (b);

4.32 (4) affliction with a communicable disease must be considered as cause for removal
 4.33 or suspension while the teacher is suffering from such disability; or

4.34 (5) discontinuance of position or lack of pupils.

5.1 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
5.2 discriminatory practice described in section 363A.13.

5.3 (b) A probationary or continuing-contract teacher must be discharged immediately
5.4 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the
5.5 teacher's license has been revoked due to a conviction for child abuse ~~or~~, as defined in
5.6 section 609.185; sex trafficking in the first degree under section 609.322, subdivision 1;
5.7 sex trafficking in the second degree under section 609.322, subdivision 1a; engaging
5.8 in hiring or agreeing to hire a minor to engage in prostitution under section 609.324,
5.9 subdivision 1; sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451,
5.10 subdivision 3, or 617.23, subdivision 3; solicitation of children to engage in sexual
5.11 conduct or communication of sexually explicit materials to children under section
5.12 609.352; interference with privacy under section 609.746 or stalking under section
5.13 609.749 and the victim was a minor; using minors in a sexual performance under section
5.14 617.246; possessing pornographic works involving a minor under section 617.247; or
5.15 any other offense not listed in this paragraph that requires the person to register as a
5.16 predatory offender under section 243.166, or a crime under a similar law of another state
5.17 or the United States.

5.18 (c) When a teacher is discharged under paragraph (b) or when the commissioner
5.19 makes a final determination of child maltreatment involving a teacher under section
5.20 626.556, subdivision 11, the school principal or other person having administrative
5.21 control of the school must include in the teacher's employment record the information
5.22 contained in the record of the disciplinary action or the final maltreatment determination,
5.23 consistent with the definition of public data under section 13.41, subdivision 5, and must
5.24 provide the Board of Teaching and the licensing division at the department with the
5.25 necessary and relevant information to enable the Board of Teaching and the department's
5.26 licensing division to fulfill their statutory and administrative duties related to issuing,
5.27 renewing, suspending, or revoking a teacher's license. Information received by the Board
5.28 of Teaching or the licensing division at the department under this paragraph is governed
5.29 by section 13.41 or other applicable law governing data of the receiving entity. In addition
5.30 to the background check required under section 123B.03, a school board or other school
5.31 hiring authority must contact the Board of Teaching and the department to determine
5.32 whether the teacher's license has been suspended or revoked, consistent with the discharge
5.33 and final maltreatment determinations identified in this paragraph. Unless restricted by
5.34 federal or state data practices law or by the terms of a collective bargaining agreement,
5.35 the responsible authority for a school district must disseminate to another school district
5.36 private personnel data on a current or former teacher employee or contractor of the district,

6.1 including the results of background investigations, if the requesting school district seeks
6.2 the information because the subject of the data has applied for employment with the
6.3 requesting school district.

6.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.