

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 2597

1.2 A bill for an act

1.3 relating to education; requiring school boards to seek information from
1.4 prospective teachers and the Board of Teaching about disciplinary actions against
1.5 the teachers; amending Minnesota Statutes 2006, section 123B.03, subdivision 2,
1.6 by adding a subdivision.

1.7 May 16, 2008

1.8 The Honorable James P. Metzen
1.9 President of the Senate

1.10 The Honorable Margaret Anderson Kelliher
1.11 Speaker of the House of Representatives

1.12 We, the undersigned conferees for S.F. No. 2597 report that we have agreed upon
1.13 the items in dispute and recommend as follows:

1.14 That the House recede from its amendments and that S.F. No. 2597 be further
1.15 amended as follows:

1.16 Page 1, after line 6, insert:

1.17 "Section 1. Minnesota Statutes 2006, section 123B.03, subdivision 1, as amended by
1.18 Laws 2008, chapter 275, section 1, is amended to read:

1.19 Subdivision 1. **Background check required.** (a) A school hiring authority shall
1.20 request a criminal history background check from the superintendent of the Bureau of
1.21 Criminal Apprehension on all individuals who are offered employment in a school and
1.22 on all individuals, except enrolled student volunteers, who are offered the opportunity to
1.23 provide athletic coaching services or other extracurricular academic coaching services
1.24 to a school, regardless of whether any compensation is paid. In order for an individual
1.25 to be eligible for employment or to provide the services, the individual must provide an
1.26 executed criminal history consent form and a money order or check payable to either the
1.27 Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the
1.28 school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal
1.29 Apprehension and the school district of conducting the criminal history background

2.1 check. A school hiring authority deciding to receive payment may, at its discretion, accept
2.2 payment in the form of a negotiable instrument other than a money order or check and
2.3 shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct
2.4 the background check. The superintendent of the Bureau of Criminal Apprehension shall
2.5 conduct the background check by retrieving criminal history data maintained in the
2.6 criminal justice information system computers. A school hiring authority, at its discretion,
2.7 may decide not to request a criminal history background check on an individual who holds
2.8 an initial entrance license issued by the State Board of Teaching or the commissioner of
2.9 education within the 12 months preceding an offer of employment.

2.10 (b) A school hiring authority may use the results of a criminal background check
2.11 conducted at the request of another school hiring authority if:

2.12 (1) the results of the criminal background check are on file with the other school
2.13 hiring authority or otherwise accessible;

2.14 (2) the other school hiring authority conducted a criminal background check within
2.15 the previous 12 months;

2.16 (3) the individual who is the subject of the criminal background check executes a
2.17 written consent form giving a school hiring authority access to the results of the check; and

2.18 (4) there is no reason to believe that the individual has committed an act subsequent
2.19 to the check that would disqualify the individual for employment.

2.20 (c) A school hiring authority may, at its discretion, request a criminal history
2.21 background check from the superintendent of the Bureau of Criminal Apprehension on
2.22 any individual who seeks to enter a school or its grounds for the purpose of serving as a
2.23 school volunteer or working as an independent contractor or student employee. In order
2.24 for an individual to enter a school or its grounds under this paragraph when the school
2.25 hiring authority decides to request a criminal history background check on the individual,
2.26 the individual first must provide an executed criminal history consent form and a money
2.27 order, check, or other negotiable instrument payable to the school district in an amount
2.28 equal to the actual cost to the Bureau of Criminal Apprehension and the school district
2.29 of conducting the criminal history background check. Notwithstanding section 299C.62,
2.30 subdivision 1, the cost of the criminal history background check under this paragraph is
2.31 the responsibility of the individual.

2.32 (d) For all nonstate residents who are offered employment in a school, a school
2.33 hiring authority shall request a criminal history background check on such individuals
2.34 from the superintendent of the Bureau of Criminal Apprehension and from the government
2.35 agency performing the same function in the resident state or, if no government entity
2.36 performs the same function in the resident state, from the Federal Bureau of Investigation.

3.1 Such individuals must provide an executed criminal history consent form and a money
3.2 order, check, or other negotiable instrument payable to the school hiring authority in an
3.3 amount equal to the actual cost to the government agencies and the school district of
3.4 conducting the criminal history background check. Notwithstanding section 299C.62,
3.5 subdivision 1, the cost of the criminal history background check under this paragraph is
3.6 the responsibility of the individual.

3.7 (e) At the beginning of each school year or when a student enrolls, a school hiring
3.8 authority must notify parents and guardians about the school hiring authority's policy
3.9 requiring a criminal history background check on employees and other individuals who
3.10 provide services to the school, and identify those positions subject to a background check
3.11 and the extent of the hiring authority's discretion in requiring a background check. The
3.12 school hiring authority may include the notice in the student handbook, a school policy
3.13 guide, or other similar communication. Nothing in this paragraph affects a school hiring
3.14 authority's ability to request a criminal history background check on an individual under
3.15 paragraph (c).

3.16 **EFFECTIVE DATE.** This section is effective September 1, 2008."

3.17 Page 1, lines 10, 12, and 18, after "school" insert "board or other"

3.18 Page 1, delete line 14 and insert "that sexual misconduct or attempted sexual
3.19 misconduct occurred"

3.20 Page 1, line 16, delete "conduct" and insert "misconduct" and after "school" insert "
3.21 board or other"

3.22 Page 1, line 17, delete "sections" and insert "section" and delete "and 13.43,
3.23 subdivision 2,"

3.24 Page 1, line 21, delete everything after "of" and insert "sexual misconduct or
3.25 attempted sexual"

3.26 Page 1, line 22, delete "conduct" and insert "misconduct"

3.27 Page 2, delete section 2 and insert:

3.28 "Sec. 3. Minnesota Statutes 2006, section 123B.03, subdivision 2, as amended by Laws
3.29 2008, chapter 275, section 1, and 2008 S.F. 3235, section 12, if enacted, is amended to
3.30 read:

3.31 Subd. 2. **Effect of background check or Board of Teaching action.** (a) A school
3.32 hiring authority may hire or otherwise allow an individual to provide a service to a school
3.33 pending completion of a background check under subdivision 1 or obtaining notice of
3.34 a Board of Teaching action under subdivision 1a but shall notify the individual that the

4.1 individual's employment or other service may be terminated based on the result of the
4.2 background check or Board of Teaching action. A school hiring authority is not liable for
4.3 failing to hire or for terminating an individual's employment or other service based on the
4.4 result of a background check or Board of Teaching action under this section.

4.5 (b) ~~An individual must be informed by the~~ For purposes of this paragraph, a school
4.6 hiring authority must inform an individual if the individual's application to be an employee
4.7 or volunteer in the district has been denied as a result of a background check conducted
4.8 under this section. The school hiring authority must also inform an individual who is a
4.9 current employee or volunteer if the individual's employment or volunteer status in the
4.10 district is being terminated as a result of a background check conducted under ~~this section~~
4.11 subdivision 4."

4.12 Renumber the sections in sequence

4.13 Amend the title as follows:

4.14 Page 1, line 2, delete everything after the semicolon and insert "modifying school
4.15 background check provisions;"

4.16 Page 1, delete line 3

4.17 Page 1, line 4, delete "the teachers;"

4.18 Correct the title numbers accordingly

5.1 We request the adoption of this report and repassage of the bill.

5.2 Senate Conferees: (Signed)

5.3
5.4 Kathy L. Saltzman

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Charles W. Wiger

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5.6 Patricia Torres Ray

5.7 House Conferees: (Signed)

5.8
5.9 Karla Bigham

.....
Sandra Peterson

5.10
5.11 Bud Heidgerken