

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3490

(SENATE AUTHORS: RELPH)

DATE	D-PG	OFFICIAL STATUS
02/24/2020	4879	Introduction and first reading Referred to E-12 Finance and Policy
03/16/2020	5488	Comm report: To pass
	5504	Second reading

- 1.1 A bill for an act
- 1.2 relating to education; modifying the grounds for revocation, suspension, or denial
- 1.3 of a teaching license; amending Minnesota Statutes 2019 Supplement, section
- 1.4 122A.20, subdivision 1.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2019 Supplement, section 122A.20, subdivision 1, is
- 1.7 amended to read:
- 1.8 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
- 1.9 Educator Licensing and Standards Board or Board of School Administrators, whichever
- 1.10 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
- 1.11 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
- 1.12 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
- 1.13 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; or
- 1.19 (6) engagement in any sexual conduct or contact with a student, such as intentional and
- 1.20 inappropriate patting, touching, pinching, or other physical contact with a student that is
- 1.21 sexually motivated.

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

2.2 (b) The Professional Educator Licensing and Standards Board or Board of School
2.3 Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue,
2.4 refuse to renew, or automatically revoke a teacher's license to teach without the right to a
2.5 hearing upon receiving a certified copy of a conviction showing that the teacher has been
2.6 convicted of:

2.7 (1) child abuse, as defined in section 609.185₂;

2.8 (2) sex trafficking in the first degree under section 609.322, subdivision 1₂;

2.9 (3) sex trafficking in the second degree under section 609.322, subdivision 1a₂;

2.10 (4) engaging in prostitution, hiring, or agreeing to hire a minor to engage in prostitution,
2.11 or housing an unrelated minor engaged in prostitution under section 609.324, subdivision
2.12 1₂ or 1a₂;

2.13 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
2.14 or 609.3451, subdivision 3₂~~or~~;

2.15 (6) indecent exposure under section 617.23, ~~subdivision~~ subdivisions 2 and 3₂;

2.16 (7) solicitation of children to engage in sexual conduct or communication of sexually
2.17 explicit materials to children under section 609.352₂;

2.18 (8) interference with privacy under section 609.746 or harassment or stalking under
2.19 section 609.749 and the victim was a minor₂;

2.20 (9) using minors in a sexual performance under section 617.246₂;

2.21 (10) possessing pornographic works involving a minor under section 617.247₂; or

2.22 (11) any other offense not listed in this paragraph that requires the person to register as
2.23 a predatory offender under section 243.166, or a crime under a similar law of another state
2.24 or the United States. The board shall send notice of this licensing action to the district in
2.25 which the teacher is currently employed.

2.26 (c) A person whose license to teach has been revoked, not issued, or not renewed under
2.27 paragraph (b), may petition the board to reconsider the licensing action if the person's
2.28 conviction for child abuse or sexual abuse is reversed by a final decision of the court of
2.29 appeals or the supreme court or if the person has received a pardon for the offense. The
2.30 petitioner shall attach a certified copy of the appellate court's final decision or the pardon
2.31 to the petition. Upon receiving the petition and its attachment, the board shall schedule and
2.32 hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the

3.1 petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal
3.2 of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified
3.3 from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing
3.4 action. If the board finds that the petitioner is not disqualified from teaching under paragraph
3.5 (a), clause (1), it shall reverse its previous licensing action.

3.6 (d) The Professional Educator Licensing and Standards Board or the Board of School
3.7 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
3.8 refuse to renew, or automatically revoke a teacher's license if the teacher has engaged in
3.9 sexual penetration as defined in section 609.321, subdivision 11, with a student enrolled in
3.10 a school where the teacher works or volunteers.

3.11 (e) The Professional Educator Licensing and Standards Board or the Board of School
3.12 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may
3.13 refuse to issue, refuse to renew, or revoke a teacher's license upon receiving a certified copy
3.14 of a conviction showing that the teacher has been convicted of:

3.15 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision
3.16 16;

3.17 (2) embezzlement of public funds under section 609.54; or

3.18 (3) a felony involving a minor as the victim.

3.19 If an offense included in clause (1), (2), or (3) is already included in paragraph (b), the
3.20 provisions of paragraph (b) apply to the conduct.

3.21 (f) Section 122A.188 does not apply to a decision by the board to refuse to issue, refuse
3.22 to renew, or revoke a license under this subdivision. A person whose license has been
3.23 revoked, not issued, or not renewed under this subdivision may appeal the decision by filing
3.24 a written request with the Professional Educator Licensing and Standards Board or the Board
3.25 of School Administrators, as appropriate, within 30 days of notice of the licensing action.
3.26 The board must then initiate a contested case under the Administrative Procedure Act,
3.27 chapter 14.

3.28 (g) The Professional Educator Licensing and Standards Board or the Board of School
3.29 Administrators, whichever has jurisdiction over a teacher's licensure, may suspend a teacher's
3.30 license pending an investigation into a report of conduct that would be grounds for revocation
3.31 under paragraph (b), (d), or (e). The teacher's license is suspended until the licensing board
3.32 completes its disciplinary investigation and determines whether disciplinary action is
3.33 necessary.

- 4.1 ~~(d)~~ (h) For purposes of this subdivision, the Professional Educator Licensing and
- 4.2 Standards Board is delegated the authority to suspend or revoke coaching licenses.