

State of Minnesota

H. F. No. 1069

2.1 (c) In accordance with state and federal laws, a teacher must disclose confidential
2.2 information about individuals only when a compelling professional purpose is served or
2.3 when required by law.

2.4 (d) A teacher must take reasonable disciplinary action in exercising the authority to
2.5 provide an atmosphere conducive to learning.

2.6 (e) A teacher must not use professional relationships with students, parents, and
2.7 colleagues to personal advantage.

2.8 (f) A teacher must delegate authority for teaching responsibilities only to licensed
2.9 personnel or as otherwise provided by law.

2.10 (g) A teacher must not deliberately suppress or distort subject matter.

2.11 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to that
2.12 teacher's own qualifications or to other teachers' qualifications.

2.13 (i) A teacher must not knowingly make false or malicious statements about students or
2.14 colleagues.

2.15 (j) A teacher must accept a contract for a teaching position that requires licensing only
2.16 if properly or provisionally licensed for that position.

2.17 (k) A teacher must not engage in any sexual contact with a student.

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

2.19 Sec. 2. Minnesota Statutes 2020, section 122A.09, subdivision 2, is amended to read:

2.20 Subd. 2. **Advise members of profession.** (a) The Professional Educator Licensing and
2.21 Standards Board must act in an advisory capacity to members of the profession in matters
2.22 of interpretation of the code of ethics in section 122A.051.

2.23 (b) The board must develop a process for a school district to receive a written complaint
2.24 about a teacher under the code of ethics and forward the complaint to the board. A school
2.25 board must inform parents and guardians in the school district of their ability to submit a
2.26 complaint to the school board under this section.

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

3.1 Sec. 3. Minnesota Statutes 2020, section 122A.187, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 7. **Background check.** The Professional Educator Licensing and Standards Board
3.4 must obtain a criminal history background check on a licensed teacher applying for a renewal
3.5 license who has not had a background check consistent with section 122A.18, subdivision
3.6 8, within the preceding five years.

3.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.

3.8 Sec. 4. Minnesota Statutes 2020, section 122A.20, subdivision 1, is amended to read:

3.9 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
3.10 Educator Licensing and Standards Board or Board of School Administrators, whichever
3.11 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
3.12 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
3.13 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
3.14 causes:

3.15 (1) immoral character or conduct;

3.16 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

3.17 (3) gross inefficiency or willful neglect of duty;

3.18 (4) failure to meet licensure requirements; ~~or~~

3.19 (5) fraud or misrepresentation in obtaining a license; or

3.20 (6) intentional patting, touching, pinching, or other physical contact with a student that
3.21 is sexually motivated.

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

3.23 (b) The Professional Educator Licensing and Standards Board or Board of School
3.24 Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to
3.25 issue, refuse to renew, or automatically revoke a teacher's license to teach without the right
3.26 to a hearing upon receiving a certified copy of a conviction showing that the teacher has
3.27 been convicted of:

3.28 (1) child abuse, as defined in section 609.185;

3.29 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

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

(4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

(5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, ~~subdivision 3, or;~~

(6) indecent exposure under section 617.23, subdivision 3;

(7) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;

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

(9) using minors in a sexual performance under section 617.246;

(10) possessing pornographic works involving a minor under section 617.247; or

(11) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States.

In addition, the board may refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a stay of adjudication for any offense. The board shall send notice of this licensing action to the district in which the teacher is currently employed.

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

(d) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue, refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual

penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school where the teacher works or volunteers.

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

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

(2) embezzlement of public funds under section 609.54;

(3) a felony involving a minor as the victim; or

(4) a gross misdemeanor involving a minor as the victim.

If an offense included in clauses (1) to (4) is already included in paragraph (b), the provisions of paragraph (b) apply to the conduct.

(f) A decision by the Professional Educator Licensing and Standards Board to refuse to issue, refuse to renew, suspend, or revoke a license must be reversed if the decision is based on a background check and the teacher or license application is not the subject of the background check.

(g) Section 122A.188 does not apply to a decision by the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A person whose license is revoked, not issued, or not renewed under this subdivision may appeal the decision by filing a written request with the Professional Educator Licensing and Standards Board or the Board of School Administrators, as appropriate, within 30 days of notice of the licensing action. The board must then initiate a contested case under the Administrative Procedure Act, sections 14.001 to 14.69.

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

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

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

6.2 Sec. 5. Minnesota Statutes 2020, section 122A.20, subdivision 2, is amended to read:

6.3 Subd. 2. **Mandatory reporting.** (a) A school board, superintendent, charter school
6.4 board, charter school executive director, or charter school authorizer must report to the
6.5 Professional Educator Licensing and Standards Board, the Board of School Administrators,
6.6 or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has
6.7 jurisdiction over the teacher's or administrator's license, when its teacher or administrator
6.8 is discharged or resigns from employment after a charge is filed with the school board under
6.9 section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed
6.10 that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses
6.11 (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation
6.12 is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or chapter
6.13 260E; or 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7; or when a teacher or
6.14 administrator is suspended without an investigation under section 122A.41, subdivisions
6.15 6, paragraph (a), clauses (1), (2), and (3), and 7, or chapter 260E. The report must be made
6.16 to the appropriate licensing board within ten days after the discharge, suspension, or
6.17 resignation has occurred. The licensing board to which the report is made must investigate
6.18 the report for violation of subdivision 1 and the reporting board, administrator, or authorizer
6.19 must cooperate in the investigation. Notwithstanding any provision in chapter 13 or any
6.20 law to the contrary, upon written request from the licensing board having jurisdiction over
6.21 the license, a board, charter school, authorizer, charter school executive director, or school
6.22 superintendent shall provide the licensing board with information about the teacher or
6.23 administrator from the district's files, any termination or disciplinary proceeding, any
6.24 settlement or compromise, or any investigative file. Upon written request from the appropriate
6.25 licensing board, a board or school superintendent may, at the discretion of the board or
6.26 school superintendent, solicit the written consent of a student and the student's parent to
6.27 provide the licensing board with information that may aid the licensing board in its
6.28 investigation and license proceedings. The licensing board's request need not identify a
6.29 student or parent by name. The consent of the student and the student's parent must meet
6.30 the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30.
6.31 The licensing board may provide a consent form to the district. Any data transmitted to any
6.32 board under this section is private data under section 13.02, subdivision 12, notwithstanding
6.33 any other classification of the data when it was in the possession of any other agency.

6.34 (b) The licensing board to which a report is made must transmit to the Attorney General's
6.35 Office any record or data it receives under this subdivision for the sole purpose of having

the Attorney General's Office assist that board in its investigation. When the Attorney General's Office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's or administrator's license within 45 days of receiving a stipulation executed by the teacher or administrator under investigation or a recommendation from an administrative law judge that disciplinary action be taken.

(c) The Professional Educator Licensing and Standards Board and Board of School Administrators must report to the appropriate law enforcement authorities a revocation, suspension, or agreement involving a loss of license, relating to a teacher or administrator's inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement authority" means a police department, county sheriff, or tribal police department. A report by the Professional Educator Licensing and Standards Board or the Board of School Administrators to appropriate law enforcement authorities does not diminish, modify, or otherwise affect the responsibilities of a licensing board, school board, or any person mandated to report abuse under chapter 260E.

(d) The Professional Educator Licensing and Standards Board and Board of School Administrators must, immediately upon receiving information that gives the board reason to believe a child has at any time been maltreated, as defined in section 260E.03, subdivision 12, report the information to:

(1) the local welfare agency, agency responsible for assessing or investigating the report, or tribal social services agency; and

(2) the police department, county sheriff, or tribal police department.

A report under this paragraph does not diminish, modify, or otherwise affect the responsibilities of a licensing board under chapter 260E.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 6. Minnesota Statutes 2020, section 122A.40, subdivision 13, is amended to read:

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

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

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

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

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

8.7 (5) willful neglect of duty; or

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

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

8.12 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
8.13 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
8.14 after receipt of this notification the teacher may make a written request for a hearing before
8.15 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend
8.16 a teacher with pay pending the conclusion of the hearing and determination of the issues
8.17 raised in the hearing after charges have been filed which constitute ground for discharge.
8.18 If a teacher has been charged with a felony and the underlying conduct that is the subject
8.19 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
8.20 the conclusion of the hearing and determination of the issues may be without pay. If a
8.21 hearing under this paragraph is held, the board must reimburse the teacher for any salary
8.22 or compensation withheld if the final decision of the board or the arbitrator does not result
8.23 in a penalty to or suspension, termination, or discharge of the teacher.

8.24 (b) A board must discharge a continuing-contract teacher, effective immediately, upon
8.25 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
8.26 license has been revoked due to a conviction for:

8.27 (1) child abuse, as defined in section 609.185;

8.28 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

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

8.30 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
8.31 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

9.1 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
9.2 or 609.3451, subdivision 3, or;

9.3 (6) indecent exposure under section 617.23, subdivision 3;

9.4 (7) solicitation of children to engage in sexual conduct or communication of sexually
9.5 explicit materials to children under section 609.352;

9.6 (8) interference with privacy under section 609.746 or harassment or stalking under
9.7 section 609.749 and the victim was a minor;

9.8 (9) using minors in a sexual performance under section 617.246;

9.9 (10) possessing pornographic works involving a minor under section 617.247; or

9.10 (11) any other offense not listed in this paragraph that requires the person to register as
9.11 a predatory offender under section 243.166, or a crime under a similar law of another state
9.12 or the United States; or

9.13 (12) any other offense not listed in this paragraph that requires notice of a licensing
9.14 action to the district according to section 122A.20, subdivision 1, paragraph (b).

9.15 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
9.16 a final determination of child maltreatment involving a teacher under ~~section 260E.21,~~
9.17 ~~subdivision 4, or 260E.35~~ chapter 260E, the school principal or other person having
9.18 administrative control of the school must include in the teacher's employment record the
9.19 information contained in the record of the disciplinary action or the final maltreatment
9.20 determination, consistent with the definition of public data under section 13.41, subdivision
9.21 5, and must provide the Professional Educator Licensing and Standards Board ~~and the~~
9.22 ~~licensing division at the department~~ with the necessary and relevant information to enable
9.23 the Professional Educator Licensing and Standards Board ~~and the department's licensing~~
9.24 ~~division~~ to fulfill ~~their~~ its statutory and administrative duties related to issuing, renewing,
9.25 suspending, or revoking a teacher's license. Information received by the Professional Educator
9.26 Licensing and Standards Board ~~or the licensing division at the department~~ under this
9.27 paragraph is governed by section 13.41 or other applicable law governing data of the
9.28 receiving entity. In addition to the background check required under section 123B.03, a
9.29 school board or other school hiring authority must contact the Professional Educator
9.30 Licensing and Standards Board and the department to determine whether the teacher's license
9.31 has been suspended or revoked, consistent with the discharge and final maltreatment
9.32 determinations identified in this paragraph. Unless restricted by federal or state data practices
9.33 law or by the terms of a collective bargaining agreement, the responsible authority for a

school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

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

Sec. 7. Minnesota Statutes 2020, section 122A.41, subdivision 6, is amended to read:

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

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

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

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

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

(5) discontinuance of position or lack of pupils.

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

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for:

(1) child abuse, as defined in section 609.185;

(2) sex trafficking in the first degree under section 609.322, subdivision 1;

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

(4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

(5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, subdivision 3, ~~or~~;

- 11.1 (6) indecent exposure under section 617.23, subdivision 3;
- 11.2 (7) solicitation of children to engage in sexual conduct or communication of sexually
11.3 explicit materials to children under section 609.352;
- 11.4 (8) interference with privacy under section 609.746 or harassment or stalking under
11.5 section 609.749 and the victim was a minor;
- 11.6 (9) using minors in a sexual performance under section 617.246;
- 11.7 (10) possessing pornographic works involving a minor under section 617.247; or
- 11.8 (11) any other offense not listed in this paragraph that requires the person to register as
11.9 a predatory offender under section 243.166, or a crime under a similar law of another state
11.10 or the United States; or
- 11.11 (12) any other offense not listed in this paragraph that requires notice of a licensing
11.12 action to the district according to section 122A.20, subdivision 1, paragraph (b).
- 11.13 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
11.14 a final determination of child maltreatment involving a teacher under ~~section 260E.21,~~
11.15 ~~subdivision 4, or 260E.35~~ chapter 260E, the school principal or other person having
11.16 administrative control of the school must include in the teacher's employment record the
11.17 information contained in the record of the disciplinary action or the final maltreatment
11.18 determination, consistent with the definition of public data under section 13.41, subdivision
11.19 5, and must provide the Professional Educator Licensing and Standards Board ~~and the~~
11.20 ~~licensing division at the department~~ with the necessary and relevant information to enable
11.21 the Professional Educator Licensing and Standards Board ~~and the department's licensing~~
11.22 ~~division~~ to fulfill ~~their~~ its statutory and administrative duties related to issuing, renewing,
11.23 suspending, or revoking a teacher's license. Information received by the Professional Educator
11.24 Licensing and Standards Board ~~or the licensing division at the department~~ under this
11.25 paragraph is governed by section 13.41 or other applicable law governing data of the
11.26 receiving entity. In addition to the background check required under section 123B.03, a
11.27 school board or other school hiring authority must contact the Professional Educator
11.28 Licensing and Standards Board and the department to determine whether the teacher's license
11.29 has been suspended or revoked, consistent with the discharge and final maltreatment
11.30 determinations identified in this paragraph. Unless restricted by federal or state data practices
11.31 law or by the terms of a collective bargaining agreement, the responsible authority for a
11.32 school district must disseminate to another school district private personnel data on a current
11.33 or former teacher employee or contractor of the district, including the results of background

12.1 investigations, if the requesting school district seeks the information because the subject of
12.2 the data has applied for employment with the requesting school district.

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

12.4 Sec. 8. Minnesota Statutes 2020, section 123B.03, subdivision 1, is amended to read:

12.5 Subdivision 1. **Background check required.** (a) A school hiring authority ~~shall~~ must
12.6 request a criminal history background check from the superintendent of the Bureau of
12.7 Criminal Apprehension on all individuals who are offered employment in a school and on
12.8 all individuals, except enrolled student volunteers, who are offered the opportunity to provide
12.9 athletic coaching services or other extracurricular academic coaching services to a school,
12.10 regardless of whether any compensation is paid. In order for an individual to be eligible for
12.11 employment or to provide the services, the individual must provide an executed criminal
12.12 history consent form and a money order or check payable to either the Bureau of Criminal
12.13 Apprehension or the school hiring authority, at the discretion of the school hiring authority,
12.14 in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school
12.15 district of conducting the criminal history background check. A school hiring authority
12.16 deciding to receive payment may, at its discretion, accept payment in the form of a negotiable
12.17 instrument other than a money order or check and shall pay the superintendent of the Bureau
12.18 of Criminal Apprehension directly to conduct the background check. The superintendent
12.19 of the Bureau of Criminal Apprehension shall conduct the background check by retrieving
12.20 criminal history data as defined in section 13.87. A school hiring authority, at its discretion,
12.21 may decide not to request a criminal history background check on an individual who holds
12.22 an initial entrance license issued by the Professional Educator Licensing and Standards
12.23 Board or the commissioner of education within the 12 months preceding an offer of
12.24 employment.

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

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

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

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

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

(c) A school hiring authority ~~may, at its discretion,~~ must request a criminal history background check ~~from the superintendent of the Bureau of Criminal Apprehension and screening~~ on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee, and who is likely to have either unsupervised contact or regular contact with students. A school hiring authority may, at its discretion, request a criminal background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for purposes of serving as a school volunteer or working as an independent contractor or employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority ~~decides to request~~ requests a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual unless a school hiring authority decides to pay the costs of conducting a background check under this paragraph. If the school hiring authority pays the costs, the individual who is the subject of the background check need not pay for it.

(d) In addition to the initial background check required for all individuals offered employment in accordance with paragraph (a), a school hiring authority must request a new criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all employees every five years. Notwithstanding any law to the contrary, to be eligible for continued employment, an individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to the cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. A school hiring authority, at its discretion, may decide not to request a criminal history background check on an employee who provides the hiring authority with a copy of the results of a criminal history

14.1 background check conducted within the previous five years. A school hiring authority may,
14.2 at its discretion, decide to pay the costs of conducting a background check under this
14.3 paragraph.

14.4 (e) For all nonstate residents who are offered employment in a school, a school hiring
14.5 authority shall request a criminal history background check on such individuals from the
14.6 superintendent of the Bureau of Criminal Apprehension and from the government agency
14.7 performing the same function in the resident state or, if no government entity performs the
14.8 same function in the resident state, from the Federal Bureau of Investigation. Such individuals
14.9 must provide an executed criminal history consent form and a money order, check, or other
14.10 negotiable instrument payable to the school hiring authority in an amount equal to the actual
14.11 cost to the government agencies and the school district of conducting the criminal history
14.12 background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal
14.13 history background check under this paragraph is the responsibility of the individual.

14.14 ~~(e)~~ (f) At the beginning of each school year or when a student enrolls, a school hiring
14.15 authority must notify parents and guardians about the school hiring authority's policy
14.16 requiring a criminal history background check on employees and other individuals who
14.17 provide services to the school, and identify those positions subject to a background check
14.18 and the extent of the hiring authority's discretion in requiring a background check. The
14.19 school hiring authority may include the notice in the student handbook, a school policy
14.20 guide, or other similar communication. Nothing in this paragraph affects a school hiring
14.21 authority's ability to request a criminal history background check on an individual under
14.22 paragraph (c).

14.23 Sec. 9. Minnesota Statutes 2020, section 123B.03, subdivision 2, is amended to read:

14.24 Subd. 2. **Effect of background check or Professional Educator Licensing and**
14.25 **Standards Board action.** ~~(a) A school hiring authority may hire or otherwise allow an~~
14.26 ~~individual to provide a service to a school pending completion of a background check under~~
14.27 ~~subdivision 1 or obtaining notice of a Professional Educator Licensing and Standards Board~~
14.28 ~~action under subdivision 1a but shall notify the individual that the individual's employment~~
14.29 ~~or other service may be terminated based on the result of the background check or~~
14.30 ~~Professional Educator Licensing and Standards Board action.~~ A school hiring authority is
14.31 not liable for failing to hire or for terminating an individual's employment or other service
14.32 based on the result of a background check or Professional Educator Licensing and Standards
14.33 Board action under this section.

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

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

Sec. 10. Minnesota Statutes 2020, section 260E.06, subdivision 1, is amended to read:

Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe a child is being maltreated, as defined in section 260E.03, or has been maltreated within the preceding three years shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; ~~or~~

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c); or

(3) a member of a board or other entity whose licensees perform work within a school facility.

(b) "Practice of social services" for the purposes of this subdivision includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

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

Sec. 11. Minnesota Statutes 2020, section 260E.30, subdivision 1, is amended to read:

Subdivision 1. **Investigation involving a school facility.** If the commissioner of education conducts an investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment occurred, the commissioner shall report to the employer, the

school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer and any appropriate licensing entity that a report was received; the subject of the report; the date of the initial report; the category of maltreatment alleged as defined in section 260E.03, subdivision 12; the fact that maltreatment was not determined; and a summary of the specific reasons for the determination.

Sec. 12. Minnesota Statutes 2020, section 299C.17, is amended to read:

299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall require the court administrator of every court ~~which~~ that:

(1) sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor;

or

(2) grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), for an offense that, if convicted of, would require predatory offender registration under section 243.166, to electronically transmit within 24 hours of the disposition of the case a report, in a form prescribed by the superintendent providing information required by the superintendent with regard to the prosecution and disposition of criminal cases.

A copy of the report shall be kept on file in the office of the court administrator.

Sec. 13. **299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

The superintendent shall disclose to each applicant for a statutorily mandated or authorized background study all records of stays of adjudication granted to the subject of the background check or background study that the superintendent receives pursuant to section 299C.17, clause (2). The data required to be disclosed under this section is in addition to other data on the subject of the background check or background study that the superintendent is mandated to disclose.

Sec. 14. Minnesota Statutes 2020, section 609.095, is amended to read:

609.095 LIMITS OF SENTENCES.

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law.

(b) Except as provided (1) in section 152.18 or 609.375, or (2) upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial. A stay of adjudication granted under clause (2) must be reported to the superintendent of the Bureau of Criminal Apprehension pursuant to section 299C.17. A decision by the court to issue a stay of adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and on the record.

(c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

Sec. 15. Minnesota Statutes 2020, section 631.40, subdivision 1a, is amended to read:

Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety and school districts.** When a person is convicted of, or receives a stay of adjudication for, committing a disqualifying offense, as defined in section 171.3215, subdivision 1, a gross misdemeanor, a fourth moving violation within the previous three years, or a violation of section 169A.20, or a similar statute or ordinance from another state, the court shall determine whether the offender is a school bus driver as defined in section 171.3215, subdivision 1, whether the offender possesses a school bus driver's endorsement on the offender's driver's license and in what school districts the offender drives a school bus. If the offender is a school bus driver or possesses a school bus driver's endorsement, the court administrator shall send a certified copy of the conviction or stay of adjudication to the Department of Public Safety and to the school districts in which the offender drives a school bus within ten days after the conviction or stay of adjudication.

Sec. 16. **REPEALER.**

(a) Minnesota Statutes 2020, section 122A.09, subdivision 1, is repealed.

(b) Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

APPENDIX
Repealed Minnesota Statutes: 21-01721

122A.09 DUTIES.

Subdivision 1. **Code of ethics.** The Professional Educator Licensing and Standards Board must develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

8710.2100 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. A teacher shall provide professional education services in a nondiscriminatory manner.

B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.

G. A teacher shall not deliberately suppress or distort subject matter.

H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

I. A teacher shall not knowingly make false or malicious statements about students or colleagues.

J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.