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ARTICLE 36

TEACHERS

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ARTICLE 4

TEACHERS

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Section 1. Minnesota Statutes 2016, section 121A.39, is amended to read:

121A.39 SCHOOL COUNSELORS.

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(a) A school district is strongly encouraged to have an adequate student-to-counselor ratio for its students beginning in the 2015-2016 school year and later.

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(b) A school counselor shall must assist a student in meeting the requirements for high school graduation, college and career exploration, and selection, college affordability planning, and successful transitions into postsecondary education or training. As part of college and career exploration, a counselor is encouraged to present and explain the career opportunities and benefits offered by the United States armed forces and share information provided to the counselor by armed forces recruiters. In discussing military service with a student or a student's parent or guardian, a school counselor is encouraged to provide the student, parent, or guardian information concerning the military enlistment test. A counselor may consult with the Department of Labor and Industry to identify resources for students interested in exploring career opportunities in high-wage, high-demand occupations in the skilled trades and manufacturing.

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(c) A school counselor must not discourage or otherwise interfere with a student's enlistment, or intention to enlist, in the armed forces.

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Sec. 2. 122A.051 CODE OF ETHICS.

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Subdivision 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 that defines professional conduct. These principles are reflected in the code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct. This code applies to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

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Subd. 2. Standards of professional conduct. (a) A teacher must provide professional education services in a nondiscriminatory manner.

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(b) A teacher must make reasonable effort to protect students from conditions harmful to health and safety.

Senate Language S3086-2	Teachers	May 04, 2018 10:42 AM	House Language H4328-3
		78.25	<u>(c) In accordance with state and federal laws, a teacher must disclose confidential</u>
		78.26	<u>information about individuals only when a compelling professional purpose is served or</u>
		78.27	<u>when required by law.</u>
		78.28	<u>(d) A teacher must take reasonable disciplinary action in exercising the authority to</u>
		78.29	<u>provide an atmosphere conducive to learning.</u>
		78.30	<u>(e) A teacher must not use professional relationships with students, parents, and</u>
		78.31	<u>colleagues to personal advantage.</u>
		78.32	<u>(f) A teacher must delegate authority for teaching responsibilities only to licensed</u>
		78.33	<u>personnel or as otherwise provided by law.</u>
		79.1	<u>(g) A teacher must not deliberately suppress or distort subject matter.</u>
		79.2	<u>(h) A teacher must not knowingly falsify or misrepresent records or facts relating to that</u>
		79.3	<u>teacher's own qualifications or to other teachers' qualifications.</u>
		79.4	<u>(i) A teacher must not knowingly make false or malicious statements about students or</u>
		79.5	<u>colleagues.</u>
		79.6	<u>(j) A teacher must accept a contract for a teaching position that requires licensing only</u>
		79.7	<u>if properly or provisionally licensed for that position.</u>
		79.8	<u>(k) A teacher must not engage in any sexual contact with a student.</u>
		79.9	<u>EFFECTIVE DATE. This section is effective the day following final enactment.</u>
S3086-2			
40.14	Section 1. <u>Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding</u>		
40.15	<u>a subdivision to read:</u>		
40.16	Subd. 6. <u>Public employer compensation reduction prohibited. The public employer</u>		
40.17	<u>of a member shall not reduce the member's compensation or benefits for the member's</u>		
40.18	<u>absence from employment when engaging in the business of the board.</u>		
		79.10	Sec. 3. <u>Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 2, is amended</u>
		79.11	<u>to read:</u>

79.12 Subd. 2. **Advise members of profession.** The Professional Educator Licensing and
79.13 Standards Board must act in an advisory capacity to members of the profession in matters
79.14 of interpretation of the code of ethics in section 122A.051.

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

79.16 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.18, subdivision 8, is amended
79.17 to read:

79.18 Subd. 8. **Background checks.** (a) The Professional Educator Licensing and Standards
79.19 Board and the Board of School Administrators must request a criminal history background
79.20 check from the superintendent of the Bureau of Criminal Apprehension on all first-time
79.21 teaching applicants for licenses under their jurisdiction. Applicants must include with their
79.22 licensure applications:

79.23 (1) an executed criminal history consent form, including fingerprints; and

79.24 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
79.25 for the fee for conducting the criminal history background check.

79.26 (b) The superintendent of the Bureau of Criminal Apprehension ~~shall~~ must perform the
79.27 background check required under paragraph (a) by retrieving criminal history data as defined
79.28 in section 13.87 and shall also conduct a search of the national criminal records repository.
79.29 The superintendent is authorized to exchange fingerprints with the Federal Bureau of
79.30 Investigation for purposes of the criminal history check. The superintendent ~~shall~~ must
80.1 recover the cost to the bureau of a background check through the fee charged to the applicant
80.2 under paragraph (a).

80.3 ~~(c) The Professional Educator Licensing and Standards Board or the Board of School~~
80.4 ~~Administrators may issue a license pending completion of a background check under this~~
80.5 ~~subdivision, but must notify the individual and the school district or charter school employing~~
80.6 ~~the individual that the individual's license may be revoked based on the result of the~~
80.7 ~~background check.~~

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

80.9 Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 3, is amended
80.10 to read:

80.11 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
80.12 license under sections 122A.183 and 122A.184, respectively, who have been employed as
80.13 a teacher during the renewal period of the expiring license, as a condition of license renewal,

40.19 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 5, is amended
40.20 to read:

40.21 Subd. 5. **Reading preparation.** (a) The Professional Educator Licensing and Standards
40.22 Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier
40.23 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the
40.24 renewal requirements further reading preparation, consistent with section 122A.06,
40.25 subdivision 4.

40.26 (b) The reading preparation under this subdivision must include at least two clock hours
40.27 of training to enable a teacher to:

40.28 (1) understand dyslexia as defined in section 125A.01, subdivision 2, and recognize
40.29 dyslexia characteristics in students; and

41.1 (2) identify and access Department of Education personnel and professional resources
41.2 using evidence-based dyslexia best practices in each license renewal period.

41.3 (c) The Department of Education must provide guidance on evidence-based approaches
41.4 and best practices for trainings.

41.5 (d) The rules adopted under this subdivision do not take effect until they are approved
41.6 by law. Teachers who do not provide direct instruction including, at least, counselors, school
41.7 psychologists, school nurses, school social workers, audiovisual directors and coordinators,
41.8 and recreation personnel are exempt from this section.

80.14 must present to their local continuing education and relicensure committee or other local
80.15 relicensure committee evidence of work that demonstrates professional reflection and growth
80.16 in best teaching practices, including among other things, cultural competence in accordance
80.17 with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied
80.18 needs of English learners, from young children to adults under section 124D.59, subdivisions
80.19 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's
80.20 most recent summative evaluation or improvement plan under section 122A.40, subdivision
80.21 8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not
80.22 provide direct instruction but who provide academic, college, and career planning and
80.23 support to students may submit proof of training on armed forces career options or careers
80.24 in the skilled trades and manufacturing as additional evidence of professional growth.

80.25 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
80.26 relicensing requirements include paragraph (a).

41.9 **EFFECTIVE DATE.** This section is effective for teachers who are renewing their Tier
41.10 3 or Tier 4 license on or after July 1, 2019.

S3656-2

562.23 Section 1. Minnesota Statutes 2017 Supplement, section 122A.187, is amended by adding
562.24 a subdivision to read:

562.25 Subd. 7. **Background check.** The Professional Educator Licensing and Standards Board
562.26 must request a criminal history background check from the superintendent of the Bureau
562.27 of Criminal Apprehension on a licensed teacher applying for a renewal license who has not
562.28 had a background check within the preceding five years. The board may request payment
562.29 from the teacher renewing their license in an amount equal to the actual cost of the
562.30 background check.

563.1 **EFFECTIVE DATE.** This section is effective July 1, 2018.

S3086-2

41.11 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended
41.12 to read:

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

41.19 (1) immoral character or conduct;

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

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

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

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

41.24 (6) intentional and inappropriate patting, touching, pinching, or other physical contact
41.25 with a student that is unwelcome and sexually motivated.

80.27 Sec. 6. Minnesota Statutes 2017 Supplement, section 122A.187, is amended by adding a
80.28 subdivision to read:

80.29 Subd. 7. **Background check.** The Professional Educator Licensing and Standards Board
80.30 and the Board of School Administrators must request a criminal history background check
80.31 on a licensed teacher applying for a renewal license who has not had a background check
80.32 within the preceding five years.

81.1 **EFFECTIVE DATE.** This section is effective July 1, 2018.

81.2 Sec. 7. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended
81.3 to read:

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

81.10 (1) immoral character or conduct;

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

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

81.13 (4) failure to meet licensure requirements; or

81.14 (5) fraud or misrepresentation in obtaining a license.

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

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

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

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

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

42.4 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section
42.5 609.324, subdivision 1, sexual abuse;

42.6 (5) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or
42.7 609.3451, subdivision 3, or 617.23, subdivision 3;

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

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

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

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

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

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

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

81.21 (1) a qualified domestic violence-related offense, as defined in section 609.02, subdivision
81.22 16;

81.23 (2) child abuse, as defined in section 609.185;

81.24 (3) domestic assault under section 609.2242;

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

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

81.27 (6) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section
81.28 609.324, subdivision subdivisions 1, sexual abuse 1a, and 2;

81.29 (7) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451,
81.30 subdivision 3, or 617.23, subdivision 3;

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

82.3 (9) embezzlement of public funds under section 609.54, clause (2);

82.4 (10) interference with privacy under section 609.746 or stalking under section 609.749
82.5 and the victim was a minor;

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

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

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

42.18 The board ~~shall~~ must send notice of this licensing action to the district in which the teacher
42.19 is currently employed.

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

43.1 (d) The Professional Educator Licensing and Standards Board or Board of School
43.2 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
43.3 refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual
43.4 penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school
43.5 where the teacher works or volunteers. The board may suspend a teacher's license pending
43.6 an investigation into a report of conduct that would be grounds for revocation under this
43.7 paragraph. Section 122A.188 does not apply to a decision by the board to refuse to issue,
43.8 refuse to renew, or revoke a license under this paragraph. A person whose license has been
43.9 revoked, not issued, or not renewed may appeal the decision by filing a written request with
43.10 the Professional Educator Licensing and Standards Board or the Board of School
43.11 Administrators, as appropriate, within 30 days of notice of the licensing action. The board
43.12 must then initiate a contested case under the Administrative Procedure Act, sections 14.001
43.13 to 14.69.

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

82.11 In addition, the board must refuse to issue, refuse to renew, or automatically revoke a
82.12 teacher's license to teach without the right to a hearing upon receiving a certified copy of a
82.13 stay of adjudication for an offense that, if convicted of, would require predatory offender
82.14 registration under section 243.166. The board may refuse to issue, refuse to renew, or revoke
82.15 a teacher's license to teach upon receiving a certified copy of a stay of adjudication for any
82.16 other offense described in this paragraph.

82.17 The board ~~shall~~ must send notice of this licensing action to the district in which the teacher
82.18 is currently employed.

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

83.6 (e) The Professional Educator Licensing and Standards Board or Board of School
83.7 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
83.8 refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual
83.9 penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school
83.10 where the teacher works or volunteers.

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

43.18 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision
43.19 16;

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

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

43.22 If an offense included in clauses (1) to (3) is already included in paragraph (b), the provisions
43.23 of paragraph (b) apply to the conduct. Section 122A.188 does not apply to a decision by
43.24 the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A
43.25 person whose license has been revoked, not issued, or not renewed may appeal the decision
43.26 by filing a written request with the Professional Educator Licensing and Standards Board
43.27 or the Board of School Administrators, as appropriate, within 30 days of notice of the
43.28 licensing action. The board must then initiate a contested case under the Administrative
43.29 Procedure Act, sections 14.001 to 14.69.

43.30 (f) The Professional Educator Licensing and Standards Board may suspend a teacher's
43.31 license to teach during the board's disciplinary investigation of a report of teacher misconduct
43.32 if the teacher has been charged with a violation of a crime listed in paragraph (b). The
43.33 teacher's license is suspended until the licensing board completes their disciplinary
43.34 investigation and makes a determination whether or not disciplinary action is necessary.

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

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

82.31 (d) The Professional Educator Licensing and Standards Board or Board of School
82.32 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
82.33 refuse to renew, or revoke a teacher's license to teach if the teacher has been convicted of:

83.1 (1) a felony; or

83.2 (2) a gross misdemeanor involving a minor.

83.3 A person whose license to teach has been revoked, not issued, or not renewed under this
83.4 paragraph may petition the board to reconsider for good cause shown, in accordance with
83.5 procedures adopted by the board.

83.11 (f) A decision by the Professional Educator Licensing and Standards Board to refuse to
83.12 issue, refuse to renew, suspend, or revoke a license must be reversed if the decision is based
83.13 on a background check and the teacher or license applicant is not the subject of the
83.14 background check. A decision by the Professional Educator Licensing and Standards Board
83.15 to refuse to issue, refuse to renew, suspend, or revoke a license under this subdivision is
83.16 not subject to review under section 122A.188.

83.17 (g) The Professional Educator Licensing and Standards Board or Board of School
83.18 Administrators, whichever has jurisdiction over a teacher's licensure, may suspend a teacher's
83.19 license pending an investigation into a report of conduct that would be grounds for revocation
83.20 under paragraph (b), (d), or (e).

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

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

83.24 Sec. 8. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 2, is amended
83.25 to read:

83.26 Subd. 2. **Mandatory reporting.** (a) A school board must report to the Professional
83.27 Educator Licensing and Standards Board, the Board of School Administrators, or the Board
83.28 of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction
83.29 over the teacher's or administrator's license, when its teacher or administrator is discharged
83.30 or resigns from employment after a charge is filed with the school board under section
83.31 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are
83.32 grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses (1) to
83.33 (5), or when a teacher or administrator is suspended or resigns while an investigation is
84.1 pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5); 122A.41,
84.2 subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator
84.3 is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a),
84.4 clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate
84.5 licensing board within ten days after the discharge, suspension, or resignation has occurred.
84.6 The licensing board to which the report is made must investigate the report for violation of
84.7 subdivision 1 and the reporting board must cooperate in the investigation. Notwithstanding
84.8 any provision in chapter 13 or any law to the contrary, upon written request from the licensing
84.9 board having jurisdiction over the license, a board or school superintendent ~~shall~~ must
84.10 provide the licensing board with information about the teacher or administrator from the
84.11 district's files, any termination or disciplinary proceeding, any settlement or compromise,
84.12 or any investigative file. Upon written request from the appropriate licensing board, a board
84.13 or school superintendent may, at the discretion of the board or school superintendent, solicit
84.14 the written consent of a student and the student's parent to provide the licensing board with
84.15 information that may aid the licensing board in its investigation and license proceedings.
84.16 The licensing board's request need not identify a student or parent by name. The consent
84.17 of the student and the student's parent must meet the requirements of chapter 13 and Code
84.18 of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent
84.19 form to the district. Any data transmitted to any board under this section is private data
84.20 under section 13.02, subdivision 12, notwithstanding any other classification of the data
84.21 when it was in the possession of any other agency.

84.22 (b) The licensing board to which a report is made must transmit to the Attorney General's
84.23 Office any record or data it receives under this subdivision for the sole purpose of having
84.24 the Attorney General's Office assist that board in its investigation. When the Attorney
84.25 General's Office has informed an employee of the appropriate licensing board in writing
84.26 that grounds exist to suspend or revoke a teacher's license to teach, that licensing board
84.27 must consider suspending or revoking or decline to suspend or revoke the teacher's or
84.28 administrator's license within 45 days of receiving a stipulation executed by the teacher or
84.29 administrator under investigation or a recommendation from an administrative law judge
84.30 that disciplinary action be taken.

Senate Language S3086-2	Teachers	May 04, 2018 10:42 AM	House Language H4328-3
44.4 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended 44.5 to read:			84.31 (c) The Professional Educator Licensing and Standards Board and Board of School 84.32 Administrators must report to the appropriate law enforcement authorities a revocation, 84.33 suspension, or agreement involving a loss of license, relating to a teacher or administrator's 84.34 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement 84.35 authority" means a police department, county sheriff, or tribal police department. A report 85.1 by the Professional Educator Licensing and Standards Board or the Board of School 85.2 Administrators to appropriate law enforcement authorities does not diminish, modify, or 85.3 otherwise affect the responsibilities of a licensing board, school board, or any person 85.4 mandated to report abuse under section 626.556.
			85.5 (d) The Professional Educator Licensing and Standards Board and Board of School 85.6 Administrators must, immediately upon receiving information that gives the board reason 85.7 to believe a child has at any time been neglected or physically or sexually abused, as defined 85.8 in section 626.556, subdivision 2, report the information to:
			85.9 (1) the local welfare agency, agency responsible for assessing or investigating the report, 85.10 or tribal social services agency; and
			85.11 (2) the police department, county sheriff, or tribal police department.
			85.12 A report under this paragraph does not diminish, modify, or otherwise affect the 85.13 responsibilities of a licensing board under section 626.556.
			85.14 EFFECTIVE DATE. This section is effective the day following final enactment.
44.6 Subd. 13. Immediate discharge. (a) Except as otherwise provided in paragraph (b), a 44.7 board may discharge a continuing-contract teacher, effective immediately, upon any of the 44.8 following grounds:			85.15 Sec. 9. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended 85.16 to read:
44.9 (1) immoral conduct, insubordination, or conviction of a felony; 44.10 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher 44.11 from classroom or other duties;			85.17 Subd. 13. Immediate discharge. (a) Except as otherwise provided in paragraph (b), a 85.18 board may discharge a continuing-contract teacher, effective immediately, upon any of the 85.19 following grounds:
44.12 (3) failure without justifiable cause to teach without first securing the written release of 44.13 the school board;			85.20 (1) immoral conduct, insubordination, or conviction of a felony; 85.21 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher 85.22 from classroom or other duties;
44.14 (4) gross inefficiency which the teacher has failed to correct after reasonable written 44.15 notice;			85.23 (3) failure without justifiable cause to teach without first securing the written release of 85.24 the school board;
			85.25 (4) gross inefficiency which the teacher has failed to correct after reasonable written 85.26 notice;

44.16 (5) willful neglect of duty; or

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

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

44.21 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
44.22 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
44.23 after receipt of this notification the teacher may make a written request for a hearing before
44.24 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend
44.25 a teacher with pay pending the conclusion of the hearing and determination of the issues
44.26 raised in the hearing after charges have been filed which constitute ground for discharge.
44.27 If a teacher has been charged with a felony and the underlying conduct that is the subject
44.28 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
44.29 the conclusion of the hearing and determination of the issues may be without pay. If a
44.30 hearing under this paragraph is held, the board must reimburse the teacher for any salary
44.31 or compensation withheld if the final decision of the board or the arbitrator does not result
44.32 in a penalty to or suspension, termination, or discharge of the teacher.

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

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

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

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

45.7 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
45.8 609.324, subdivision 1;

45.9 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
45.10 609.3451, subdivision 3, ~~or 617.23, subdivision 3;~~

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

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

85.27 (5) willful neglect of duty; or

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

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

86.1 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
86.2 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
86.3 after receipt of this notification the teacher may make a written request for a hearing before
86.4 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend
86.5 a teacher with pay pending the conclusion of the hearing and determination of the issues
86.6 raised in the hearing after charges have been filed which constitute ground for discharge.
86.7 If a teacher has been charged with a felony and the underlying conduct that is the subject
86.8 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
86.9 the conclusion of the hearing and determination of the issues may be without pay. If a
86.10 hearing under this paragraph is held, the board must reimburse the teacher for any salary
86.11 or compensation withheld if the final decision of the board or the arbitrator does not result
86.12 in a penalty to or suspension, termination, or discharge of the teacher.

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

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

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

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

86.19 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
86.20 609.324, subdivision 1;

86.21 (5) sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision
86.22 3, ~~or 617.23, subdivision 3;~~

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

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

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

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

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

45.21 (12) any other offense not listed in this paragraph that requires notice of a licensing
45.22 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

45.23 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
45.24 a final determination of child maltreatment involving a teacher under section 626.556,
45.25 subdivision 11, the school principal or other person having administrative control of the
45.26 school must include in the teacher's employment record the information contained in the
45.27 record of the disciplinary action or the final maltreatment determination, consistent with
45.28 the definition of public data under section 13.41, subdivision 5, and must provide the
45.29 Professional Educator Licensing and Standards Board and the licensing division at the
45.30 department with the necessary and relevant information to enable the Professional Educator
45.31 Licensing and Standards Board and the department's licensing division to fulfill their statutory
45.32 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's
46.1 license. Information received by the Professional Educator Licensing and Standards Board
46.2 or the licensing division at the department under this paragraph is governed by section 13.41
46.3 or other applicable law governing data of the receiving entity. In addition to the background
46.4 check required under section 123B.03, a school board or other school hiring authority must
46.5 contact the Professional Educator Licensing and Standards Board and the department to
46.6 determine whether the teacher's license has been suspended or revoked, consistent with the
46.7 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
46.8 by federal or state data practices law or by the terms of a collective bargaining agreement,
46.9 the responsible authority for a school district must disseminate to another school district
46.10 private personnel data on a current or former teacher employee or contractor of the district,
46.11 including the results of background investigations, if the requesting school district seeks
46.12 the information because the subject of the data has applied for employment with the
46.13 requesting school district.

86.25 (7) interference with privacy under section 609.746 or stalking under section 609.749
86.26 and the victim was a minor;

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

86.28 (9) possessing pornographic works involving a minor under section 617.247; ~~or~~

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

87.1 (11) any other offense not listed in this paragraph that requires notice of a licensing
87.2 action to the district in accordance with section 122A.20, subdivision 1, paragraph (b).

87.3 In addition, a board must discharge a continuing-contract teacher, effective immediately,
87.4 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
87.5 license has been revoked due to a stay of adjudication for an offense that, if convicted of,
87.6 would require predatory offender registration under section 243.166.

87.7 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
87.8 a final determination of child maltreatment involving a teacher under section 626.556,
87.9 subdivision 11, the school principal or other person having administrative control of the
87.10 school must include in the teacher's employment record the information contained in the
87.11 record of the disciplinary action or the final maltreatment determination, consistent with
87.12 the definition of public data under section 13.41, subdivision 5, and must provide the
87.13 Professional Educator Licensing and Standards Board and the licensing division at the
87.14 department with the necessary and relevant information to enable the Professional Educator
87.15 Licensing and Standards Board and the department's licensing division to fulfill their its
87.16 statutory and administrative duties related to issuing, renewing, suspending, or revoking a
87.17 teacher's license. Information received by the Professional Educator Licensing and Standards
87.18 Board or the licensing division at the department under this paragraph is governed by section
87.19 13.41 or other applicable law governing data of the receiving entity. In addition to the
87.20 background check required under section 123B.03, a school board or other school hiring
87.21 authority must contact the Professional Educator Licensing and Standards Board and the
87.22 department to determine whether the teacher's license has been suspended or revoked,
87.23 consistent with the discharge and final maltreatment determinations identified in this
87.24 paragraph. Unless restricted by federal or state data practices law or by the terms of a
87.25 collective bargaining agreement, the responsible authority for a school district must
87.26 disseminate to another school district private personnel data on a current or former teacher
87.27 employee or contractor of the district, including the results of background investigations,
87.28 if the requesting school district seeks the information because the subject of the data has
87.29 applied for employment with the requesting school district.

Senate Language S3086-2		Teachers	May 04, 2018 10:42 AM	House Language H4328-3	
46.14	EFFECTIVE DATE. This section is effective <u>for the 2018-2019 school year and later.</u>		87.30	EFFECTIVE DATE. This section is effective the <u>day following final enactment.</u>	
46.15	Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended		88.1	Sec. 10. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended	
46.16	to read:		88.2	to read:	
46.17	Subd. 6. Grounds for discharge or demotion. (a) Except as otherwise provided in		88.3	Subd. 6. Grounds for discharge or demotion. (a) Except as otherwise provided in	
46.18	paragraph (b), causes for the discharge or demotion of a teacher either during or after the		88.4	paragraph (b), causes for the discharge or demotion of a teacher either during or after the	
46.19	probationary period must be:		88.5	probationary period must be:	
46.20	(1) immoral character, conduct unbecoming a teacher, or insubordination;		88.6	(1) immoral character, conduct unbecoming a teacher, or insubordination;	
46.21	(2) failure without justifiable cause to teach without first securing the written release of		88.7	(2) failure without justifiable cause to teach without first securing the written release of	
46.22	the school board having the care, management, or control of the school in which the teacher		88.8	the school board having the care, management, or control of the school in which the teacher	
46.23	is employed;		88.9	is employed;	
46.24	(3) inefficiency in teaching or in the management of a school, consistent with subdivision		88.10	(3) inefficiency in teaching or in the management of a school, consistent with subdivision	
46.25	5, paragraph (b);		88.11	5, paragraph (b);	
46.26	(4) affliction with a communicable disease must be considered as cause for removal or		88.12	(4) affliction with a communicable disease must be considered as cause for removal or	
46.27	suspension while the teacher is suffering from such disability; or		88.13	suspension while the teacher is suffering from such disability; or	
46.28	(5) discontinuance of position or lack of pupils.		88.14	(5) discontinuance of position or lack of pupils.	
46.29	For purposes of this paragraph, conduct unbecoming a teacher includes an unfair		88.15	For purposes of this paragraph, conduct unbecoming a teacher includes an unfair	
46.30	discriminatory practice described in section 363A.13.		88.16	discriminatory practice described in section 363A.13.	
47.1	(b) A probationary or continuing-contract teacher must be discharged immediately upon		88.17	(b) A probationary or continuing-contract teacher must be discharged immediately upon	
47.2	receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's		88.18	receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's	
47.3	license has been revoked due to a conviction for:		88.19	license has been revoked due to a conviction for:	
47.4	<u>(1)</u> child abuse, as defined in section 609.185;		88.20	<u>(1)</u> child abuse, as defined in section 609.185;	
47.5	<u>(2)</u> sex trafficking in the first degree under section 609.322, subdivision 1;		88.21	<u>(2)</u> sex trafficking in the first degree under section 609.322, subdivision 1;	
47.6	<u>(3)</u> sex trafficking in the second degree under section 609.322, subdivision 1a;		88.22	<u>(3)</u> sex trafficking in the second degree under section 609.322, subdivision 1a;	
47.7	<u>(4)</u> engaging in hiring or agreeing to hire a minor to engage in prostitution under section		88.23	<u>(4)</u> engaging in hiring or agreeing to hire a minor to engage in prostitution under section	
47.8	609.324, subdivision 1;		88.24	609.324, subdivision 1;	
47.9	<u>(5) criminal</u> sexual <u>abuse conduct</u> under section 609.342, 609.343, 609.344, 609.345,		88.25	<u>(5) sexual abuse</u> under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision	
47.10	609.3451, subdivision 3, <u>or 617.23, subdivision 3;</u>		88.26	3, <u>or 617.23, subdivision 3;</u>	

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

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

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

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

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

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

47.21 (12) any other offense not listed in this paragraph that requires notice of a licensing
47.22 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

47.23 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
47.24 a final determination of child maltreatment involving a teacher under section 626.556,
47.25 subdivision 11, the school principal or other person having administrative control of the
47.26 school must include in the teacher's employment record the information contained in the
47.27 record of the disciplinary action or the final maltreatment determination, consistent with
47.28 the definition of public data under section 13.41, subdivision 5, and must provide the
47.29 Professional Educator Licensing and Standards Board and the licensing division at the
47.30 department with the necessary and relevant information to enable the Professional Educator
47.31 Licensing and Standards Board and the department's licensing division to fulfill their statutory
47.32 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's
48.1 license. Information received by the Professional Educator Licensing and Standards Board
48.2 or the licensing division at the department under this paragraph is governed by section 13.41
48.3 or other applicable law governing data of the receiving entity. In addition to the background
48.4 check required under section 123B.03, a school board or other school hiring authority must
48.5 contact the Professional Educator Licensing and Standards Board and the department to
48.6 determine whether the teacher's license has been suspended or revoked, consistent with the
48.7 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
48.8 by federal or state data practices law or by the terms of a collective bargaining agreement,

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

88.29 (7) interference with privacy under section 609.746 or stalking under section 609.749
88.30 and the victim was a minor;

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

89.1 (9) possessing pornographic works involving a minor under section 617.247; ~~or~~

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

89.5 (11) any other offense not listed in this paragraph that requires notice of a licensing
89.6 action to the district in accordance with section 122A.20, subdivision 1, paragraph (b).

89.7 In addition, a probationary or continuing-contract teacher must be discharged immediately
89.8 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
89.9 license has been revoked due to a stay of adjudication for an offense that, if convicted of,
89.10 would require predatory offender registration under section 243.166.

89.11 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
89.12 a final determination of child maltreatment involving a teacher under section 626.556,
89.13 subdivision 11, the school principal or other person having administrative control of the
89.14 school must include in the teacher's employment record the information contained in the
89.15 record of the disciplinary action or the final maltreatment determination, consistent with
89.16 the definition of public data under section 13.41, subdivision 5, and must provide the
89.17 Professional Educator Licensing and Standards Board and the licensing division at the
89.18 department with the necessary and relevant information to enable the Professional Educator
89.19 Licensing and Standards Board and the department's licensing division to fulfill their its
89.20 statutory and administrative duties related to issuing, renewing, suspending, or revoking a
89.21 teacher's license. Information received by the Professional Educator Licensing and Standards
89.22 Board or the licensing division at the department under this paragraph is governed by section
89.23 13.41 or other applicable law governing data of the receiving entity. In addition to the
89.24 background check required under section 123B.03, a school board or other school hiring
89.25 authority must contact the Professional Educator Licensing and Standards Board and the
89.26 department to determine whether the teacher's license has been suspended or revoked,
89.27 consistent with the discharge and final maltreatment determinations identified in this
89.28 paragraph. Unless restricted by federal or state data practices law or by the terms of a

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

48.14 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

S3656-2

563.2 Sec. 2. Minnesota Statutes 2017 Supplement, section 123B.03, subdivision 1, is amended
563.3 to read:

563.4 Subdivision 1. **Background check required.** (a) A school hiring authority ~~shall~~ must
563.5 request a criminal history background check from the superintendent of the Bureau of
563.6 Criminal Apprehension on all individuals who are offered employment in a school and on
563.7 all individuals, except enrolled student volunteers, who are offered the opportunity to provide

89.29 collective bargaining agreement, the responsible authority for a school district must
89.30 disseminate to another school district private personnel data on a current or former teacher
89.31 employee or contractor of the district, including the results of background investigations,
89.32 if the requesting school district seeks the information because the subject of the data has
89.33 applied for employment with the requesting school district.

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

90.1 Sec. 11. Minnesota Statutes 2016, section 122A.42, is amended to read:

90.2 **122A.42 GENERAL CONTROL OF SCHOOLS.**

90.3 (a) The teacher of record shall have the general control and government of the school
90.4 and classroom. When more than one teacher is employed in any district, one of the teachers
90.5 may be designated by the board as principal and shall have the general control and
90.6 supervision of the schools of the district, subject to the general supervisory control of the
90.7 board and other officers.

90.8 (b) Consistent with paragraph (a), the teacher may remove students from class under
90.9 section 121A.61, subdivision 2, for violent or disruptive conduct. A school district must
90.10 include notice of a teacher's authority under this paragraph in a teacher handbook, school
90.11 policy guide, or other similar communication.

90.12 Sec. 12. Minnesota Statutes 2016, section 122A.71, subdivision 2, is amended to read:

90.13 Subd. 2. **Responsibility.** ~~By July 1, 1989, The Board of Teaching Professional Educator~~
90.14 Licensing and Standards Board must begin to evaluate the effectiveness of prebaccalaureate,
90.15 postbaccalaureate, and other alternative program structures for preparing candidates for
90.16 entrance into the teaching profession. The evaluation ~~shall~~ must be conducted by independent
90.17 research centers or evaluators who are not associated with a Minnesota teacher education
90.18 institution and ~~shall~~ must be longitudinal in nature.

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

90.20 Sec. 13. Minnesota Statutes 2017 Supplement, section 123B.03, subdivision 1, is amended
90.21 to read:

90.22 Subdivision 1. **Background check required.** (a) A school hiring authority ~~shall~~ must
90.23 request a criminal history background check from the superintendent of the Bureau of
90.24 Criminal Apprehension on all individuals who are offered employment in a school and on
90.25 all individuals, except enrolled student volunteers, who are offered the opportunity to provide

563.8 athletic coaching services or other extracurricular academic coaching services to a school,
563.9 regardless of whether any compensation is paid. In order for an individual to be eligible for
563.10 employment or to provide the services, the individual must provide an executed criminal
563.11 history consent form and a money order or check payable to either the Bureau of Criminal
563.12 Apprehension or the school hiring authority, at the discretion of the school hiring authority,
563.13 in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school
563.14 district of conducting the criminal history background check. A school hiring authority
563.15 deciding to receive payment may, at its discretion, accept payment in the form of a negotiable
563.16 instrument other than a money order or check and shall pay the superintendent of the Bureau
563.17 of Criminal Apprehension directly to conduct the background check. The superintendent
563.18 of the Bureau of Criminal Apprehension shall conduct the background check by retrieving
563.19 criminal history data as defined in section 13.87. A school hiring authority, at its discretion,
563.20 may decide not to request a criminal history background check on an individual who holds
563.21 an initial entrance license issued by the Professional Educator Licensing and Standards
563.22 Board or the commissioner of education within the 12 months preceding an offer of
563.23 employment.

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

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

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

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

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

564.1 (c) A school hiring authority may, at its discretion, request a criminal history background
564.2 check from the superintendent of the Bureau of Criminal Apprehension on any individual
564.3 who seeks to enter a school or its grounds for the purpose of serving as a school volunteer
564.4 or working as an independent contractor or student employee. In order for an individual to
564.5 enter a school or its grounds under this paragraph when the school hiring authority decides
564.6 to request a criminal history background check on the individual, the individual first must
564.7 provide an executed criminal history consent form and a money order, check, or other
564.8 negotiable instrument payable to the school district in an amount equal to the actual cost to
564.9 the Bureau of Criminal Apprehension and the school district of conducting the criminal
564.10 history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the
564.11 criminal history background check under this paragraph is the responsibility of the individual

90.26 athletic coaching services or other extracurricular academic coaching services to a school,
90.27 regardless of whether any compensation is paid. In order for an individual to be eligible for
90.28 employment or to provide the services, the individual must provide an executed criminal
90.29 history consent form and a money order or check payable to either the Bureau of Criminal
90.30 Apprehension or the school hiring authority, at the discretion of the school hiring authority,
90.31 in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school
90.32 district of conducting the criminal history background check. A school hiring authority
91.1 deciding to receive payment may, at its discretion, accept payment in the form of a negotiable
91.2 instrument other than a money order or check and shall pay the superintendent of the Bureau
91.3 of Criminal Apprehension directly to conduct the background check. The superintendent
91.4 of the Bureau of Criminal Apprehension shall conduct the background check by retrieving
91.5 criminal history data as defined in section 13.87. A school hiring authority, at its discretion,
91.6 may decide not to request a criminal history background check on an individual who holds
91.7 an initial entrance license issued by the Professional Educator Licensing and Standards
91.8 Board or the commissioner of education within the 12 months preceding an offer of
91.9 employment.

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

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

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

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

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

91.20 (c) A school hiring authority may, at its discretion, request a criminal history background
91.21 check from the superintendent of the Bureau of Criminal Apprehension on any individual
91.22 who seeks to enter a school or its grounds for the purpose of serving as a school volunteer
91.23 or working as an independent contractor or student employee. In order for an individual to
91.24 enter a school or its grounds under this paragraph when the school hiring authority decides
91.25 to request a criminal history background check on the individual, the individual first must
91.26 provide an executed criminal history consent form and a money order, check, or other
91.27 negotiable instrument payable to the school district in an amount equal to the actual cost to
91.28 the Bureau of Criminal Apprehension and the school district of conducting the criminal
91.29 history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the
91.30 criminal history background check under this paragraph is the responsibility of the individual

564.12 unless a school hiring authority decides to pay the costs of conducting a background check
 564.13 under this paragraph. If the school hiring authority pays the costs, the individual who is the
 564.14 subject of the background check need not pay for it.

564.15 (d) In addition to the initial background check required for all individuals offered
 564.16 employment in accordance with paragraph (a), a school hiring authority must request a new
 564.17 criminal history background check from the superintendent of the Bureau of Criminal
 564.18 Apprehension on all employees every ~~three~~ years. Notwithstanding any law to the contrary,
 564.19 in order for an individual to be eligible for continued employment, an individual must
 564.20 provide an executed criminal history consent form and a money order or check payable to
 564.21 either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion
 564.22 of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal
 564.23 Apprehension and the school district of conducting the criminal history background check.
 564.24 A school hiring authority deciding to receive payment may, at its discretion, accept payment
 564.25 in the form of a negotiable instrument other than a money order or check and shall pay the
 564.26 superintendent of the Bureau of Criminal Apprehension directly to conduct the background
 564.27 check. A school bus driver who has had a criminal history background check under section
 564.28 171.3215 and has had their existing bus driver's endorsement renewed, is exempt from this
 564.29 requirement. A school hiring authority, at its discretion, may decide not to request a criminal
 564.30 history background check on an employee who provides the hiring authority with a copy
 564.31 of the results of a criminal history background check conducted within the previous ~~36~~
 564.32 months. A school hiring authority may, at its discretion, decide to pay the costs of conducting
 564.33 a background check under this paragraph.

564.34 ~~(d)~~ (e) For all nonstate residents who are offered employment in a school, a school hiring
 564.35 authority shall request a criminal history background check on such individuals from the
 565.1 superintendent of the Bureau of Criminal Apprehension and from the government agency
 565.2 performing the same function in the resident state or, if no government entity performs the
 565.3 same function in the resident state, from the Federal Bureau of Investigation. Such individuals
 565.4 must provide an executed criminal history consent form and a money order, check, or other
 565.5 negotiable instrument payable to the school hiring authority in an amount equal to the actual
 565.6 cost to the government agencies and the school district of conducting the criminal history
 565.7 background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal
 565.8 history background check under this paragraph is the responsibility of the individual.

565.9 ~~(e)~~ (f) At the beginning of each school year or when a student enrolls, a school hiring
 565.10 authority must notify parents and guardians about the school hiring authority's policy
 565.11 requiring a criminal history background check on employees and other individuals who
 565.12 provide services to the school, and identify those positions subject to a background check
 565.13 and the extent of the hiring authority's discretion in requiring a background check. The
 565.14 school hiring authority may include the notice in the student handbook, a school policy
 565.15 guide, or other similar communication. Nothing in this paragraph affects a school hiring

91.31 unless a school hiring authority decides to pay the costs of conducting a background check
 91.32 under this paragraph. If the school hiring authority pays the costs, the individual who is the
 91.33 subject of the background check need not pay for it.

92.1 (d) In addition to the initial background check required for all individuals offered
 92.2 employment in accordance with paragraph (a), a school hiring authority must request a new
 92.3 criminal history background check from the superintendent of the Bureau of Criminal
 92.4 Apprehension on all employees every ~~three~~ years. Notwithstanding any law to the contrary,
 92.5 in order for an individual to be eligible for continued employment, an individual must
 92.6 provide an executed criminal history consent form and a money order or check payable to
 92.7 either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion
 92.8 of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal
 92.9 Apprehension and the school district of conducting the criminal history background check.
 92.10 A school hiring authority deciding to receive payment may, at its discretion, accept payment
 92.11 in the form of a negotiable instrument other than a money order or check and shall pay the
 92.12 superintendent of the Bureau of Criminal Apprehension directly to conduct the background
 92.13 check. A school hiring authority, at its discretion, may decide not to request a criminal
 92.14 history background check on an employee who provides the hiring authority with a copy
 92.15 of the results of a criminal history background check conducted within the previous ~~60~~
 92.16 months. A school hiring authority may, at its discretion, decide to pay the costs of conducting
 92.17 a background check under this paragraph.

92.18 ~~(d)~~ (e) For all nonstate residents who are offered employment in a school, a school hiring
 92.19 authority shall request a criminal history background check on such individuals from the
 92.20 superintendent of the Bureau of Criminal Apprehension and from the government agency
 92.21 performing the same function in the resident state or, if no government entity performs the
 92.22 same function in the resident state, from the Federal Bureau of Investigation. Such individuals
 92.23 must provide an executed criminal history consent form and a money order, check, or other
 92.24 negotiable instrument payable to the school hiring authority in an amount equal to the actual
 92.25 cost to the government agencies and the school district of conducting the criminal history
 92.26 background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal
 92.27 history background check under this paragraph is the responsibility of the individual.

92.28 ~~(e)~~ (f) At the beginning of each school year or when a student enrolls, a school hiring
 92.29 authority must notify parents and guardians about the school hiring authority's policy
 92.30 requiring a criminal history background check on employees and other individuals who
 92.31 provide services to the school, and identify those positions subject to a background check
 92.32 and the extent of the hiring authority's discretion in requiring a background check. The
 92.33 school hiring authority may include the notice in the student handbook, a school policy
 92.34 guide, or other similar communication. Nothing in this paragraph affects a school hiring

565.16 authority's ability to request a criminal history background check on an individual under
565.17 paragraph (c).

93.1 authority's ability to request a criminal history background check on an individual under
93.2 paragraph (c).

93.3 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

93.4 Sec. 14. Minnesota Statutes 2017 Supplement, section 123B.03, subdivision 2, is amended
93.5 to read:

93.6 Subd. 2. **Effect of background check or Professional Educator Licensing and**
93.7 **Standards Board action.** (a) A school hiring authority may hire or otherwise allow an
93.8 individual to provide a service to a school pending completion of a background check under
93.9 subdivision 1 or obtaining notice of a Professional Educator Licensing and Standards Board
93.10 action under subdivision 1a but shall notify the individual that the individual's employment
93.11 or other service may be terminated based on the result of the background check or
93.12 Professional Educator Licensing and Standards Board action. A school hiring authority is
93.13 not liable for failing to hire or for terminating an individual's employment or other service
93.14 based on the result of a background check or Professional Educator Licensing and Standards
93.15 Board action under this section.

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

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

93.23 Sec. 15. Minnesota Statutes 2016, section 171.02, subdivision 2a, is amended to read:

93.24 Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2,
93.25 paragraph (b), the holder of a class D driver's license, without a school bus endorsement,
93.26 may operate a type A school bus or a multifunction school activity bus under the following
93.27 conditions:

93.28 (a) The operator is an employee of the entity that owns, leases, or contracts for the school
93.29 bus and is not solely hired to provide transportation services under this subdivision.

93.30 (b) The operator drives the school bus only from points of origin to points of destination,
93.31 not including home-to-school trips to pick up or drop off students.

- 94.1 (c) The operator is prohibited from using the eight-light system. Violation of this
94.2 paragraph is a misdemeanor.
- 94.3 (d) The operator's employer has adopted and implemented a policy that provides for
94.4 annual training and certification of the operator in:
- 94.5 (1) safe operation of the type of school bus the operator will be driving;
- 94.6 (2) understanding student behavior, including issues relating to students with disabilities;
- 94.7 (3) encouraging orderly conduct of students on the bus and handling incidents of
94.8 misconduct appropriately;
- 94.9 (4) knowing and understanding relevant laws, rules of the road, and local school bus
94.10 safety policies;
- 94.11 (5) handling emergency situations; and
- 94.12 (6) safe loading and unloading of students.
- 94.13 (e) A background check or background investigation of the operator has been conducted
94.14 that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers;
94.15 section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision
94.16 3, for all other persons operating a school bus under this subdivision.
- 94.17 (f) Operators shall submit to a physical examination as required by section 171.321,
94.18 subdivision 2.
- 94.19 (g) The operator's driver's license is verified annually by the entity that owns, leases, or
94.20 contracts for the school bus.
- 94.21 (h) A person who sustains a conviction, as defined under section 609.02, of violating
94.22 section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute
94.23 or ordinance of another state is precluded from operating a school bus for five years from
94.24 the date of conviction.
- 94.25 (i) A person who has ever been convicted of a disqualifying offense as defined in section
94.26 171.3215, subdivision 1, paragraph (c), or received a stay of adjudication for an offense
94.27 that, if convicted of, would require predatory offender registration under section 243.166,
94.28 may not operate a school bus under this subdivision.

94.29 (j) A person who sustains a conviction, as defined under section 609.02, of a fourth
94.30 moving offense in violation of chapter 169 is precluded from operating a school bus for one
94.31 year from the date of the last conviction.

95.1 (k) Students riding the school bus must have training required under section 123B.90,
95.2 subdivision 2.

95.3 (l) An operator must be trained in the proper use of child safety restraints as set forth in
95.4 the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation
95.5 of Pre-school Age Children in School Buses," if child safety restraints are used by the
95.6 passengers.

95.7 (m) Annual certification of the requirements listed in this subdivision must be maintained
95.8 under separate file at the business location for each operator licensed under this subdivision
95.9 and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing
95.10 body of a nonpublic school, or any other entity that owns, leases, or contracts for the school
95.11 bus operating under this subdivision is responsible for maintaining these files for inspection.

95.12 (n) The school bus must bear a current certificate of inspection issued under section
95.13 169.451.

95.14 (o) If the word "School" appears on the front and rear of the bus, the word "School"
95.15 must be covered by a sign that reads "Activities" when the bus is being operated under
95.16 authority of this subdivision.

95.17 (p) The type A-I school bus or multifunction school activity bus is designed to transport
95.18 15 or fewer passengers, including the driver.

95.19 (q) The school bus or multifunction school activity bus has a gross vehicle weight rating
95.20 of 14,500 pounds or less.

95.21 Sec. 16. Minnesota Statutes 2017 Supplement, section 171.02, subdivision 2b, is amended
95.22 to read:

95.23 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2,
95.24 the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may
95.25 operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under
95.26 the conditions in this subdivision.

95.27 (b) The operator is an employee of the entity that owns, leases, or contracts for the school
95.28 bus.

- 95.29 (c) The operator's employer has adopted and implemented a policy that provides for
95.30 annual training and certification of the operator in:
- 95.31 (1) safe operation of a type III vehicle;
- 95.32 (2) understanding student behavior, including issues relating to students with disabilities;
- 96.1 (3) encouraging orderly conduct of students on the bus and handling incidents of
96.2 misconduct appropriately;
- 96.3 (4) knowing and understanding relevant laws, rules of the road, and local school bus
96.4 safety policies;
- 96.5 (5) handling emergency situations;
- 96.6 (6) proper use of seat belts and child safety restraints;
- 96.7 (7) performance of pretrip vehicle inspections;
- 96.8 (8) safe loading and unloading of students, including, but not limited to:
- 96.9 (i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic
96.10 side of the roadway, or at off-street loading areas, driveways, yards, and other areas to
96.11 enable the student to avoid hazardous conditions;
- 96.12 (ii) refraining from loading and unloading students in a vehicular traffic lane, on the
96.13 shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
- 96.14 (iii) avoiding a loading or unloading location that would require a pupil to cross a road,
96.15 or ensuring that the driver or an aide personally escort the pupil across the road if it is not
96.16 reasonably feasible to avoid such a location;
- 96.17 (iv) placing the type III vehicle in "park" during loading and unloading; and
- 96.18 (v) escorting a pupil across the road under item (iii) only after the motor is stopped, the
96.19 ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile;
96.20 and
- 96.21 (9) compliance with paragraph (k), concerning reporting certain convictions to the
96.22 employer within ten days of the date of conviction.

96.23 (d) A background check or background investigation of the operator has been conducted
96.24 that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school
96.25 district employees; section 144.057 or chapter 245C for day care employees; or section
96.26 171.321, subdivision 3, for all other persons operating a type III vehicle under this
96.27 subdivision.

96.28 (e) Operators shall submit to a physical examination as required by section 171.321,
96.29 subdivision 2.

96.30 (f) The operator's employer requires preemployment drug testing of applicants for
96.31 operator positions. Current operators must comply with the employer's policy under section
97.1 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's
97.2 employer may use a Breathalyzer or similar device to fulfill random alcohol testing
97.3 requirements.

97.4 (g) The operator's driver's license is verified annually by the entity that owns, leases, or
97.5 contracts for the type III vehicle as required under section 171.321, subdivision 5.

97.6 (h) A person who sustains a conviction, as defined under section 609.02, of violating
97.7 section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under
97.8 sections 169A.50 to 169A.53 of the implied consent law or section 171.177, or who is
97.9 convicted of violating or whose driver's license is revoked under a similar statute or ordinance
97.10 of another state, is precluded from operating a type III vehicle for five years from the date
97.11 of conviction.

97.12 (i) A person who has ever been convicted of a disqualifying offense as defined in section
97.13 171.3215, subdivision 1, paragraph (c), or received a stay of adjudication for an offense
97.14 that, if convicted of, would require predatory offender registration under section 243.166,
97.15 may not operate a type III vehicle under this subdivision.

97.16 (j) A person who sustains a conviction, as defined under section 609.02, of a moving
97.17 offense in violation of chapter 169 within three years of the first of three other moving
97.18 offenses is precluded from operating a type III vehicle for one year from the date of the last
97.19 conviction.

97.20 (k) An operator who sustains a conviction as described in paragraph (h), ~~(i)~~, or (j) while
97.21 employed by the entity that owns, leases, or contracts for the school bus, shall report the
97.22 conviction to the employer within ten days of the date of the conviction. An operator who
97.23 sustains a conviction or receives a stay of adjudication as described in paragraph (i) while
97.24 employed by an entity that owns, leases, or contracts for the school bus shall report the

- 97.25 conviction or stay of adjudication to the employer within ten days of the date of the conviction
97.26 or stay of adjudication.
- 97.27 (l) An operator of a type III vehicle whose driver's license is suspended, revoked,
97.28 canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify
97.29 the operator's employer in writing of the suspension, revocation, cancellation, lost privilege,
97.30 or disqualification. The operator must notify the operator's employer before the end of the
97.31 business day immediately following the day the operator received notice of the suspension,
97.32 revocation, cancellation, lost privilege, or disqualification.
- 97.33 (m) Students riding the type III vehicle must have training required under section
97.34 123B.90, subdivision 2.
- 98.1 (n) Documentation of meeting the requirements listed in this subdivision must be
98.2 maintained under separate file at the business location for each type III vehicle operator.
98.3 The business manager, school board, governing body of a nonpublic school, or any other
98.4 entity that owns, leases, or contracts for the type III vehicle operating under this subdivision
98.5 is responsible for maintaining these files for inspection.
- 98.6 (o) The type III vehicle must bear a current certificate of inspection issued under section
98.7 169.451.
- 98.8 (p) An employee of a school or of a school district, who is not employed for the sole
98.9 purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).
- 98.10 Sec. 17. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 2, is amended
98.11 to read:
- 98.12 Subd. 2. **Cancellation for disqualifying and other offenses.** Within ten days of receiving
98.13 notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident
98.14 driver, that a school bus driver has been convicted of a disqualifying offense or received a
98.15 stay of adjudication for an offense that, if convicted of, would require predatory offender
98.16 registration under section 243.166, the commissioner shall permanently cancel the school
98.17 bus driver's endorsement on the offender's driver's license and in the case of a nonresident,
98.18 the driver's privilege to operate a school bus in Minnesota. A school bus driver whose
98.19 endorsement or privilege to operate a school bus in Minnesota has been permanently canceled
98.20 may not apply for reinstatement. Within ten days of receiving notice under section 631.40,
98.21 subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus
98.22 driver has been convicted of a violation of section 169A.20, or a similar statute or ordinance
98.23 from another state, and within ten days of revoking a school bus driver's license under
98.24 section 169A.52 or 171.177, the commissioner shall cancel the school bus driver's
98.25 endorsement on the offender's driver's license or the nonresident's privilege to operate a
98.26 school bus in Minnesota for five years. After five years, a school bus driver may apply to

98.27 the commissioner for reinstatement. Even after five years, cancellation of a school bus
 98.28 driver's endorsement or a nonresident's privilege to operate a school bus in Minnesota for
 98.29 a violation under section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a
 98.30 similar statute or ordinance from another state, shall remain in effect until the driver provides
 98.31 proof of successful completion of an alcohol or controlled substance treatment program.
 98.32 For a first offense, proof of completion is required only if treatment was ordered as part of
 98.33 a chemical use assessment. Within ten days of receiving notice under section 631.40,
 98.34 subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus
 99.1 driver has been convicted of a fourth moving violation in the last three years, the
 99.2 commissioner shall cancel the school bus driver's endorsement on the offender's driver's
 99.3 license or the nonresident's privilege to operate a school bus in Minnesota until one year
 99.4 has elapsed since the last conviction. A school bus driver who has no new convictions after
 99.5 one year may apply for reinstatement. Upon canceling the offender's school bus driver's
 99.6 endorsement, the commissioner shall immediately notify the licensed offender of the
 99.7 cancellation in writing, by depositing in the United States post office a notice addressed to
 99.8 the licensed offender at the licensed offender's last known address, with postage prepaid
 99.9 thereon.

99.10 Sec. 18. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 3, is amended
 99.11 to read:

99.12 Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school
 99.13 bus driver's endorsement, the commissioner shall conduct an investigation to determine if
 99.14 the applicant has been convicted of committing a disqualifying offense, four moving
 99.15 violations in the previous three years, a violation of section 169A.20 or a similar statute or
 99.16 ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has
 99.17 been revoked under section 169A.52 or 171.177 or if the applicant received a stay of
 99.18 adjudication for an offense that, if convicted of, would require predatory offender registration
 99.19 under section 243.166. The commissioner shall not issue a new bus driver's endorsement
 99.20 and shall not renew an existing bus driver's endorsement if the applicant has been convicted
 99.21 of committing a disqualifying offense or if the applicant received a stay of adjudication for
 99.22 an offense that, if convicted of, would require predatory offender registration under section
 99.23 243.166. The commissioner shall not issue a new bus driver's endorsement and shall not
 99.24 renew an existing bus driver's endorsement if, within the previous five years, the applicant
 99.25 has been convicted of committing a violation of section 169A.20, or a similar statute or
 99.26 ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has
 99.27 been revoked under section 169A.52 or 171.177, or if, within the previous three years, the
 99.28 applicant has been convicted of four moving violations. An applicant who has been convicted
 99.29 of violating section 169A.20, or a similar statute or ordinance from another state, or who
 99.30 has had a license revocation under section 169A.52 or 171.177 within the previous ten years
 99.31 must show proof of successful completion of an alcohol or controlled substance treatment
 99.32 program in order to receive a bus driver's endorsement. For a first offense, proof of
 99.33 completion is required only if treatment was ordered as part of a chemical use assessment.
 99.34 A school district or contractor that employs a nonresident school bus driver must conduct

- 99.35 a background check of the employee's driving record and criminal history in both Minnesota
100.1 and the driver's state of residence. Convictions for disqualifying offenses, gross
100.2 misdemeanors, a fourth moving violation within the previous three years, or violations of
100.3 section 169A.20, or a similar statute or ordinance in another state, must be reported to the
100.4 Department of Public Safety.
- 100.5 Sec. 19. Minnesota Statutes 2016, section 299C.17, is amended to read:
100.6 **299C.17 REPORT BY COURT ADMINISTRATOR.**
- 100.7 The superintendent shall require the court administrator of every court which (1) sentences
100.8 a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2) grants a stay
100.9 of adjudication pursuant to section 609.095, paragraph (b), clause (2), to electronically
100.10 transmit within 24 hours of the disposition of the case a report, in a form prescribed by the
100.11 superintendent providing information required by the superintendent with regard to the
100.12 prosecution and disposition of criminal cases. A copy of the report shall be kept on file in
100.13 the office of the court administrator.
- 100.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 100.15 Sec. 20. **[299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**
- 100.16 The superintendent shall disclose to each applicant for a background check or background
100.17 study required or authorized under section 122A.18, subdivision 8; 123B.03; 171.02,
100.18 subdivision 2a or 2b; or 171.3215, subdivision 3, all records of stays of adjudication granted
100.19 to the subject of the background check or background study that the superintendent receives
100.20 pursuant to section 299C.17, clause (2). The data required to be disclosed under this section
100.21 is in addition to other data on the subject of the background check or background study that
100.22 the superintendent is mandated to disclose.
- 100.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 100.24 Sec. 21. Minnesota Statutes 2016, section 609.095, is amended to read:
100.25 **609.095 LIMITS OF SENTENCES.**
- 100.26 (a) The legislature has the exclusive authority to define crimes and offenses and the
100.27 range of the sentences or punishments for their violation. No other or different sentence or
100.28 punishment shall be imposed for the commission of a crime than is authorized by this chapter
100.29 or other applicable law.
- 100.30 (b) Except as provided in:

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48.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
48.16 to read:

48.17 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
48.18 who knows or has reason to believe a child is being neglected or physically or sexually
48.19 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
48.20 within the preceding three years, shall immediately report the information to the local welfare
48.21 agency, agency responsible for assessing or investigating the report, police department,
48.22 county sheriff, tribal social services agency, or tribal police department if the person is:

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

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

48.31 (3) a member of the Professional Educator Licensing and Standards Board or the Board
48.32 of School Administrators.

49.1 (b) Any person may voluntarily report to the local welfare agency, agency responsible
49.2 for assessing or investigating the report, police department, county sheriff, tribal social
49.3 services agency, or tribal police department if the person knows, has reason to believe, or
49.4 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

100.31 (1) section 152.18 or 609.375; or

101.1 (2) upon agreement of the parties, a court may not refuse to adjudicate the guilt of a
101.2 defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal
101.3 Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

101.4 A stay of adjudication granted under clause (2) must be reported to the superintendent of
101.5 the Bureau of Criminal Apprehension pursuant to section 299C.17.

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

109.14 Sec. 24. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
109.15 to read:

109.16 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
109.17 who knows or has reason to believe a child is being neglected or physically or sexually
109.18 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
109.19 within the preceding three years, shall immediately report the information to the local welfare
109.20 agency, agency responsible for assessing or investigating the report, police department,
109.21 county sheriff, tribal social services agency, or tribal police department if the person is:

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

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

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

109.32 (b) Any person may voluntarily report to the local welfare agency, agency responsible
109.33 for assessing or investigating the report, police department, county sheriff, tribal social
110.1 services agency, or tribal police department if the person knows, has reason to believe, or
110.2 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

49.5 (c) A person mandated to report physical or sexual child abuse or neglect occurring
49.6 within a licensed facility shall report the information to the agency responsible for licensing
49.7 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
49.8 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
49.9 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
49.10 report may request the local welfare agency to provide assistance pursuant to subdivisions
49.11 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
49.12 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
49.13 the circumstances of the alleged maltreatment to the commissioner of education. Section
49.14 13.03, subdivision 4, applies to data received by the commissioner of education from a
49.15 licensing entity.

49.16 (d) Notification requirements under subdivision 10 apply to all reports received under
49.17 this section.

49.18 (e) For purposes of this section, "immediately" means as soon as possible but in no event
49.19 longer than 24 hours.

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

110.3 (c) A person mandated to report physical or sexual child abuse or neglect occurring
110.4 within a licensed facility shall report the information to the agency responsible for licensing
110.5 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
110.6 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
110.7 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
110.8 report may request the local welfare agency to provide assistance pursuant to subdivisions
110.9 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
110.10 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
110.11 the circumstances of the alleged maltreatment to the commissioner of education. Section
110.12 13.03, subdivision 4, applies to data received by the commissioner of education from a
110.13 licensing entity.

110.14 (d) Notification requirements under subdivision 10 apply to all reports received under
110.15 this section.

110.16 (e) For purposes of this section, "immediately" means as soon as possible but in no event
110.17 longer than 24 hours.

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

110.19 Sec. 25. Minnesota Statutes 2016, section 626.556, subdivision 10, is amended to read:

110.20 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
110.21 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The
110.22 police department or the county sheriff shall immediately notify the local welfare agency
110.23 or agency responsible for child protection reports under this section orally and in writing
110.24 when a report is received. The local welfare agency or agency responsible for child protection
110.25 reports shall immediately notify the local police department or the county sheriff orally and
110.26 in writing when a report is received. The county sheriff and the head of every local welfare
110.27 agency, agency responsible for child protection reports, and police department shall each
110.28 designate a person within their agency, department, or office who is responsible for ensuring
110.29 that the notification duties of this paragraph are carried out. When the alleged maltreatment
110.30 occurred on tribal land, the local welfare agency or agency responsible for child protection
110.31 reports and the local police department or the county sheriff shall immediately notify the
110.32 tribe's social services agency and tribal law enforcement orally and in writing when a report
110.33 is received. When a police department or county sheriff receives a report or otherwise has
110.34 information indicating that a child has been the subject of physical abuse, sexual abuse, or
111.1 neglect by a person licensed by the Professional Educator Licensing and Standards Board
111.2 or Board of School Administrators, it shall, in addition to its other duties under this section,
111.3 immediately inform the licensing board.

111.4 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct
111.5 a family assessment or an investigation as appropriate to prevent or provide a remedy for
111.6 child maltreatment. The local welfare agency:

111.7 (1) shall conduct an investigation on reports involving sexual abuse or substantial child
111.8 endangerment;

111.9 (2) shall begin an immediate investigation if, at any time when it is using a family
111.10 assessment response, it determines that there is reason to believe that sexual abuse or
111.11 substantial child endangerment or a serious threat to the child's safety exists;

111.12 (3) may conduct a family assessment for reports that do not allege sexual abuse or
111.13 substantial child endangerment. In determining that a family assessment is appropriate, the
111.14 local welfare agency may consider issues of child safety, parental cooperation, and the need
111.15 for an immediate response;

111.16 (4) may conduct a family assessment on a report that was initially screened and assigned
111.17 for an investigation. In determining that a complete investigation is not required, the local
111.18 welfare agency must document the reason for terminating the investigation and notify the
111.19 local law enforcement agency if the local law enforcement agency is conducting a joint
111.20 investigation; and

111.21 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an
111.22 Indian child's tribe when the agency has reason to believe the family assessment or
111.23 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
111.24 means notice provided within 24 hours.

111.25 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
111.26 individual functioning within the family unit as a person responsible for the child's care, or
111.27 sexual abuse by a person with a significant relationship to the child when that person resides
111.28 in the child's household or by a sibling, the local welfare agency shall immediately conduct
111.29 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
111.30 assessment or investigation, the local welfare agency shall gather information on the existence
111.31 of substance abuse and domestic violence and offer services for purposes of preventing
111.32 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
111.33 minor, and supporting and preserving family life whenever possible. If the report alleges a
111.34 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
112.1 endangerment, under section 609.378, the local law enforcement agency and local welfare
112.2 agency shall coordinate the planning and execution of their respective investigation and
112.3 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
112.4 Each agency shall prepare a separate report of the results of its investigation or assessment.
112.5 In cases of alleged child maltreatment resulting in death, the local agency may rely on the

112.6 fact-finding efforts of a law enforcement investigation to make a determination of whether
112.7 or not maltreatment occurred. When necessary the local welfare agency shall seek authority
112.8 to remove the child from the custody of a parent, guardian, or adult with whom the child is
112.9 living. In performing any of these duties, the local welfare agency shall maintain appropriate
112.10 records.

112.11 If the family assessment or investigation indicates there is a potential for abuse of alcohol
112.12 or other drugs by the parent, guardian, or person responsible for the child's care, the local
112.13 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
112.14 9530.6615.

112.15 (c) When a local agency receives a report or otherwise has information indicating that
112.16 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,
112.17 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it
112.18 shall, in addition to its other duties under this section, immediately inform the ombudsman
112.19 established under sections 245.91 to 245.97. The commissioner of education shall inform
112.20 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child
112.21 defined as a client in section 245.91 that maltreatment occurred at a school as defined in
112.22 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

112.23 (d) Authority of the local welfare agency responsible for assessing or investigating the
112.24 child abuse or neglect report, the agency responsible for assessing or investigating the report,
112.25 and of the local law enforcement agency for investigating the alleged abuse or neglect
112.26 includes, but is not limited to, authority to interview, without parental consent, the alleged
112.27 victim and any other minors who currently reside with or who have resided with the alleged
112.28 offender. The interview may take place at school or at any facility or other place where the
112.29 alleged victim or other minors might be found or the child may be transported to, and the
112.30 interview conducted at, a place appropriate for the interview of a child designated by the
112.31 local welfare agency or law enforcement agency. The interview may take place outside the
112.32 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
112.33 family assessments, it is the preferred practice to request a parent or guardian's permission
112.34 to interview the child prior to conducting the child interview, unless doing so would
112.35 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
113.1 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
113.2 agency no later than the conclusion of the investigation or assessment that this interview
113.3 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
113.4 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
113.5 agency, order that, where reasonable cause exists, the agency withhold notification of this
113.6 interview from the parent, legal custodian, or guardian. If the interview took place or is to
113.7 take place on school property, the order shall specify that school officials may not disclose
113.8 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
113.9 the child on school property, as provided under this paragraph, and any other related
113.10 information regarding the interview that may be a part of the child's school record. A copy

113.11 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
113.12 school official.

113.13 (e) When the local welfare, local law enforcement agency, or the agency responsible
113.14 for assessing or investigating a report of maltreatment determines that an interview should
113.15 take place on school property, written notification of intent to interview the child on school
113.16 property must be received by school officials prior to the interview. The notification shall
113.17 include the name of the child to be interviewed, the purpose of the interview, and a reference
113.18 to the statutory authority to conduct an interview on school property. For interviews
113.19 conducted by the local welfare agency, the notification shall be signed by the chair of the
113.20 local social services agency or the chair's designee. The notification shall be private data
113.21 on individuals subject to the provisions of this paragraph. School officials may not disclose
113.22 to the parent, legal custodian, or guardian the contents of the notification or any other related
113.23 information regarding the interview until notified in writing by the local welfare or law
113.24 enforcement agency that the investigation or assessment has been concluded, unless a school
113.25 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
113.26 or law enforcement agency or the agency responsible for assessing or investigating a report
113.27 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
113.28 assessment or investigation.

113.29 Except where the alleged offender is believed to be a school official or employee, the
113.30 time and place, and manner of the interview on school premises shall be within the discretion
113.31 of school officials, but the local welfare or law enforcement agency shall have the exclusive
113.32 authority to determine who may attend the interview. The conditions as to time, place, and
113.33 manner of the interview set by the school officials shall be reasonable and the interview
113.34 shall be conducted not more than 24 hours after the receipt of the notification unless another
113.35 time is considered necessary by agreement between the school officials and the local welfare
114.1 or law enforcement agency. Where the school fails to comply with the provisions of this
114.2 paragraph, the juvenile court may order the school to comply. Every effort must be made
114.3 to reduce the disruption of the educational program of the child, other students, or school
114.4 staff when an interview is conducted on school premises.

114.5 (f) Where the alleged offender or a person responsible for the care of the alleged victim
114.6 or other minor prevents access to the victim or other minor by the local welfare agency, the
114.7 juvenile court may order the parents, legal custodian, or guardian to produce the alleged
114.8 victim or other minor for questioning by the local welfare agency or the local law
114.9 enforcement agency outside the presence of the alleged offender or any person responsible
114.10 for the child's care at reasonable places and times as specified by court order.

114.11 (g) Before making an order under paragraph (f), the court shall issue an order to show
114.12 cause, either upon its own motion or upon a verified petition, specifying the basis for the
114.13 requested interviews and fixing the time and place of the hearing. The order to show cause
114.14 shall be served personally and shall be heard in the same manner as provided in other cases

114.15 in the juvenile court. The court shall consider the need for appointment of a guardian ad
114.16 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
114.17 present at the hearing on the order to show cause.

114.18 (h) The commissioner of human services, the ombudsman for mental health and
114.19 developmental disabilities, the local welfare agencies responsible for investigating reports,
114.20 the commissioner of education, and the local law enforcement agencies have the right to
114.21 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
114.22 including medical records, as part of the investigation. Notwithstanding the provisions of
114.23 chapter 13, they also have the right to inform the facility under investigation that they are
114.24 conducting an investigation, to disclose to the facility the names of the individuals under
114.25 investigation for abusing or neglecting a child, and to provide the facility with a copy of
114.26 the report and the investigative findings.

114.27 (i) The local welfare agency responsible for conducting a family assessment or
114.28 investigation shall collect available and relevant information to determine child safety, risk
114.29 of subsequent child maltreatment, and family strengths and needs and share not public
114.30 information with an Indian's tribal social services agency without violating any law of the
114.31 state that may otherwise impose duties of confidentiality on the local welfare agency in
114.32 order to implement the tribal state agreement. The local welfare agency or the agency
114.33 responsible for investigating the report shall collect available and relevant information to
114.34 ascertain whether maltreatment occurred and whether protective services are needed.
114.35 Information collected includes, when relevant, information with regard to the person reporting
115.1 the alleged maltreatment, including the nature of the reporter's relationship to the child and
115.2 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
115.3 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
115.4 sources having relevant information related to the alleged maltreatment. The local welfare
115.5 agency or the agency responsible for investigating the report may make a determination of
115.6 no maltreatment early in an investigation, and close the case and retain immunity, if the
115.7 collected information shows no basis for a full investigation.

115.8 Information relevant to the assessment or investigation must be asked for, and may
115.9 include:

115.10 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment
115.11 reports that were screened out and not accepted for assessment or investigation; information
115.12 relating to developmental functioning; credibility of the child's statement; and whether the
115.13 information provided under this clause is consistent with other information collected during
115.14 the course of the assessment or investigation;

115.15 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
115.16 criminal charges and convictions. The local welfare agency or the agency responsible for
115.17 assessing or investigating the report must provide the alleged offender with an opportunity

115.18 to make a statement. The alleged offender may submit supporting documentation relevant
115.19 to the assessment or investigation;

115.20 (3) collateral source information regarding the alleged maltreatment and care of the
115.21 child. Collateral information includes, when relevant: (i) a medical examination of the child;
115.22 (ii) prior medical records relating to the alleged maltreatment or the care of the child
115.23 maintained by any facility, clinic, or health care professional and an interview with the
115.24 treating professionals; and (iii) interviews with the child's caretakers, including the child's
115.25 parent, guardian, foster parent, child care provider, teachers, counselors, family members,
115.26 relatives, and other persons who may have knowledge regarding the alleged maltreatment
115.27 and the care of the child; and

115.28 (4) information on the existence of domestic abuse and violence in the home of the child,
115.29 and substance abuse.

115.30 Nothing in this paragraph precludes the local welfare agency, the local law enforcement
115.31 agency, or the agency responsible for assessing or investigating the report from collecting
115.32 other relevant information necessary to conduct the assessment or investigation.
115.33 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
115.34 to medical data and records for purposes of clause (3). Notwithstanding the data's
116.1 classification in the possession of any other agency, data acquired by the local welfare
116.2 agency or the agency responsible for assessing or investigating the report during the course
116.3 of the assessment or investigation are private data on individuals and must be maintained
116.4 in accordance with subdivision 11. Data of the commissioner of education collected or
116.5 maintained during and for the purpose of an investigation of alleged maltreatment in a school
116.6 are governed by this section, notwithstanding the data's classification as educational,
116.7 licensing, or personnel data under chapter 13.

116.8 In conducting an assessment or investigation involving a school facility as defined in
116.9 subdivision 2, paragraph (c), the commissioner of education shall collect investigative
116.10 reports and data that are relevant to a report of maltreatment and are from local law
116.11 enforcement and the school facility.

116.12 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
116.13 with the child reported to be maltreated and with the child's primary caregiver sufficient to
116.14 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
116.15 contact with the child and primary caregiver shall occur immediately if sexual abuse or
116.16 substantial child endangerment is alleged and within five calendar days for all other reports.
116.17 If the alleged offender was not already interviewed as the primary caregiver, the local welfare
116.18 agency shall also conduct a face-to-face interview with the alleged offender in the early
116.19 stages of the assessment or investigation. At the initial contact, the local child welfare agency
116.20 or the agency responsible for assessing or investigating the report must inform the alleged
116.21 offender of the complaints or allegations made against the individual in a manner consistent

116.22 with laws protecting the rights of the person who made the report. The interview with the
116.23 alleged offender may be postponed if it would jeopardize an active law enforcement
116.24 investigation.

116.25 (k) When conducting an investigation, the local welfare agency shall use a question and
116.26 answer interviewing format with questioning as nondirective as possible to elicit spontaneous
116.27 responses. For investigations only, the following interviewing methods and procedures must
116.28 be used whenever possible when collecting information:

116.29 (1) audio recordings of all interviews with witnesses and collateral sources; and

116.30 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the
116.31 alleged victim and child witnesses.

116.32 (l) In conducting an assessment or investigation involving a school facility as defined
116.33 in subdivision 2, paragraph (c), the commissioner of education shall collect available and
116.34 relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d,
117.1 except that the requirement for face-to-face observation of the child and face-to-face interview
117.2 of the alleged offender is to occur in the initial stages of the assessment or investigation
117.3 provided that the commissioner may also base the assessment or investigation on investigative
117.4 reports and data received from the school facility and local law enforcement, to the extent
117.5 those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

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

49.21 Sec. 7. Minnesota Statutes 2016, section 626.556, subdivision 10a, is amended to read:

49.22 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency**
49.23 **reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the
49.24 report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent,
49.25 guardian, sibling, person responsible for the child's care functioning within the family unit,
49.26 or a person who lives in the child's household and who has a significant relationship to the
49.27 child, in a setting other than a facility as defined in subdivision 2, the local welfare agency
49.28 shall immediately notify the appropriate law enforcement agency, which shall conduct an
49.29 investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

49.30 (b) The local agency may rely on the fact-finding efforts of the law enforcement
49.31 investigation conducted under this subdivision to make a determination whether or not
49.32 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged
49.33 offender has minor children or lives with minors.

50.1 (c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement
50.2 agency shall immediately notify the local welfare agency, which shall offer appropriate
50.3 social services for the purpose of safeguarding and enhancing the welfare of the abused or
50.4 neglected minor.

50.5 (d) The law enforcement agency must report to the Professional Educator Licensing and
50.6 Standards Board an investigation under paragraph (a), involving a person licensed by the
50.7 board.

50.8 Sec. 8. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended
50.9 to read:

50.10 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
50.11 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
50.12 the assessment or investigation may be extended to permit the completion of a criminal
50.13 investigation or the receipt of expert information requested within 45 days of the receipt of
50.14 the report.

50.15 (b) After conducting a family assessment, the local welfare agency shall determine
50.16 whether services are needed to address the safety of the child and other family members
50.17 and the risk of subsequent maltreatment.

50.18 (c) After conducting an investigation, the local welfare agency shall make two
50.19 determinations: first, whether maltreatment has occurred; and second, whether child
50.20 protective services are needed. No determination of maltreatment shall be made when the
50.21 alleged perpetrator is a child under the age of ten.

50.22 (d) If the commissioner of education conducts an assessment or investigation, the
50.23 commissioner shall determine whether maltreatment occurred and what corrective or
50.24 protective action was taken by the school facility. If a determination is made that
50.25 maltreatment has occurred, the commissioner shall report to the employer, the school board,
50.26 and any appropriate licensing entity the determination that maltreatment occurred and what
50.27 corrective or protective action was taken by the school facility. In all other cases, the
50.28 commissioner shall inform the school board or employer and any appropriate licensing
50.29 entity that a report was received, the subject of the report, the date of the initial report, the
50.30 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was
50.31 not determined, and a summary of the specific reasons for the determination.

50.32 (e) When maltreatment is determined in an investigation involving a facility, the
50.33 investigating agency shall also determine whether the facility or individual was responsible,
51.1 or whether both the facility and the individual were responsible for the maltreatment using
51.2 the mitigating factors in paragraph (i). Determinations under this subdivision must be made

117.7 Sec. 26. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended
117.8 to read:

117.9 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
117.10 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
117.11 the assessment or investigation may be extended to permit the completion of a criminal
117.12 investigation or the receipt of expert information requested within 45 days of the receipt of
117.13 the report.

117.14 (b) After conducting a family assessment, the local welfare agency shall determine
117.15 whether services are needed to address the safety of the child and other family members
117.16 and the risk of subsequent maltreatment.

117.17 (c) After conducting an investigation, the local welfare agency shall make two
117.18 determinations: first, whether maltreatment has occurred; and second, whether child
117.19 protective services are needed. No determination of maltreatment shall be made when the
117.20 alleged perpetrator is a child under the age of ten.

117.21 (d) If the commissioner of education conducts an assessment or investigation, the
117.22 commissioner shall determine whether maltreatment occurred and what corrective or
117.23 protective action was taken by the school facility. If a determination is made that
117.24 maltreatment has occurred, the commissioner shall report to the employer, the school board,
117.25 and any appropriate licensing entity the determination that maltreatment occurred and what
117.26 corrective or protective action was taken by the school facility. In all other cases, the
117.27 commissioner shall inform the school board or employer and any appropriate licensing
117.28 entity that a report was received, the subject of the report, the date of the initial report, the
117.29 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was
117.30 not determined, and a summary of the specific reasons for the determination.

117.31 (e) When maltreatment is determined in an investigation involving a facility, the
117.32 investigating agency shall also determine whether the facility or individual was responsible,
117.33 or whether both the facility and the individual were responsible for the maltreatment using
118.1 the mitigating factors in paragraph (i). Determinations under this subdivision must be made

51.3 based on a preponderance of the evidence and are private data on individuals or nonpublic
51.4 data as maintained by the commissioner of education.

51.5 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
51.6 or omissions:

51.7 (1) physical abuse as defined in subdivision 2, paragraph (k);

51.8 (2) neglect as defined in subdivision 2, paragraph (g);

51.9 (3) sexual abuse as defined in subdivision 2, paragraph (n);

51.10 (4) mental injury as defined in subdivision 2, paragraph (f); or

51.11 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

51.12 (g) For the purposes of this subdivision, a determination that child protective services
51.13 are needed means that the local welfare agency has documented conditions during the
51.14 assessment or investigation sufficient to cause a child protection worker, as defined in
51.15 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
51.16 if protective intervention is not provided and that the individuals responsible for the child's
51.17 care have not taken or are not likely to take actions to protect the child from maltreatment
51.18 or risk of maltreatment.

51.19 (h) This subdivision does not mean that maltreatment has occurred solely because the
51.20 child's parent, guardian, or other person responsible for the child's care in good faith selects
51.21 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
51.22 of the child, in lieu of medical care. However, if lack of medical care may result in serious
51.23 danger to the child's health, the local welfare agency may ensure that necessary medical
51.24 services are provided to the child.

51.25 (i) When determining whether the facility or individual is the responsible party, or
51.26 whether both the facility and the individual are responsible for determined maltreatment in
51.27 a facility, the investigating agency shall consider at least the following mitigating factors:

51.28 (1) whether the actions of the facility or the individual caregivers were according to,
51.29 and followed the terms of, an erroneous physician order, prescription, individual care plan,
51.30 or directive; however, this is not a mitigating factor when the facility or caregiver was
51.31 responsible for the issuance of the erroneous order, prescription, individual care plan, or
51.32 directive or knew or should have known of the errors and took no reasonable measures to
51.33 correct the defect before administering care;

118.2 based on a preponderance of the evidence and are private data on individuals or nonpublic
118.3 data as maintained by the commissioner of education.

118.4 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
118.5 or omissions:

118.6 (1) physical abuse as defined in subdivision 2, paragraph (k);

118.7 (2) neglect as defined in subdivision 2, paragraph (g);

118.8 (3) sexual abuse as defined in subdivision 2, paragraph (n);

118.9 (4) mental injury as defined in subdivision 2, paragraph (f); or

118.10 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

118.11 (g) For the purposes of this subdivision, a determination that child protective services
118.12 are needed means that the local welfare agency has documented conditions during the
118.13 assessment or investigation sufficient to cause a child protection worker, as defined in
118.14 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
118.15 if protective intervention is not provided and that the individuals responsible for the child's
118.16 care have not taken or are not likely to take actions to protect the child from maltreatment
118.17 or risk of maltreatment.

118.18 (h) This subdivision does not mean that maltreatment has occurred solely because the
118.19 child's parent, guardian, or other person responsible for the child's care in good faith selects
118.20 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
118.21 of the child, in lieu of medical care. However, if lack of medical care may result in serious
118.22 danger to the child's health, the local welfare agency may ensure that necessary medical
118.23 services are provided to the child.

118.24 (i) When determining whether the facility or individual is the responsible party, or
118.25 whether both the facility and the individual are responsible for determined maltreatment in
118.26 a facility, the investigating agency shall consider at least the following mitigating factors:

118.27 (1) whether the actions of the facility or the individual caregivers were according to,
118.28 and followed the terms of, an erroneous physician order, prescription, individual care plan,
118.29 or directive; however, this is not a mitigating factor when the facility or caregiver was
118.30 responsible for the issuance of the erroneous order, prescription, individual care plan, or
118.31 directive or knew or should have known of the errors and took no reasonable measures to
118.32 correct the defect before administering care;

52.1 (2) comparative responsibility between the facility, other caregivers, and requirements
52.2 placed upon an employee, including the facility's compliance with related regulatory standards
52.3 and the adequacy of facility policies and procedures, facility training, an individual's
52.4 participation in the training, the caregiver's supervision, and facility staffing levels and the
52.5 scope of the individual employee's authority and discretion; and

52.6 (3) whether the facility or individual followed professional standards in exercising
52.7 professional judgment.

52.8 The evaluation of the facility's responsibility under clause (2) must not be based on the
52.9 completeness of the risk assessment or risk reduction plan required under section 245A.66,
52.10 but must be based on the facility's compliance with the regulatory standards for policies
52.11 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
52.12 Rules.

52.13 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
52.14 committed by an individual who is also the facility license or certification holder, both the
52.15 individual and the facility must be determined responsible for the maltreatment, and both
52.16 the background study disqualification standards under section 245C.15, subdivision 4, and
52.17 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07
52.18 apply.

119.1 (2) comparative responsibility between the facility, other caregivers, and requirements
119.2 placed upon an employee, including the facility's compliance with related regulatory standards
119.3 and the adequacy of facility policies and procedures, facility training, an individual's
119.4 participation in the training, the caregiver's supervision, and facility staffing levels and the
119.5 scope of the individual employee's authority and discretion; and

119.6 (3) whether the facility or individual followed professional standards in exercising
119.7 professional judgment.

119.8 The evaluation of the facility's responsibility under clause (2) must not be based on the
119.9 completeness of the risk assessment or risk reduction plan required under section 245A.66,
119.10 but must be based on the facility's compliance with the regulatory standards for policies
119.11 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
119.12 Rules.

119.13 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
119.14 committed by an individual who is also the facility license or certification holder, both the
119.15 individual and the facility must be determined responsible for the maltreatment, and both
119.16 the background study disqualification standards under section 245C.15, subdivision 4, and
119.17 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07
119.18 apply.

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

119.20 Sec. 27. Minnesota Statutes 2016, section 631.40, subdivision 1a, is amended to read:

119.21 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**
119.22 **and school districts.** When a person is convicted of committing a disqualifying offense,
119.23 as defined in section 171.3215, subdivision 1, a gross misdemeanor, a fourth moving violation
119.24 within the previous three years, or a violation of section 169A.20, or a similar statute or
119.25 ordinance from another state, or if the person received a stay of adjudication for an offense
119.26 that, if convicted of, would require predatory offender registration under section 243.166,
119.27 the court shall determine whether the offender is a school bus driver as defined in section
119.28 171.3215, subdivision 1, whether the offender possesses a school bus driver's endorsement
119.29 on the offender's driver's license and in what school districts the offender drives a school
119.30 bus. If the offender is a school bus driver or possesses a school bus driver's endorsement,
119.31 the court administrator shall send a certified copy of the conviction or stay of adjudication
119.32 to the Department of Public Safety and to the school districts in which the offender drives
119.33 a school bus within ten days after the conviction or stay of adjudication.

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

- 52.19 Sec. 9. Laws 2017, First Special Session chapter 5, article 3, section 3, the effective date,
52.20 is amended to read:
- 52.21 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 52.22 Sec. 10. Laws 2017, First Special Session chapter 5, article 3, section 4, the effective date,
52.23 is amended to read:
- 52.24 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 52.25 Sec. 11. Laws 2017, First Special Session chapter 5, article 3, section 5, the effective date,
52.26 is amended to read:
- 52.27 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 52.28 Sec. 12. Laws 2017, First Special Session chapter 5, article 3, section 6, the effective date,
52.29 is amended to read:
- 52.30 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 53.1 Sec. 13. Laws 2017, First Special Session chapter 5, article 3, section 7, the effective date,
53.2 is amended to read:
- 53.3 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 53.4 Sec. 14. Laws 2017, First Special Session chapter 5, article 3, section 8, the effective date,
53.5 is amended to read:
- 53.6 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 53.7 Sec. 15. Laws 2017, First Special Session chapter 5, article 3, section 9, the effective date,
53.8 is amended to read:
- 53.9 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.
- 53.10 Sec. 16. Laws 2017, First Special Session chapter 5, article 3, section 10, the effective
53.11 date, is amended to read:
- 53.12 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.13 Sec. 17. Laws 2017, First Special Session chapter 5, article 3, section 11, the effective
53.14 date, is amended to read:

53.15 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.16 Sec. 18. Laws 2017, First Special Session chapter 5, article 3, section 12, the effective
53.17 date, is amended to read:

53.18 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.19 Sec. 19. Laws 2017, First Special Session chapter 5, article 3, section 13, the effective
53.20 date, is amended to read:

53.21 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.22 Sec. 20. Laws 2017, First Special Session chapter 5, article 3, section 14, the effective
53.23 date, is amended to read:

53.24 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.1 Sec. 21. Laws 2017, First Special Session chapter 5, article 3, section 15, the effective
54.2 date, is amended to read:

54.3 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.4 Sec. 22. Laws 2017, First Special Session chapter 5, article 3, section 16, the effective
54.5 date, is amended to read:

54.6 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.7 Sec. 23. Laws 2017, First Special Session chapter 5, article 3, section 36, is amended to
54.8 read:

54.9 Sec. 36. **REPEALER.**

54.10 (a) Minnesota Statutes 2016, sections 122A.14, subdivision 5; and 122A.162, are repealed
54.11 effective January 1, 2018.

54.12 (b) Minnesota Statutes 2016, sections 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a,
54.13 6, 7, and 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1 and 2; 122A.245; and 122A.25,
54.14 are repealed effective ~~July~~ September 1, 2018.

120.2 Sec. 28. **SURVEY OF TEACHER PREPARATION PROGRAMS.**

120.3 The Professional Educator Licensing and Standards Board must survey board-approved
120.4 teacher preparation programs for teachers of elementary education, early childhood education,
120.5 special education, and reading intervention to determine the extent of dyslexia instruction
120.6 offered by the programs. The board may consult with the dyslexia specialist at the Department
120.7 of Education when developing the survey and reviewing the teacher preparation program
120.8 responses. The board must report its findings to the chairs and ranking minority members
120.9 of the legislative committees having jurisdiction over kindergarten through grade 12
120.10 education policy and finance by January 2, 2019. The report must include information on
120.11 teacher preparation program instruction on screening for characteristics of dyslexia,
120.12 evidence-based instructional strategies for students showing characteristics of dyslexia, and
120.13 best practices for assisting students showing characteristics of dyslexia and their families.
120.14 The report must be submitted in accordance with Minnesota Statutes, section 3.195.

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

120.16 Sec. 29. **TIERED LICENSURE RULES.**

120.17 (a) By July 1, 2018, the Professional Educator Licensing and Standards Board must
120.18 adopt in rule sections 30 to 48 as temporary rules that must expire upon the earlier of either
120.19 the adoption of rule draft R-4534 or January 1, 2019. The good cause exemption provided
120.20 in Minnesota Statutes, section 14.388, subdivision 1, clause (3), applies to the adoption of
120.21 rules required by this section.

120.22 (b) Sections 30 to 48 expire upon the earlier of either the adoption of rule draft R-4534
120.23 or January 1, 2019.

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

120.25 Sec. 30. **DEFINITIONS AND GENERAL RULES FOR TEACHING LICENSES.**

120.26 Subdivision 1. **Definitions.** (a) For the purposes of sections 30 to 39, the terms in this
120.27 subdivision have the meanings given them.

120.28 (b) "Assignment" means the course or courses taught in a school for which students are
120.29 granted credit.

120.30 (c) "Board" means the Professional Educator Licensing and Standards Board.

120.31 (d) "District" means a school district or a charter school.

- 121.1 (e) "Field specific methods" means differentiated instructional strategies targeting content
121.2 and pedagogy for a singular licensure area to enable student learning.
- 121.3 (f) "Good cause" means an applicant is unable to meet the requirements of a higher
121.4 licensure tier due to the lack of a reasonable path to a higher licensure tier or the path to a
121.5 higher licensure tier causes an undue burden on the applicant, as approved or denied by the
121.6 board.
- 121.7 (g) "Innovative program" means a school within a district that is either a state-approved
121.8 area learning center or alternative learning program or provides a school board resolution
121.9 designating the school as an innovative program, including the reason for the designation.
- 121.10 (h) "Licensure area" or "licensure field" means the content taught for which standards
121.11 have been adopted in Minnesota Rules.
- 121.12 (i) "Professional license from another state" means a teaching license from a state other
121.13 than Minnesota that allows the individual to be a teacher of record.
- 121.14 (j) "Related services teacher" means a teacher who holds a license issued by the board
121.15 consistent with Minnesota Statutes, section 122A.06, subdivision 2, and who meets the
121.16 requirements for a license issued pursuant to sections 42 to 46 and Minnesota Rules, parts
121.17 8710.6000 to 8710.6400.
- 121.18 (k) "Student teaching" means a minimum of 12 weeks when an individual enrolled in a
121.19 teacher preparation program assumes teacher responsibilities while working with a
121.20 cooperating teacher who holds a Tier 3 or 4 license or a professional license from another
121.21 state in the subject area and a provider supervisor to practice and demonstrate the necessary
121.22 development of the individual's knowledge, skills, and dispositions to become a teacher. A
121.23 student teaching experience includes observation, feedback, and evaluation from the
121.24 cooperating teacher and provider supervisor.
- 121.25 (l) "Teacher of record" means an individual who is responsible for the planning,
121.26 instruction, and assessment of students in a classroom and authorized to grant students credit
121.27 for meeting standards attributed to the content taught, or is part of a co-teaching assignment.
- 121.28 (m) "Teacher preparation program" means a program approved by the board or the state
121.29 where the program resides that trains candidates in educational pedagogy and content-specific
121.30 pedagogy for any subset of the scope of licensure for students from birth to 21 years of age.

121.31 (n) "Teaching license" or "teacher license" means a license that permits an individual
121.32 to be teacher of record. This includes Tier 1, Tier 2, Tier 3, and Tier 4 licenses issued under
121.33 sections 31 to 34.

122.1 Subd. 2. **Teaching licenses, in general.** (a) Teaching licenses must be granted by the
122.2 board to applicants who meet all requirements of applicable statutes and rules.

122.3 (b) An applicant must qualify separately for each licensure area for which an application
122.4 is made.

122.5 (c) A license becomes valid on the date issued by the board and expires on June 30 of
122.6 the expiration year. A Tier 1 or Tier 2 license, out-of-field permission, or innovative program
122.7 permission can be used until September 1 after the date of expiration if the placement is in
122.8 a summer school program at the district aligned to the license or is part of a year-round
122.9 school at the district aligned to the licensure area.

122.10 (d) The board must request a criminal history background check be performed by the
122.11 Bureau of Criminal Apprehension consistent with Minnesota Statutes, section 122A.18,
122.12 subdivision 8, upon an individual applying for a teaching license or substitute license for
122.13 the first time. Upon renewal of a teaching license, permission, or substitute license, the
122.14 board must perform a new background check on the license holder that includes a review
122.15 for national arrests, charges, and convictions if a background check has not been completed
122.16 on the license holder within the last five years.

122.17 Subd. 3. **Addition to a Tier 3 or 4 license.** When a licensure area is added to a Tier 3
122.18 or 4 license issued under sections 33 and 34, the expiration date is the date previously
122.19 established for the Tier 3 or 4 license in effect.

122.20 Subd. 4. **Movement between tiers.** Teachers may apply to obtain a license in a higher
122.21 licensure tier at any time after the requirements for the higher tier have been met. The teacher
122.22 must be granted the license under a higher tier upon review and approval by the board
122.23 pursuant to the rules established for the license sought. Applicants may obtain a license in
122.24 a lower licensure tier only if they hold a Tier 2 license in one licensure field and a district
122.25 requests to hire the applicant for a different licensure field in which the applicant does not
122.26 meet the requirements for a Tier 2 license. A teacher may simultaneously hold a Tier 1 and
122.27 a Tier 2 license under this subdivision.

122.28 Subd. 5. **Multiple expiration dates.** If a license holder has completed and verified the
122.29 renewal requirements for a currently held Tier 3 or 4 license issued under sections 33 and
122.30 34, the license holder may renew a currently held Tier 3 or 4 license up to one year before
122.31 the expiration date for the purpose of consolidating multiple expiration dates of any Tier 3

122.32 or 4 licenses held into one expiration date. The consolidation of multiple expiration dates
122.33 must be consolidated within a single tier.

123.1 Subd. 6. **Appeal.** An applicant who is denied a teaching license by the board or who is
123.2 issued a license under a different licensure tier than what was sought may appeal the board's
123.3 decision under Minnesota Rules, part 8710.0900, and Minnesota Statutes, chapter 14, and
123.4 Minnesota Statutes, section 122A.188.

123.5 Subd. 7. **Licenses issued in error.** A license issued in error to a person who does not
123.6 qualify for the license must be corrected without charge to the license holder, and the
123.7 corrections must be made without a hearing under Minnesota Rules, part 8710.0900, and
123.8 Minnesota Statutes, chapter 14. A license issued in error is not valid.

123.9 Subd. 8. **Report.** The board must issue an annual report by September 1 that summarizes
123.10 the previous fiscal year's Tier 1, 2, 3, and 4 licenses and out-of-field and innovative program
123.11 permissions, organized by licensure field, race and ethnicity, and district.

123.12 Subd. 9. **Fees.** An applicant must pay an application fee for the review of the license
123.13 pursuant to Minnesota Statutes, section 122A.21. A district must pay an application fee for
123.14 the review of a permission as set by the board.

123.15 Sec. 31. **TIER 1 LICENSE.**

123.16 Subdivision 1. **Purpose.** If a district is unable to fill an open position with a teacher
123.17 holding a Tier 2, 3, or 4 license, a Tier 1 license must be issued, consistent with this section,
123.18 to an applicant who does not hold a Tier 2, 3, or 4 license on behalf of a district request
123.19 except as provided in section 30, subdivision 4. A Tier 1 license authorizes the license holder
123.20 to teach within the requesting district and the specific licensure field in the application.

123.21 Subd. 2. **Requirements.** (a) The board must issue a Tier 1 license to an applicant upon
123.22 request by the designated administrator of the hiring district. The applicant must initiate the
123.23 application process and meet the requirements of this subdivision.

123.24 (b) The applicant must:

123.25 (1) hold the minimum of a bachelor's degree from a college or university located in the
123.26 United States that is regionally accredited by the Higher Learning Commission or by the
123.27 regional association for accreditation of colleges and secondary schools, as verified by a
123.28 college transcript;

123.29 (2) hold a credential from outside the United States that is equivalent to a bachelor's
123.30 degree, as verified by a credential evaluation completed by a credential evaluator approved

- 123.31 by the National Association of Credential Evaluation Services or other board-approved
123.32 credential evaluation service; or
- 124.1 (3) for applicants in career and technical education fields and career pathway courses
124.2 of study, have one of the following:
- 124.3 (i) five years of relevant work experience aligned to the assignment;
- 124.4 (ii) an associate's degree aligned to the assignment; or
- 124.5 (iii) a professional certification aligned to the assignment.
- 124.6 (c) The hiring district must show the position was posted for at least 15 days on the
124.7 board-approved statewide job board.
- 124.8 (d) The hiring district must affirm the applicant:
- 124.9 (1) will participate in a mentorship program, as available;
- 124.10 (2) will participate in an evaluation aligned to the district's teacher development and
124.11 evaluation model under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41,
124.12 subdivision 5, or, if the statutory models are not practicable, to another identified
124.13 district-aligned evaluation; and
- 124.14 (3) has the necessary skills and knowledge to teach in the content field aligned to the
124.15 assignment.
- 124.16 (e) A committee of board staff designated by the board must review applications that
124.17 meet board criteria for an emergency placement under this subdivision within two business
124.18 days. The committee may immediately issue an interim permission for a qualified Tier 1
124.19 license based on board-adopted minimum qualifications criteria pending review by the
124.20 board. The interim permission expires at the first possible review by the full board. The
124.21 board must review applications after the position has been posted on the board-approved
124.22 statewide job board for 15 days.
- 124.23 Subd. 3. **Duration.** A Tier 1 license is valid for up to one year and expires on June 30
124.24 of the expiration year.
- 124.25 Subd. 4. **Position change.** If a Tier 1 license holder moves to another licensure area
124.26 within a district or to another district, prior to the expiration of the Tier 1 license, the license
124.27 holder must initiate a new application, including paying the application fee, and the hiring
124.28 district must meet the requirements under subdivision 2 for the new position. The applicant

124.29 is not required to complete a new background check by the board. The Tier 1 license issued
124.30 by the board under this subdivision is considered a new license, not a renewal.

125.1 Sec. 32. **TIER 2 LICENSE.**

125.2 Subdivision 1. **Purpose.** A Tier 2 license must be issued, consistent with this part, to an
125.3 applicant on behalf of a district request. A Tier 2 license authorizes the license holder to
125.4 teach within the requesting district and the specific licensure field in the application.

125.5 Subd. 2. **Requirements.** (a) The board must issue a Tier 2 license to an applicant upon
125.6 request by the designated administrator of the hiring district. The applicant must initiate the
125.7 application process and must meet the requirements of this subdivision.

125.8 (b) The applicant must:

125.9 (1) hold the minimum of a bachelor's degree from a college or university located in the
125.10 United States that is regionally accredited by the Higher Learning Commission or by the
125.11 regional association for accreditation of colleges and secondary schools, as verified by a
125.12 college transcript;

125.13 (2) hold a credential from outside the United States that is equivalent to a bachelor's
125.14 degree, as verified by a credential evaluation completed by a credential evaluator approved
125.15 by the National Association of Credential Evaluation Services or other board-approved
125.16 credential evaluation service; or

125.17 (3) for applicants in career and technical education fields and career pathway courses
125.18 of study, have one of the following:

125.19 (i) five years of relevant work experience aligned to the assignment;

125.20 (ii) an associate's degree aligned to the assignment; or

125.21 (iii) a professional certification aligned to the assignment.

125.22 (c) The applicant must:

125.23 (1) be enrolled in a board-approved teacher preparation program aligned to the licensure
125.24 field;

125.25 (2) hold a master's degree, or equivalent, aligned to the assignment from a college or
125.26 university located in the United States that is regionally accredited by the Higher Learning

- 125.27 Commission or by the regional association for accreditation of colleges and secondary
125.28 schools, as verified by a college transcript; or
- 125.29 (3) show completion of two of the following:
- 125.30 (i) at least eight upper division or graduate-level credits aligned to the assignment;
- 126.1 (ii) field-specific methods in a state-approved teacher preparation program aligned to
126.2 the assignment;
- 126.3 (iii) at least two years of experience teaching as the teacher of record aligned to the
126.4 assignment;
- 126.5 (iv) board-adopted pedagogy and content examinations with passing scores aligned to
126.6 the licensure area. Any licensure area that does not have a board-approved content
126.7 examination is exempt from the content examination requirement; or
- 126.8 (v) a state-approved teacher preparation program aligned to the licensure area.
- 126.9 (d) The hiring district must affirm the applicant will participate in mentorship as available
126.10 and evaluation aligned to the district's teacher development and evaluation model under
126.11 Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or, if the
126.12 statutory models are not practicable, to another identified district-aligned evaluation.
- 126.13 Subd. 3. **Duration.** A Tier 2 license is valid for up to two years and expires on June 30
126.14 of the expiration year.
- 126.15 Subd. 4. **Position change.** If a Tier 2 license holder moves to another licensure area
126.16 within a district or to another district, prior to the expiration of the Tier 2 license, the license
126.17 holder must initiate a new application, including paying the application fee, and the hiring
126.18 district must meet the requirements under subdivision 2 for the new position. The applicant
126.19 is not required to complete a new background check by the board. The Tier 2 license issued
126.20 by the board under this subdivision is considered a new license, not a renewal.
- 126.21 Sec. 33. **TIER 3 LICENSE.**
- 126.22 Subdivision 1. **Purpose.** A Tier 3 license must be issued to an applicant, consistent with
126.23 this part, aligned to the scope and field of the applicant's training and experience. A Tier 3
126.24 license authorizes the license holder to teach within the specific licensure field for which
126.25 board rules exist.

- 126.26 Subd. 2. **Requirements.** (a) The board must issue a Tier 3 license if the applicant meets
126.27 all of the requirements of this subdivision.
- 126.28 (b) The applicant must:
- 126.29 (1) hold the minimum of a bachelor's degree from a college or university located in the
126.30 United States that is regionally accredited by the Higher Learning Commission or by the
126.31 regional association for accreditation of colleges and secondary schools, as verified by a
126.32 college transcript;
- 127.1 (2) hold a credential from outside the United States that is equivalent to a bachelor's
127.2 degree, as verified by a credential evaluation completed by a credential evaluator approved
127.3 by the National Association of Credential Evaluation Services or other board-approved
127.4 credential evaluation service; or
- 127.5 (3) for applicants in career and technical education fields and career pathway courses
127.6 of study, have one of the following:
- 127.7 (i) five years of relevant work experience aligned to the licensure area sought;
- 127.8 (ii) an associate's degree aligned to the licensure area sought; or
- 127.9 (iii) a professional certification aligned to the licensure area sought from an approved
127.10 certifying organization.
- 127.11 (c) The applicant must obtain passing scores on the board-approved pedagogy and content
127.12 examinations aligned to the licensure area sought. Any licensure area that does not have a
127.13 board-approved content examination is exempt from the content examination requirement.
- 127.14 (d) The applicant must show one of the following:
- 127.15 (1) completion of a board-approved conventional, nonconventional, or alternative teacher
127.16 preparation program aligned to the licensure area sought. The board must accept certifications
127.17 in related services positions under sections 41 to 45 and Minnesota Rules, parts 8710.6000
127.18 to 8710.6400, in lieu of completion of a board-approved teacher preparation program;
- 127.19 (2) completion of a preparation program approved in another state aligned to the licensure
127.20 area sought that included field-specific student teaching equivalent to field-specific student
127.21 teaching in Minnesota-approved teacher preparation programs. The applicant is exempt
127.22 from field-specific student teaching if the applicant has at least two years of field-specific
127.23 experience teaching as the teacher of record in the licensure area sought;

127.24 (3) recommendation for licensure via portfolio application aligned to the licensure area
127.25 sought;

127.26 (4) holds or held a professional license from another state in good standing aligned to
127.27 the licensure area sought with at least two years of experience teaching as the teacher of
127.28 record aligned to the licensure area sought; or

127.29 (5) has at least three years of experience teaching as the teacher of record aligned to the
127.30 licensure area sought under a Tier 2 license and presents evidence of summative teacher
127.31 evaluations that did not result in placing or otherwise keeping the teacher on an improvement
127.32 process aligned to the district's teacher development and evaluation plan.

128.1 Subd. 3. **Duration.** A Tier 3 license is valid for up to three years and expires on June
128.2 30 of the expiration year.

128.3 Subd. 4. **Restrictions.** (a) An applicant whose content training or experience does not
128.4 align to a currently approved Minnesota license, but for which past rules have been adopted,
128.5 and who meets all other requirements of subdivision 2, must be issued a Tier 3 license
128.6 restricted to the scope and licensure area of the applicant's content training or experience.

128.7 (b) Applicants with content training and experience within two grade levels of a currently
128.8 approved Minnesota licensure scope must be granted the full scope of the Minnesota license.

128.9 (c) Applicants who meet the requirements of subdivision 2, paragraphs (b) and (c), from
128.10 a Montessori Accreditation Council for Teacher Education accredited training center must
128.11 be issued a Tier 3 license restricted to a Montessori setting and aligned to the scope of
128.12 training.

128.13 Sec. 34. **TIER 4 LICENSE.**

128.14 Subdivision 1. **Purpose.** A Tier 4 license authorizes the license holder, consistent with
128.15 this part, to teach in the field and scope aligned to the license holder's preparation. A Tier
128.16 4 license indicates the license holder has had at least three years of experience in Minnesota
128.17 within the field and scope of licensure and completed the professional development
128.18 requirements mandated by statute.

128.19 Subd. 2. **Requirements.** (a) The board must issue a Tier 4 license if the applicant meets
128.20 all of the requirements of this subdivision.

128.21 (b) The applicant must:

- 128.22 (1) hold the minimum of a bachelor's degree from a college or university located in the
128.23 United States that is regionally accredited by the Higher Learning Commission or by the
128.24 regional association for accreditation of colleges and secondary schools, as verified by a
128.25 college transcript;
- 128.26 (2) hold a credential from outside the United States that is equivalent to a bachelor's
128.27 degree, as verified by a credential evaluation completed by a credential evaluator approved
128.28 by the National Association of Credential Evaluation Services or other board-approved
128.29 credential evaluation service; or
- 128.30 (3) for applicants in career and technical education fields and career pathway courses
128.31 of study, have one of the following:
- 128.32 (i) five years of relevant work experience aligned to the licensure area sought;
- 129.1 (ii) an associate's degree aligned to the licensure area sought; or
- 129.2 (iii) a professional certification aligned to the licensure area sought from an approved
129.3 certifying organization.
- 129.4 (c) The applicant must have completed one of the following:
- 129.5 (1) a board-approved conventional, nonconventional, or alternative teacher preparation
129.6 program aligned to the licensure area sought. The board must accept certifications in related
129.7 services positions under sections 41 to 45 and Minnesota Rules, parts 8710.6000 to
129.8 8710.6400, in lieu of completion of a board-approved teacher preparation program; or
- 129.9 (2) a preparation program approved in another state aligned to the licensure area sought
129.10 that included field-specific student teaching equivalent to field-specific student teaching in
129.11 Minnesota-approved teacher preparation programs. The applicant is exempt from
129.12 field-specific student teaching if the applicant has at least two years of field-specific
129.13 experience teaching as the teacher of record.
- 129.14 (d) The applicant must obtain passing scores on the board-approved skills, pedagogy,
129.15 and content examinations aligned to the licensure area sought. Any licensure area that does
129.16 not have a board-approved content examination is exempt from the content examination
129.17 requirement.
- 129.18 (e) The applicant must have at least three years of experience teaching in Minnesota as
129.19 the teacher of record.

129.20 (f) The applicant's most recent summative evaluation must not have resulted in placing
129.21 or otherwise keeping the teacher in an improvement process aligned to the district's teacher
129.22 development and evaluation plan.

129.23 (g) The applicant must have participated in mentorship and evaluation aligned to the
129.24 district's teacher development and evaluation model under Minnesota Statutes, section
129.25 122A.40, subdivision 8, or 122A.41, subdivision 5, or, if the statutory models are not
129.26 practicable, to another identified district-aligned evaluation.

129.27 Subd. 3. **Adding a Tier 4 license.** To add an additional Tier 4 license, the applicant
129.28 must show evidence of meeting the requirements of subdivision 2, paragraph (d), and section
129.29 33, subdivision 2, paragraph (d), clause (1), (2), or (3), in the licensure area sought. An
129.30 applicant may add a teachers of science endorsement by meeting the requirements of
129.31 Minnesota Rules, part 8710.4770.

129.32 Subd. 4. **Duration.** A Tier 4 license is valid for up to five years and expires on June 30
129.33 of the expiration year.

130.1 Subd. 5. **Restrictions.** (a) An applicant whose content training or experience does not
130.2 align to a currently approved Minnesota license, but for which past rules have been adopted,
130.3 and who meets all other requirements of this part must be issued a Tier 4 license restricted
130.4 to the scope and licensure area of the applicant's content training or experience.

130.5 (b) Applicants with content training and experience within two grade levels of a currently
130.6 approved Minnesota licensure scope must be granted the full scope of the Minnesota license.

130.7 Sec. 35. **OUT-OF-FIELD PERMISSION.**

130.8 Subdivision 1. **Purpose.** An out-of-field permission authorizes a teacher holding a Tier
130.9 3 or 4 license, consistent with this part, to teach in a field not aligned with the Tier 3 or 4
130.10 license.

130.11 Subd. 2. **Requirements.** (a) The board must issue an out-of-field permission upon request
130.12 by the designated administrator of the hiring district. The applicant must initiate the
130.13 application process, and the hiring district must show:

130.14 (1) the applicant holds a valid Tier 3 or 4 license;

130.15 (2) the applicant holds a license other than for a related services position under sections
130.16 41 to 45 and Minnesota Rules, parts 8710.6000 to 8710.6400;

130.17 (3) the applicant approves the request; and

130.18 (4) the position was posted for at least 15 days on the board-approved statewide job
130.19 board.

130.20 (b) A committee of board staff designated by the board must review applications
130.21 requesting emergency placements under this subdivision within two business days. The
130.22 committee may immediately issue an out-of-field permission based on board-adopted criteria
130.23 pending review by the board. The board must review applications after the position has
130.24 been posted on the board-approved statewide job board for 15 days.

130.25 Subd. 3. **Duration.** An out-of-field permission is valid for up to one year and expires
130.26 on June 30 of the expiration year.

130.27 Subd. 4. **Limitations and exceptions.** (a) An individual cannot hold an out-of-field
130.28 permission to work in a related services position.

130.29 (b) An out-of-field permission is limited to the licensure area and the district for which
130.30 it was granted.

131.1 (c) An out-of-field permission granted for a summer school only position may be renewed
131.2 an unlimited number of times.

131.3 Sec. 36. **INNOVATIVE PROGRAM PERMISSION.**

131.4 Subdivision 1. **Purpose.** An innovative program permission authorizes a licensed teacher,
131.5 consistent with this part, to teach multiple fields within an established innovative program.

131.6 Subd. 2. **Requirements.** The board must issue an innovative program permission upon
131.7 request by the designated administrator of the hiring district. The applicant must initiate the
131.8 application process, and the hiring district must show:

131.9 (1) the applicant holds a Tier 3 or 4 license; and

131.10 (2) the teaching assignment is within an innovative program.

131.11 Subd. 3. **Duration.** An innovative program permission is valid for up to one year and
131.12 expires on June 30 of the expiration year.

131.13 Subd. 4. **Renewal.** An innovative program permission may be renewed an unlimited
131.14 number of times.

131.15 Sec. 37. **SHORT-CALL SUBSTITUTE LICENSE.**

131.16 Subdivision 1. **Purpose.** A short-call substitute license authorizes the license holder to
131.17 replace the same teacher of record for no more than 15 consecutive school days.

131.18 Subd. 2. **Requirements.** The board must issue a short-call substitute license to an
131.19 applicant who meets the requirements of this subdivision. The applicant must:

131.20 (1) hold the minimum of a bachelor's degree from a college or university located in the
131.21 United States that is regionally accredited by the Higher Learning Commission or by the
131.22 regional association for accreditation of colleges and secondary schools, as verified by a
131.23 college transcript;

131.24 (2) hold a credential from outside the United States that is equivalent to a bachelor's
131.25 degree, as verified by a credential evaluation completed by a credential evaluator approved
131.26 by the National Association of Credential Evaluation Services or other board-approved
131.27 credential evaluation service;

131.28 (3) for applicants in career and technical education fields and career pathway courses
131.29 of study, have one of the following:

131.30 (i) five years of relevant work experience aligned to the assignment;

132.1 (ii) an associate's degree aligned to the assignment; or

132.2 (iii) a professional certification aligned to the assignment from an approved certifying
132.3 organization; or

132.4 (iv) be enrolled in and making meaningful progress, as defined by the provider, in a
132.5 board-approved teacher preparation program and have successfully completed student
132.6 teaching to be employed as a short-call substitute teacher.

132.7 Subd. 3. **Duration.** A short-call substitute license is valid for up to three years and
132.8 expires on June 30 of the expiration year.

132.9 Subd. 4. **Renewal.** An applicant must reapply for a short-call substitute license upon its
132.10 expiration.

132.11 Sec. 38. **LIFETIME SUBSTITUTE LICENSE.**

- 132.12 Subdivision 1. **Purpose.** A lifetime substitute license is issued, consistent with this
132.13 section, to a retired teacher and authorizes the license holder to replace a teacher of record
132.14 who is on an approved leave of absence.
- 132.15 Subd. 2. **Requirements.** The board must issue a lifetime substitute license to an applicant
132.16 who meets one of the following:
- 132.17 (1) holds or held a Tier 3 or 4 license, a Minnesota five-year standard license or its
132.18 equivalent, or a professional license from another state and receives a retirement annuity
132.19 as a result of the person's teaching experience; or
- 132.20 (2) holds or held a Tier 3 or 4 license or a Minnesota five-year standard license or its
132.21 equivalent, taught for at least three years in an accredited nonpublic school in Minnesota,
132.22 and receives a retirement annuity as a result of the person's teaching experience.
- 132.23 Subd. 3. **Duration.** A lifetime substitute license does not expire.
- 132.24 Subd. 4. **Limitations.** A teacher holding a lifetime substitute license may replace the
132.25 same teacher of record on an approved leave of absence for more than 15 consecutive school
132.26 days if the substitute teacher's previous Tier 3 or 4 license, Minnesota five-year standard
132.27 license or its equivalent, or professional license from another state is aligned to the
132.28 assignment.
- 133.1 Sec. 39. **TEACHERS OF READING.**
- 133.2 A candidate for licensure to teach reading to students in kindergarten through grade 12
133.3 shall hold or qualify for a teaching license, as defined in section 30, valid for one or more
133.4 of the following student levels: elementary, middle, or secondary.
- 133.5 Sec. 40. **READING LEADER.**
- 133.6 A candidate for licensure to teach reading to students in kindergarten through grade 12
133.7 shall hold or qualify for a teaching license, as defined in section 30, valid for one or more
133.8 of the following student levels: elementary, middle, or secondary.
- 133.9 Sec. 41. **SPEECH-LANGUAGE PATHOLOGIST.**
- 133.10 Subdivision 1. **Exceptions.** A speech-language pathologist teacher is not required to
133.11 pass content, pedagogy, or basic skills examinations.

- 133.12 Subd. 2. **Requirements for Tier 2 license.** (a) A Tier 2 license issued under section 32
133.13 must be issued to a speech-language pathologist teacher if the requirements of this subdivision
133.14 are met.
- 133.15 (b) The applicant must:
- 133.16 (1) hold a baccalaureate degree in speech-language pathology or communication
133.17 disorders; and
- 133.18 (2) be enrolled in a master's degree program. The recommending institution must agree
133.19 in writing to provide supervision for the speech-language pathologist teacher.
- 133.20 (c) The hiring district must:
- 133.21 (1) request a Tier 2 license from the board; and
- 133.22 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
133.23 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision
133.24 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
133.25 identified district-aligned evaluation.
- 133.26 Subd. 3. **Requirements for Tier 3 license.** A Tier 3 license issued under section 33
133.27 must be issued to a speech-language pathologist teacher if the applicant provides evidence
133.28 of:
- 134.1 (1) having completed a master's degree in speech-language pathology from a program
134.2 accredited by the Council on Academic Affairs of the American Speech-Language-Hearing
134.3 Association; or
- 134.4 (2) holding a valid certificate of clinical competence from the American
134.5 Speech-Language-Hearing Association.
- 134.6 Subd. 4. **Requirements for Tier 4 license.** A Tier 4 license issued under section 34
134.7 must be issued to a speech-language pathologist teacher if the applicant:
- 134.8 (1) meets all requirements for a Tier 3 license under subdivision 3;
- 134.9 (2) has at least three years of experience as a speech-language pathologist teacher in
134.10 Minnesota schools; and

- 134.11 (3) was not placed or otherwise kept in an improvement process aligned to the district's
134.12 teacher development and evaluation plan by the applicant's most recent summative evaluation.
- 134.13 Sec. 42. **SCHOOL NURSE.**
- 134.14 Subdivision 1. **Exceptions.** A school nurse is not required to pass content, pedagogy,
134.15 or basic skills examinations.
- 134.16 Subd. 2. **Requirements for Tier 3 license.** A Tier 3 license issued under section 33
134.17 must be issued to a school nurse if the applicant:
- 134.18 (1) holds a baccalaureate degree in nursing from a regionally accredited college or
134.19 university;
- 134.20 (2) is currently registered in Minnesota to practice as a licensed registered nurse under
134.21 the Board of Nursing; and
- 134.22 (3) is currently registered in Minnesota as a public health nurse under the Board of
134.23 Nursing.
- 134.24 Subd. 3. **Requirements for Tier 4 license.** A Tier 4 license issued under section 34
134.25 must be issued to a school nurse if the applicant:
- 134.26 (1) meets all requirements for a Tier 3 license under subdivision 2;
- 134.27 (2) has at least three years of experience as a school nurse in Minnesota; and
- 134.28 (3) was not placed or otherwise kept in an improvement process aligned to the district's
134.29 teacher development and evaluation plan by the applicant's most recent summative evaluation.
- 135.1 Subd. 4. **Maintaining board of nursing registration.** In order to retain licensure as a
135.2 school nurse, current registration as a registered nurse and registration as a public health
135.3 nurse must be maintained at all times. Lapse of this registration or licensure is grounds for
135.4 revocation of licensure as a school nurse.
- 135.5 Persons without baccalaureate degrees who hold valid licenses as school nurses may
135.6 continue to renew their licenses under subdivision 4, provided that requirements for renewal
135.7 are met. However, if a license is allowed to lapse, persons must meet the licensure
135.8 requirements in subdivision 2 or 3 in order to receive a current school nurse license.
- 135.9 Sec. 43. **SCHOOL PSYCHOLOGIST.**

135.10 Subdivision 1. **Exceptions.** A school psychologist is not required to pass content,
135.11 pedagogy, or basic skills examinations.

135.12 Subd. 2. **Requirements for Tier 2 license.** (a) A Tier 2 license issued under section 32
135.13 must be issued to a school psychologist if the requirements of this subdivision are met.

135.14 (b) The applicant must:

135.15 (1) provide evidence that the applicant has completed a school psychology program not
135.16 accredited by the National Association of School Psychologists and does not hold a National
135.17 School Psychologist Certification; or

135.18 (2) hold a master's degree or equivalent in a school psychology program and provide
135.19 verification of completion of at least three years of preparation required for licensure as a
135.20 school psychologist. The recommending institution must verify completion of at least three
135.21 years of preparation required for licensure as a school psychologist, affirm that the institution
135.22 will assist in designing the learning experience, and provide supervision during the learning
135.23 experience.

135.24 (c) The hiring district must:

135.25 (1) request a Tier 2 license from the board;

135.26 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
135.27 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision
135.28 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
135.29 identified district-aligned evaluation; and

135.30 (3) if the applicant obtains a Tier 2 license pursuant to paragraph (b), clause (2), assign
135.31 a school psychologist who holds a Tier 3 or Tier 4 license issued under sections 33 and 34
135.32 to supervise the applicant.

136.1 Subd. 3. **Tier 2 license duration; renewal.** (a) A Tier 2 license issued under subdivision
136.2 2, paragraph (b), clause (1), is valid for up to two years, expires on June 30 of the expiration
136.3 year, and may be renewed one time pursuant to board rules.

136.4 (b) A Tier 2 license issued under subdivision 2, paragraph (b), clause (2), may be used
136.5 only in the requesting district, is valid for up to one school year, and expires on the June 30
136.6 following the date of issuance. The license may be renewed one time upon application to
136.7 the board if the applicant must complete the equivalent of one school year of internship

- 136.8 experience during the following school year. The license shall be revoked by the board if
136.9 it is demonstrated that the intent and purpose of the licensure have not been fulfilled.
- 136.10 Subd. 4. **Requirements for Tier 3 license.** A Tier 3 license issued under section 33
136.11 must be issued to a school psychologist if the applicant has completed a preparation program
136.12 in school psychology accredited by the National Association of School Psychologists.
- 136.13 Subd. 5. **Requirements for Tier 4 license.** A Tier 4 license issued under section 34
136.14 must be issued to a school psychologist if the applicant:
- 136.15 (1) meets all requirements for a Tier 3 license issued under subdivision 4;
- 136.16 (2) has at least three years of experience working as a school psychologist in Minnesota;
136.17 and
- 136.18 (3) was not placed or otherwise kept in an improvement process aligned to the district's
136.19 teacher development and evaluation plan by the applicant's most recent summative evaluation.
- 136.20 Sec. 44. **SCHOOL SOCIAL WORKER.**
- 136.21 Subdivision 1. **Exceptions.** A school social worker is not required to pass content
136.22 pedagogy, or basic skills examinations.
- 136.23 Subd. 2. **Requirements for Tier 3 license.** A Tier 3 license issued under section 33
136.24 must be issued to a school social worker if the applicant:
- 136.25 (1) holds a baccalaureate or master's degree in social work from a program accredited
136.26 by the Council on Social Work Education; and
- 136.27 (2) is currently licensed in Minnesota to practice as a social worker under the Board of
136.28 Social Work.
- 136.29 Subd. 3. **Requirements for Tier 4 license.** A Tier 4 license issued under section 34
136.30 must be issued to a school social worker if the applicant:
- 136.31 (1) meets all requirements for a Tier 3 license under subdivision 2;
- 137.1 (2) has at least three years of experience working as a school social worker in Minnesota;
137.2 and

- 137.3 (3) was not placed or otherwise kept in an improvement process aligned to the district's
137.4 teacher development and evaluation plan by the applicant's most recent summative evaluation.
- 137.5 Sec. 45. **SCHOOL COUNSELOR.**
- 137.6 Subdivision 1. **Exceptions.** A school counselor is not required to pass content, pedagogy,
137.7 or basic skills examinations.
- 137.8 Subd. 2. **Requirements for Tier 2 license.** (a) A Tier 2 license issued under section 32
137.9 must be issued to a school counselor if the requirements of this subdivision are met.
- 137.10 (b) The applicant must:
- 137.11 (1) hold a baccalaureate degree;
- 137.12 (2) be enrolled in an accredited school counselor education program;
- 137.13 (3) have accumulated no less than 24 semester credit hours in school counseling-specific
137.14 coursework or content, including introduction to the field, counseling skills, and ethical
137.15 standards; and
- 137.16 (4) verify to the board in writing a plan of study of full- or part-time enrollment to achieve
137.17 licensure within three years.
- 137.18 (c) The hiring district must show the position was posted for at least 15 days on the
137.19 board-approved statewide job board.
- 137.20 (d) The hiring district must:
- 137.21 (1) request a Tier 2 license from the board; and
- 137.22 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
137.23 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision
137.24 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
137.25 identified district-aligned evaluation.
- 137.26 (e) Applicants granted a license to practice under this subdivision must obtain approval
137.27 to practice in writing from the school counseling program in which they are enrolled and
137.28 must be supervised by a duly licensed school counselor with no less than two years of
137.29 full-time practice experience.

- 137.30 Subd. 3. **Tier 2 license duration.** A Tier 2 license issued under subdivision 2 is valid
137.31 for two years and may be renewed one time.
- 138.1 Subd. 4. **Requirements for Tier 3 license.** A Tier 3 license issued under section 33
138.2 must be issued to a school counselor if the applicant:
- 138.3 (1) holds a master's degree or the equivalent in school counseling from a college or
138.4 university that is regionally accredited by the association for the accreditation of colleges
138.5 and secondary schools; and
- 138.6 (2) shows verification of having completed a preparation program approved by the state
138.7 where the program resides or the Council for the Accreditation of Counseling and Related
138.8 Educational Services.
- 138.9 Subd. 5. **Requirements for Tier 4 license.** A Tier 4 license issued under section 34
138.10 must be issued to a school counselor if the applicant:
- 138.11 (1) meets all requirements for a Tier 3 license issued under subdivision 4;
- 138.12 (2) has at least three years of experience working as a school counselor in Minnesota;
138.13 and
- 138.14 (3) was not placed or otherwise kept in an improvement process aligned to the district's
138.15 teacher development and evaluation plan by the applicant's most recent summative evaluation.
- 138.16 Sec. 46. **DUTY OF LICENSEE TO RENEW.**
- 138.17 It is the responsibility of the person seeking the renewal of a Tier 3 or 4 teaching license
138.18 to comply with licensure renewal requirements and to submit the application, appropriate
138.19 verification, and other supporting materials to the local continuing education/relicensure
138.20 committee, in accordance with procedures and due dates established by that committee.
- 138.21 Sec. 47. **CAREER PATHWAYS TEACHER.**
- 138.22 Subdivision 1. **Scope of practice.** A career pathways teacher is authorized to teach
138.23 students the skills and information necessary for a specific career where that career does
138.24 not necessarily require a four-year degree and in which there are not board rules in place.
138.25 Such careers include but are not limited to law enforcement, cosmetology, and park services.
- 138.26 Subd. 2. **Licensure requirements.** (a) A candidate for licensure as a career pathways
138.27 teacher must meet the requirements of this subdivision.

138.28 (b) The applicant must have one of the following:

138.29 (1) five years of relevant work experience;

138.30 (2) at least an associate's degree aligned to the career field; or

139.1 (3) a professional certification aligned to the career field from an approved certifying
139.2 organization.

139.3 (c) The applicant must demonstrate to the board the standards of effective practice under
139.4 Minnesota Rules, part 8710.2000, have been met through standards of effective practice
139.5 coursework or experiences through a teacher preparation provider.

139.6 Sec. 48. **REPEALER.**

139.7 (a) Minnesota Rules, parts 8700.7620; 8710.0300, subparts 1, 1a, 2, 2a, 2b, 3, 5, 6, 7,
139.8 8, 9, 10, and 11; 8710.1000; 8710.1050; 8710.1250; 8710.1400; and 8710.1410, are repealed.

139.9 (b) Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 1, and Minnesota
139.10 Rules, part 8710.2100, subparts 1 and 2, are repealed.

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