

1.1 **ARTICLE 36**1.2 **TEACHERS**1.3 Section 1. **[122A.051] CODE OF ETHICS.**

1.4 Subdivision 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a
1.5 number of obligations, one of which is to adhere to a set of principles that defines professional
1.6 conduct. These principles are reflected in the code of ethics, which sets forth to the education
1.7 profession and the public it serves standards of professional conduct. This code applies to
1.8 all persons licensed according to rules established by the Professional Educator Licensing
1.9 and Standards Board.

1.10 Subd. 2. **Standards of professional conduct.** (a) A teacher must provide professional
1.11 education services in a nondiscriminatory manner, including not discriminating on the basis
1.12 of political, ideological, or religious beliefs.

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

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

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

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

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

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

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

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

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

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

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

2.2 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding a
2.3 subdivision to read:

2.4 Subd. 6. **Public employer compensation reduction prohibited.** The public employer
2.5 of a member shall not reduce the member's compensation or benefits for the member's
2.6 absence from employment when engaging in the business of the board.

2.7 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 2, is amended
2.8 to read:

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

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

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

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

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

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

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

2.27 (b) The superintendent of the Bureau of Criminal Apprehension ~~shall~~ must perform the
2.28 background check required under paragraph (a) by retrieving criminal history data as defined
2.29 in section 13.87 and shall also conduct a search of the national criminal records repository.
2.30 The superintendent is authorized to exchange fingerprints with the Federal Bureau of
2.31 Investigation for purposes of the criminal history check. The superintendent ~~shall~~ must

3.1 recover the cost to the bureau of a background check through the fee charged to the applicant
3.2 under paragraph (a).

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

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

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

3.11 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
3.12 license under sections 122A.183 and 122A.184, respectively, who have been employed as
3.13 a teacher during the renewal period of the expiring license, as a condition of license renewal,
3.14 must present to their local continuing education and relicensure committee or other local
3.15 relicensure committee evidence of work that demonstrates professional reflection and growth
3.16 in best teaching practices, including among other things, cultural competence in accordance
3.17 with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied
3.18 needs of English learners, from young children to adults under section 124D.59, subdivisions
3.19 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's
3.20 most recent summative evaluation or improvement plan under section 122A.40, subdivision
3.21 8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not
3.22 provide direct instruction but who provide academic, college, and career planning and
3.23 support to students may submit proof of training on armed forces career options or careers
3.24 in the skilled trades and manufacturing as additional evidence of professional growth.

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

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

3.29 **Subd. 7. Background check.** The Professional Educator Licensing and Standards Board
3.30 must request a criminal history background check from the superintendent of the Bureau
3.31 of Criminal Apprehension on a licensed teacher applying for a license renewal who has not
3.32 had a background check within the preceding five years. The board may request payment

4.1 from the teacher renewing a license in an amount equal to the actual cost of the background
 4.2 check.

4.3 **EFFECTIVE DATE.** This section is effective July 1, 2019.

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

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

4.12 (1) immoral character or conduct;

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

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

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

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

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

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

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

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

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

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

4.28 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section
 4.29 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

5.1 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
5.2 609.3451, subdivision 3 ~~or~~₂;

5.3 (6) indecent exposure under section 617.23, subdivision 3₂;

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

5.6 (8) embezzlement of public funds under section 609.54, clause (2);

5.7 (9) interference with privacy under section 609.746 or stalking under section 609.749
5.8 and the victim was a minor₂;

5.9 (10) using minors in a sexual performance under section 617.246₂;

5.10 (11) possessing pornographic works involving a minor under section 617.247₂; or

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

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

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

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

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

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

6.7 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision
6.8 16;

6.9 (2) embezzlement of public funds under section 609.54, clause (1);

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

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

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

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

6.18 (g) Section 122A.188 does not apply to a decision by the board to refuse to issue, refuse
6.19 to renew, or revoke a license under this paragraph. A person whose license has been revoked,
6.20 not issued, or not renewed under this subdivision may appeal the decision by filing a written
6.21 request with the Professional Educator Licensing and Standards Board or the Board of
6.22 School Administrators, as appropriate, within 30 days of notice of the licensing action. The
6.23 board must then initiate a contested case under the Administrative Procedure Act, sections
6.24 14.001 to 14.69.

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

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

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

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

7.4 Subd. 2. **Mandatory reporting.** (a) A school board must report to the Professional
7.5 Educator Licensing and Standards Board, the Board of School Administrators, or the Board
7.6 of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction
7.7 over the teacher's or administrator's license, when its teacher or administrator is discharged
7.8 or resigns from employment after a charge is filed with the school board under section
7.9 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are
7.10 grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses (1) to
7.11 (5), or when a teacher or administrator is suspended or resigns while an investigation is
7.12 pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5); 122A.41,
7.13 subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator
7.14 is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a),
7.15 clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate
7.16 licensing board within ten days after the discharge, suspension, or resignation has occurred.
7.17 The licensing board to which the report is made must investigate the report for violation of
7.18 subdivision 1 and the reporting board must cooperate in the investigation. Notwithstanding
7.19 any provision in chapter 13 or any law to the contrary, upon written request from the licensing
7.20 board having jurisdiction over the license, a board or school superintendent ~~shall~~ must
7.21 provide the licensing board with information about the teacher or administrator from the
7.22 district's files, any termination or disciplinary proceeding, any settlement or compromise,
7.23 or any investigative file. Upon written request from the appropriate licensing board, a board
7.24 or school superintendent may, at the discretion of the board or school superintendent, solicit
7.25 the written consent of a student and the student's parent to provide the licensing board with
7.26 information that may aid the licensing board in its investigation and license proceedings.
7.27 The licensing board's request need not identify a student or parent by name. The consent
7.28 of the student and the student's parent must meet the requirements of chapter 13 and Code
7.29 of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent
7.30 form to the district. Any data transmitted to any board under this section is private data
7.31 under section 13.02, subdivision 12, notwithstanding any other classification of the data
7.32 when it was in the possession of any other agency.

7.33 (b) The licensing board to which a report is made must transmit to the Attorney General's
7.34 Office any record or data it receives under this subdivision for the sole purpose of having
7.35 the Attorney General's Office assist that board in its investigation. When the Attorney

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

8.7 (c) The Professional Educator Licensing and Standards Board and Board of School
8.8 Administrators must report to the appropriate law enforcement authorities a revocation,
8.9 suspension, or agreement involving a loss of license, relating to a teacher or administrator's
8.10 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement
8.11 authority" means a police department, county sheriff, or tribal police department. A report
8.12 by the Professional Educator Licensing and Standards Board or the Board of School
8.13 Administrators to appropriate law enforcement authorities does not diminish, modify, or
8.14 otherwise affect the responsibilities of a licensing board, school board, or any person
8.15 mandated to report abuse under section 626.556.

8.16 (d) The Professional Educator Licensing and Standards Board and Board of School
8.17 Administrators must, immediately upon receiving information that gives the board reason
8.18 to believe a child has at any time been neglected or physically or sexually abused, as defined
8.19 in section 626.556, subdivision 2, report the information to:

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

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

8.23 A report under this paragraph does not diminish, modify, or otherwise affect the
8.24 responsibilities of a licensing board under section 626.556.

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

8.26 Sec. 9. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended
8.27 to read:

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

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

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

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

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

9.7 (5) willful neglect of duty; or

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

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

9.12 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
9.13 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
9.14 after receipt of this notification the teacher may make a written request for a hearing before
9.15 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend
9.16 a teacher with pay pending the conclusion of the hearing and determination of the issues
9.17 raised in the hearing after charges have been filed which constitute ground for discharge.
9.18 If a teacher has been charged with a felony and the underlying conduct that is the subject
9.19 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
9.20 the conclusion of the hearing and determination of the issues may be without pay. If a
9.21 hearing under this paragraph is held, the board must reimburse the teacher for any salary
9.22 or compensation withheld if the final decision of the board or the arbitrator does not result
9.23 in a penalty to or suspension, termination, or discharge of the teacher.

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

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

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

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

9.30 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
9.31 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

10.1 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
10.2 609.3451, subdivision 3, ~~or 617.23, subdivision 3;~~

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

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

10.6 (8) embezzlement of public funds under section 609.54, clause (2);

10.7 (9) interference with privacy under section 609.746 or stalking under section 609.749
10.8 and the victim was a minor;

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

10.10 (11) possessing pornographic works involving a minor under section 617.247; ~~or~~

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

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

10.16 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
10.17 a final determination of child maltreatment involving a teacher under section 626.556,
10.18 subdivision 11, the school principal or other person having administrative control of the
10.19 school must include in the teacher's employment record the information contained in the
10.20 record of the disciplinary action or the final maltreatment determination, consistent with
10.21 the definition of public data under section 13.41, subdivision 5, and must provide the
10.22 Professional Educator Licensing and Standards Board ~~and the licensing division at the~~
10.23 ~~department~~ with the necessary and relevant information to enable the Professional Educator
10.24 Licensing and Standards Board ~~and the department's licensing division~~ to fulfill ~~their~~ its
10.25 statutory and administrative duties related to issuing, renewing, suspending, or revoking a
10.26 teacher's license. Information received by the Professional Educator Licensing and Standards
10.27 Board ~~or the licensing division at the department~~ under this paragraph is governed by section
10.28 13.41 or other applicable law governing data of the receiving entity. In addition to the
10.29 background check required under section 123B.03, a school board or other school hiring
10.30 authority must contact the Professional Educator Licensing and Standards Board and the
10.31 department to determine whether the teacher's license has been suspended or revoked,
10.32 consistent with the discharge and final maltreatment determinations identified in this
10.33 paragraph. Unless restricted by federal or state data practices law or by the terms of a

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

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

11.7 Sec. 10. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended
 11.8 to read:

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

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

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

11.16 (3) inefficiency in teaching or in the management of a school, consistent with subdivision
 11.17 5, paragraph (b);

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

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

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

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

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

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

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

11.29 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
 11.30 609.324, ~~subdivision~~ subdivisions 1, 1a, and 2;

12.1 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
 12.2 609.3451, subdivision 3, ~~or~~;

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

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

12.6 (8) embezzlement of public funds under section 609.54, clause (2);

12.7 (9) interference with privacy under section 609.746 or stalking under section 609.749
 12.8 and the victim was a minor;

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

12.10 (11) possessing pornographic works involving a minor under section 617.247; ~~or~~

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

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

12.16 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
 12.17 a final determination of child maltreatment involving a teacher under section 626.556,
 12.18 subdivision 11, the school principal or other person having administrative control of the
 12.19 school must include in the teacher's employment record the information contained in the
 12.20 record of the disciplinary action or the final maltreatment determination, consistent with
 12.21 the definition of public data under section 13.41, subdivision 5, and must provide the
 12.22 Professional Educator Licensing and Standards Board ~~and the licensing division at the~~
 12.23 ~~department~~ with the necessary and relevant information to enable the Professional Educator
 12.24 Licensing and Standards Board ~~and the department's licensing division~~ to fulfill ~~their~~ its
 12.25 statutory and administrative duties related to issuing, renewing, suspending, or revoking a
 12.26 teacher's license. Information received by the Professional Educator Licensing and Standards
 12.27 Board ~~or the licensing division at the department~~ under this paragraph is governed by section
 12.28 13.41 or other applicable law governing data of the receiving entity. In addition to the
 12.29 background check required under section 123B.03, a school board or other school hiring
 12.30 authority must contact the Professional Educator Licensing and Standards Board and the
 12.31 department to determine whether the teacher's license has been suspended or revoked,
 12.32 consistent with the discharge and final maltreatment determinations identified in this
 12.33 paragraph. Unless restricted by federal or state data practices law or by the terms of a

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

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

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

13.8 **122A.42 GENERAL CONTROL OF SCHOOLS.**

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

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

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

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

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

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

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

14.1 athletic coaching services or other extracurricular academic coaching services to a school,
14.2 regardless of whether any compensation is paid. In order for an individual to be eligible for
14.3 employment or to provide the services, the individual must provide an executed criminal
14.4 history consent form and a money order or check payable to either the Bureau of Criminal
14.5 Apprehension or the school hiring authority, at the discretion of the school hiring authority,
14.6 in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school
14.7 district of conducting the criminal history background check. A school hiring authority
14.8 deciding to receive payment may, at its discretion, accept payment in the form of a negotiable
14.9 instrument other than a money order or check and shall pay the superintendent of the Bureau
14.10 of Criminal Apprehension directly to conduct the background check. The superintendent
14.11 of the Bureau of Criminal Apprehension shall conduct the background check by retrieving
14.12 criminal history data as defined in section 13.87. A school hiring authority, at its discretion,
14.13 may decide not to request a criminal history background check on an individual who holds
14.14 an initial entrance license issued by the Professional Educator Licensing and Standards
14.15 Board or the commissioner of education within the 12 months preceding an offer of
14.16 employment.

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

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

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

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

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

14.27 (c) A school hiring authority may, at its discretion, request a criminal history background
14.28 check from the superintendent of the Bureau of Criminal Apprehension on any individual
14.29 who seeks to enter a school or its grounds for the purpose of serving as a school volunteer
14.30 or working as an independent contractor or student employee. In order for an individual to
14.31 enter a school or its grounds under this paragraph when the school hiring authority decides
14.32 to request a criminal history background check on the individual, the individual first must
14.33 provide an executed criminal history consent form and a money order, check, or other
14.34 negotiable instrument payable to the school district in an amount equal to the actual cost to

15.1 the Bureau of Criminal Apprehension and the school district of conducting the criminal
15.2 history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the
15.3 criminal history background check under this paragraph is the responsibility of the individual
15.4 unless a school hiring authority decides to pay the costs of conducting a background check
15.5 under this paragraph. If the school hiring authority pays the costs, the individual who is the
15.6 subject of the background check need not pay for it.

15.7 (d) In addition to the initial background check required for all individuals offered
15.8 employment in accordance with paragraph (a), a school hiring authority must request a new
15.9 criminal history background check from the superintendent of the Bureau of Criminal
15.10 Apprehension on all employees every five years. Notwithstanding any law to the contrary,
15.11 in order for an individual to be eligible for continued employment, an individual must
15.12 provide an executed criminal history consent form and a money order or check payable to
15.13 either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion
15.14 of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal
15.15 Apprehension and the school district of conducting the criminal history background check.
15.16 A school hiring authority deciding to receive payment may, at its discretion, accept payment
15.17 in the form of a negotiable instrument other than a money order or check and shall pay the
15.18 superintendent of the Bureau of Criminal Apprehension directly to conduct the background
15.19 check. A school hiring authority, at its discretion, may decide not to request a criminal
15.20 history background check on an employee who provides the hiring authority with a copy
15.21 of the results of a criminal history background check conducted within the previous 60
15.22 months. A school hiring authority may, at its discretion, decide to pay the costs of conducting
15.23 a background check under this paragraph.

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

15.34 ~~(e)~~ (f) At the beginning of each school year or when a student enrolls, a school hiring
15.35 authority must notify parents and guardians about the school hiring authority's policy

16.1 requiring a criminal history background check on employees and other individuals who
 16.2 provide services to the school, and identify those positions subject to a background check
 16.3 and the extent of the hiring authority's discretion in requiring a background check. The
 16.4 school hiring authority may include the notice in the student handbook, a school policy
 16.5 guide, or other similar communication. Nothing in this paragraph affects a school hiring
 16.6 authority's ability to request a criminal history background check on an individual under
 16.7 paragraph (c).

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

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

16.11 Subd. 2. **Effect of background check or Professional Educator Licensing and**
 16.12 **Standards Board action.** (a) ~~A school hiring authority may hire or otherwise allow an~~
 16.13 ~~individual to provide a service to a school pending completion of a background check under~~
 16.14 ~~subdivision 1 or obtaining notice of a Professional Educator Licensing and Standards Board~~
 16.15 ~~action under subdivision 1a but shall notify the individual that the individual's employment~~
 16.16 ~~or other service may be terminated based on the result of the background check or~~
 16.17 ~~Professional Educator Licensing and Standards Board action.~~ A school hiring authority is
 16.18 not liable for failing to hire or for terminating an individual's employment or other service
 16.19 based on the result of a background check or Professional Educator Licensing and Standards
 16.20 Board action under this section.

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

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

16.28 Sec. 15. Minnesota Statutes 2016, section 299C.17, is amended to read:

16.29 **299C.17 REPORT BY COURT ADMINISTRATOR.**

16.30 The superintendent shall require the court administrator of every court ~~which~~ that (1)
 16.31 sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2)
 16.32 grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), for an

17.1 offense that, if convicted of, would require predatory offender registration under section
 17.2 243.166, to electronically transmit within 24 hours of the disposition of the case a report,
 17.3 in a form prescribed by the superintendent providing information required by the
 17.4 superintendent with regard to the prosecution and disposition of criminal cases. A copy of
 17.5 the report shall be kept on file in the office of the court administrator.

17.6 **Sec. 16. 299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

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

17.13 Sec. 17. Minnesota Statutes 2016, section 609.095, is amended to read:

17.14 **609.095 LIMITS OF SENTENCES.**

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

17.19 (b) Except as provided in:

17.20 (1) section 152.18 or 609.375²; or

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

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

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

17.27 Sec. 18. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
 17.28 to read:

17.29 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
 17.30 who knows or has reason to believe a child is being neglected or physically or sexually
 17.31 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused

18.1 within the preceding three years, shall immediately report the information to the local welfare
18.2 agency, agency responsible for assessing or investigating the report, police department,
18.3 county sheriff, tribal social services agency, or tribal police department if the person is:

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

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

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

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

18.18 (c) A person mandated to report physical or sexual child abuse or neglect occurring
18.19 within a licensed facility shall report the information to the agency responsible for licensing
18.20 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
18.21 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
18.22 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
18.23 report may request the local welfare agency to provide assistance pursuant to subdivisions
18.24 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
18.25 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
18.26 the circumstances of the alleged maltreatment to the commissioner of education. Section
18.27 13.03, subdivision 4, applies to data received by the commissioner of education from a
18.28 licensing entity.

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

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

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

19.1 Sec. 19. Minnesota Statutes 2016, section 626.556, subdivision 10, is amended to read:

19.2 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
19.3 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The
19.4 police department or the county sheriff shall immediately notify the local welfare agency
19.5 or agency responsible for child protection reports under this section orally and in writing
19.6 when a report is received. The local welfare agency or agency responsible for child protection
19.7 reports shall immediately notify the local police department or the county sheriff orally and
19.8 in writing when a report is received. The county sheriff and the head of every local welfare
19.9 agency, agency responsible for child protection reports, and police department shall each
19.10 designate a person within their agency, department, or office who is responsible for ensuring
19.11 that the notification duties of this paragraph are carried out. When the alleged maltreatment
19.12 occurred on tribal land, the local welfare agency or agency responsible for child protection
19.13 reports and the local police department or the county sheriff shall immediately notify the
19.14 tribe's social services agency and tribal law enforcement orally and in writing when a report
19.15 is received. When a police department or county sheriff receives a report or otherwise has
19.16 information indicating that a child has been the subject of physical abuse, sexual abuse, or
19.17 neglect by a person licensed by the Professional Educator Licensing and Standards Board
19.18 or Board of School Administrators, it shall, in addition to its other duties under this section,
19.19 immediately inform the licensing board.

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

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

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

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

19.32 (4) may conduct a family assessment on a report that was initially screened and assigned
19.33 for an investigation. In determining that a complete investigation is not required, the local
19.34 welfare agency must document the reason for terminating the investigation and notify the

20.1 local law enforcement agency if the local law enforcement agency is conducting a joint
20.2 investigation; and

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

20.7 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
20.8 individual functioning within the family unit as a person responsible for the child's care, or
20.9 sexual abuse by a person with a significant relationship to the child when that person resides
20.10 in the child's household or by a sibling, the local welfare agency shall immediately conduct
20.11 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
20.12 assessment or investigation, the local welfare agency shall gather information on the existence
20.13 of substance abuse and domestic violence and offer services for purposes of preventing
20.14 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
20.15 minor, and supporting and preserving family life whenever possible. If the report alleges a
20.16 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
20.17 endangerment, under section 609.378, the local law enforcement agency and local welfare
20.18 agency shall coordinate the planning and execution of their respective investigation and
20.19 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
20.20 Each agency shall prepare a separate report of the results of its investigation or assessment.
20.21 In cases of alleged child maltreatment resulting in death, the local agency may rely on the
20.22 fact-finding efforts of a law enforcement investigation to make a determination of whether
20.23 or not maltreatment occurred. When necessary the local welfare agency shall seek authority
20.24 to remove the child from the custody of a parent, guardian, or adult with whom the child is
20.25 living. In performing any of these duties, the local welfare agency shall maintain appropriate
20.26 records.

20.27 If the family assessment or investigation indicates there is a potential for abuse of alcohol
20.28 or other drugs by the parent, guardian, or person responsible for the child's care, the local
20.29 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
20.30 9530.6615.

20.31 (c) When a local agency receives a report or otherwise has information indicating that
20.32 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,
20.33 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it
20.34 shall, in addition to its other duties under this section, immediately inform the ombudsman
20.35 established under sections 245.91 to 245.97. The commissioner of education shall inform

21.1 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child
21.2 defined as a client in section 245.91 that maltreatment occurred at a school as defined in
21.3 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

21.4 (d) Authority of the local welfare agency responsible for assessing or investigating the
21.5 child abuse or neglect report, the agency responsible for assessing or investigating the report,
21.6 and of the local law enforcement agency for investigating the alleged abuse or neglect
21.7 includes, but is not limited to, authority to interview, without parental consent, the alleged
21.8 victim and any other minors who currently reside with or who have resided with the alleged
21.9 offender. The interview may take place at school or at any facility or other place where the
21.10 alleged victim or other minors might be found or the child may be transported to, and the
21.11 interview conducted at, a place appropriate for the interview of a child designated by the
21.12 local welfare agency or law enforcement agency. The interview may take place outside the
21.13 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
21.14 family assessments, it is the preferred practice to request a parent or guardian's permission
21.15 to interview the child prior to conducting the child interview, unless doing so would
21.16 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
21.17 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
21.18 agency no later than the conclusion of the investigation or assessment that this interview
21.19 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
21.20 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
21.21 agency, order that, where reasonable cause exists, the agency withhold notification of this
21.22 interview from the parent, legal custodian, or guardian. If the interview took place or is to
21.23 take place on school property, the order shall specify that school officials may not disclose
21.24 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
21.25 the child on school property, as provided under this paragraph, and any other related
21.26 information regarding the interview that may be a part of the child's school record. A copy
21.27 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
21.28 school official.

21.29 (e) When the local welfare, local law enforcement agency, or the agency responsible
21.30 for assessing or investigating a report of maltreatment determines that an interview should
21.31 take place on school property, written notification of intent to interview the child on school
21.32 property must be received by school officials prior to the interview. The notification shall
21.33 include the name of the child to be interviewed, the purpose of the interview, and a reference
21.34 to the statutory authority to conduct an interview on school property. For interviews
21.35 conducted by the local welfare agency, the notification shall be signed by the chair of the

22.1 local social services agency or the chair's designee. The notification shall be private data
22.2 on individuals subject to the provisions of this paragraph. School officials may not disclose
22.3 to the parent, legal custodian, or guardian the contents of the notification or any other related
22.4 information regarding the interview until notified in writing by the local welfare or law
22.5 enforcement agency that the investigation or assessment has been concluded, unless a school
22.6 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
22.7 or law enforcement agency or the agency responsible for assessing or investigating a report
22.8 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
22.9 assessment or investigation.

22.10 Except where the alleged offender is believed to be a school official or employee, the
22.11 time and place, and manner of the interview on school premises shall be within the discretion
22.12 of school officials, but the local welfare or law enforcement agency shall have the exclusive
22.13 authority to determine who may attend the interview. The conditions as to time, place, and
22.14 manner of the interview set by the school officials shall be reasonable and the interview
22.15 shall be conducted not more than 24 hours after the receipt of the notification unless another
22.16 time is considered necessary by agreement between the school officials and the local welfare
22.17 or law enforcement agency. Where the school fails to comply with the provisions of this
22.18 paragraph, the juvenile court may order the school to comply. Every effort must be made
22.19 to reduce the disruption of the educational program of the child, other students, or school
22.20 staff when an interview is conducted on school premises.

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

22.27 (g) Before making an order under paragraph (f), the court shall issue an order to show
22.28 cause, either upon its own motion or upon a verified petition, specifying the basis for the
22.29 requested interviews and fixing the time and place of the hearing. The order to show cause
22.30 shall be served personally and shall be heard in the same manner as provided in other cases
22.31 in the juvenile court. The court shall consider the need for appointment of a guardian ad
22.32 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
22.33 present at the hearing on the order to show cause.

22.34 (h) The commissioner of human services, the ombudsman for mental health and
22.35 developmental disabilities, the local welfare agencies responsible for investigating reports,

23.1 the commissioner of education, and the local law enforcement agencies have the right to
23.2 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
23.3 including medical records, as part of the investigation. Notwithstanding the provisions of
23.4 chapter 13, they also have the right to inform the facility under investigation that they are
23.5 conducting an investigation, to disclose to the facility the names of the individuals under
23.6 investigation for abusing or neglecting a child, and to provide the facility with a copy of
23.7 the report and the investigative findings.

23.8 (i) The local welfare agency responsible for conducting a family assessment or
23.9 investigation shall collect available and relevant information to determine child safety, risk
23.10 of subsequent child maltreatment, and family strengths and needs and share not public
23.11 information with an Indian's tribal social services agency without violating any law of the
23.12 state that may otherwise impose duties of confidentiality on the local welfare agency in
23.13 order to implement the tribal state agreement. The local welfare agency or the agency
23.14 responsible for investigating the report shall collect available and relevant information to
23.15 ascertain whether maltreatment occurred and whether protective services are needed.
23.16 Information collected includes, when relevant, information with regard to the person reporting
23.17 the alleged maltreatment, including the nature of the reporter's relationship to the child and
23.18 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
23.19 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
23.20 sources having relevant information related to the alleged maltreatment. The local welfare
23.21 agency or the agency responsible for investigating the report may make a determination of
23.22 no maltreatment early in an investigation, and close the case and retain immunity, if the
23.23 collected information shows no basis for a full investigation.

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

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

23.31 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
23.32 criminal charges and convictions. The local welfare agency or the agency responsible for
23.33 assessing or investigating the report must provide the alleged offender with an opportunity
23.34 to make a statement. The alleged offender may submit supporting documentation relevant
23.35 to the assessment or investigation;

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

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

24.11 Nothing in this paragraph precludes the local welfare agency, the local law enforcement
24.12 agency, or the agency responsible for assessing or investigating the report from collecting
24.13 other relevant information necessary to conduct the assessment or investigation.

24.14 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
24.15 to medical data and records for purposes of clause (3). Notwithstanding the data's
24.16 classification in the possession of any other agency, data acquired by the local welfare
24.17 agency or the agency responsible for assessing or investigating the report during the course
24.18 of the assessment or investigation are private data on individuals and must be maintained
24.19 in accordance with subdivision 11. Data of the commissioner of education collected or
24.20 maintained during and for the purpose of an investigation of alleged maltreatment in a school
24.21 are governed by this section, notwithstanding the data's classification as educational,
24.22 licensing, or personnel data under chapter 13.

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

24.27 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
24.28 with the child reported to be maltreated and with the child's primary caregiver sufficient to
24.29 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
24.30 contact with the child and primary caregiver shall occur immediately if sexual abuse or
24.31 substantial child endangerment is alleged and within five calendar days for all other reports.
24.32 If the alleged offender was not already interviewed as the primary caregiver, the local welfare
24.33 agency shall also conduct a face-to-face interview with the alleged offender in the early
24.34 stages of the assessment or investigation. At the initial contact, the local child welfare agency
24.35 or the agency responsible for assessing or investigating the report must inform the alleged

25.1 offender of the complaints or allegations made against the individual in a manner consistent
25.2 with laws protecting the rights of the person who made the report. The interview with the
25.3 alleged offender may be postponed if it would jeopardize an active law enforcement
25.4 investigation.

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

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

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

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

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

25.21 Sec. 20. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended
25.22 to read:

25.23 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
25.24 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
25.25 the assessment or investigation may be extended to permit the completion of a criminal
25.26 investigation or the receipt of expert information requested within 45 days of the receipt of
25.27 the report.

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

25.31 (c) After conducting an investigation, the local welfare agency shall make two
25.32 determinations: first, whether maltreatment has occurred; and second, whether child

26.1 protective services are needed. No determination of maltreatment shall be made when the
26.2 alleged perpetrator is a child under the age of ten.

26.3 (d) If the commissioner of education conducts an assessment or investigation, the
26.4 commissioner shall determine whether maltreatment occurred and what corrective or
26.5 protective action was taken by the school facility. If a determination is made that
26.6 maltreatment has occurred, the commissioner shall report to the employer, the school board,
26.7 and any appropriate licensing entity the determination that maltreatment occurred and what
26.8 corrective or protective action was taken by the school facility. In all other cases, the
26.9 commissioner shall inform the school board or employer and any appropriate licensing
26.10 entity that a report was received, the subject of the report, the date of the initial report, the
26.11 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was
26.12 not determined, and a summary of the specific reasons for the determination.

26.13 (e) When maltreatment is determined in an investigation involving a facility, the
26.14 investigating agency shall also determine whether the facility or individual was responsible,
26.15 or whether both the facility and the individual were responsible for the maltreatment using
26.16 the mitigating factors in paragraph (i). Determinations under this subdivision must be made
26.17 based on a preponderance of the evidence and are private data on individuals or nonpublic
26.18 data as maintained by the commissioner of education.

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

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

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

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

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

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

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

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

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

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

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

27.21 (3) whether the facility or individual followed professional standards in exercising
27.22 professional judgment.

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

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

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

28.1 Sec. 21. Minnesota Statutes 2016, section 631.40, subdivision 1a, is amended to read:

28.2 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**
28.3 **and school districts.** When a person is convicted of committing a disqualifying offense,
28.4 as defined in section 171.3215, subdivision 1, a gross misdemeanor, a fourth moving violation
28.5 within the previous three years, or a violation of section 169A.20, or a similar statute or
28.6 ordinance from another state, or if the person received a stay of adjudication for an offense
28.7 that, if convicted of, would require predatory offender registration under section 243.166,
28.8 the court shall determine whether the offender is a school bus driver as defined in section
28.9 171.3215, subdivision 1, whether the offender possesses a school bus driver's endorsement
28.10 on the offender's driver's license and in what school districts the offender drives a school
28.11 bus. If the offender is a school bus driver or possesses a school bus driver's endorsement,
28.12 the court administrator shall send a certified copy of the conviction or stay of adjudication
28.13 to the Department of Public Safety and to the school districts in which the offender drives
28.14 a school bus within ten days after the conviction or stay of adjudication.

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

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

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

28.19 Sec. 23. Laws 2017, First Special Session chapter 5, article 3, section 4, the effective date,
28.20 is amended to read:

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

28.22 Sec. 24. Laws 2017, First Special Session chapter 5, article 3, section 5, the effective date,
28.23 is amended to read:

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

28.25 Sec. 25. Laws 2017, First Special Session chapter 5, article 3, section 6, the effective date,
28.26 is amended to read:

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

28.28 Sec. 26. Laws 2017, First Special Session chapter 5, article 3, section 7, the effective date,
28.29 is amended to read:

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

29.1 Sec. 27. Laws 2017, First Special Session chapter 5, article 3, section 8, the effective date,
29.2 is amended to read:

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

29.4 Sec. 28. Laws 2017, First Special Session chapter 5, article 3, section 9, the effective date,
29.5 is amended to read:

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

29.7 Sec. 29. Laws 2017, First Special Session chapter 5, article 3, section 10, the effective
29.8 date, is amended to read:

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

29.10 Sec. 30. Laws 2017, First Special Session chapter 5, article 3, section 11, the effective
29.11 date, is amended to read:

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

29.13 Sec. 31. Laws 2017, First Special Session chapter 5, article 3, section 12, the effective
29.14 date, is amended to read:

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

29.16 Sec. 32. Laws 2017, First Special Session chapter 5, article 3, section 13, the effective
29.17 date, is amended to read:

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

29.19 Sec. 33. Laws 2017, First Special Session chapter 5, article 3, section 14, the effective
29.20 date, is amended to read:

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

29.22 Sec. 34. Laws 2017, First Special Session chapter 5, article 3, section 15, the effective
29.23 date, is amended to read:

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

30.1 Sec. 35. Laws 2017, First Special Session chapter 5, article 3, section 16, the effective
30.2 date, is amended to read:

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

30.4 Sec. 36. Laws 2017, First Special Session chapter 5, article 3, section 36, is amended to
30.5 read:

30.6 Sec. 36. **REPEALER.**

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

30.9 (b) Minnesota Statutes 2016, sections 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a,
30.10 6, 7, and 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1 and 2; 122A.245; and 122A.25,
30.11 are repealed effective ~~July~~ September 1, 2018.

30.12 Sec. 37. **SURVEY OF TEACHER PREPARATION PROGRAMS.**

30.13 The Professional Educator Licensing and Standards Board must survey board-approved
30.14 teacher preparation programs for teachers of elementary education, early childhood education,
30.15 special education, and reading intervention to determine the extent of dyslexia instruction
30.16 offered by the programs. The board may consult with the dyslexia specialist at the Department
30.17 of Education when developing the survey and reviewing the teacher preparation program
30.18 responses. The board must report its findings to the chairs and ranking minority members
30.19 of the legislative committees having jurisdiction over kindergarten through grade 12
30.20 education policy and finance by January 2, 2019. The report must include information on
30.21 teacher preparation program instruction on screening for characteristics of dyslexia,
30.22 evidence-based instructional strategies for students showing characteristics of dyslexia, and
30.23 best practices for assisting students showing characteristics of dyslexia and their families.
30.24 The report must be submitted in accordance with Minnesota Statutes, section 3.195.

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

30.26 Sec. 38. **TIERED LICENSURE RULES.**

30.27 If the Professional Educator Licensing and Standards Board has not adopted tiered
30.28 licensure rules by September 1, 2018, the board must adopt in rule sections 39 to 56, which
30.29 expire upon the adoption of the tiered licensure rules. The board must adopt the rules required
30.30 by this section using the good cause exemption under Minnesota Statutes, section 14.388,
30.31 no later than September 1, 2018.

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

31.2 Sec. 39. **DEFINITIONS AND GENERAL RULES FOR TEACHING LICENSES.**

31.3 Subdivision 1. **Definitions.** (a) For the purposes of sections 40 to 47, the terms in this
31.4 subdivision have the meanings given them.

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

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

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

31.9 (e) "Field specific methods" means differentiated instructional strategies targeting content
31.10 and pedagogy for a singular licensure area to enable student learning.

31.11 (f) "Good cause" means an applicant is unable to meet the requirements of a higher
31.12 licensure tier due to the lack of a reasonable path to a higher licensure tier or the path to a
31.13 higher licensure tier causes an undue burden on the applicant, as approved or denied by the
31.14 board.

31.15 (g) "Innovative program" means a school within a district that is either a state-approved
31.16 area learning center or alternative learning program or provides a school board resolution
31.17 designating the school as an innovative program, including the reason for the designation.

31.18 (h) "Licensure area" or "licensure field" means the content taught for which standards
31.19 have been adopted in Minnesota Rules.

31.20 (i) "Professional license from another state" means a teaching license from a state other
31.21 than Minnesota that allows the individual to be a teacher of record.

31.22 (j) "Related services teacher" means a teacher who holds a license issued by the board
31.23 consistent with Minnesota Statutes, section 122A.06, subdivision 2, and who meets the
31.24 requirements for a license issued pursuant to sections 50 to 54 and Minnesota Rules, parts
31.25 8710.6000 to 8710.6400.

31.26 (k) "Student teaching" means a minimum of 12 weeks when an individual enrolled in a
31.27 teacher preparation program assumes teacher responsibilities while working with a
31.28 cooperating teacher who holds a Tier 3 or 4 license or a professional license from another
31.29 state in the subject area and a provider supervisor to practice and demonstrate the necessary
31.30 development of the individual's knowledge, skills, and dispositions to become a teacher. A
31.31 student teaching experience includes observation, feedback, and evaluation from the
31.32 cooperating teacher and provider supervisor.

32.1 (l) "Teacher of record" means an individual who is responsible for the planning,
32.2 instruction, and assessment of students in a classroom and authorized to grant students credit
32.3 for meeting standards attributed to the content taught, or is part of a co-teaching assignment.

32.4 (m) "Teacher preparation program" means a program approved by the board or the state
32.5 where the program resides that trains candidates in educational pedagogy and content-specific
32.6 pedagogy for any subset of the scope of licensure for students from birth to 21 years of age.

32.7 (n) "Teaching license" or "teacher license" means a license that permits an individual
32.8 to be teacher of record. This includes Tier 1, Tier 2, Tier 3, and Tier 4 licenses issued under
32.9 sections 40 to 43.

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

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

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

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

32.26 Subd. 3. **Addition to a Tier 3 or 4 license.** When a licensure area is added to a Tier 3
32.27 or 4 license issued under sections 42 and 43, the expiration date is the date previously
32.28 established for the Tier 3 or 4 license in effect.

32.29 Subd. 4. **Movement between tiers.** Teachers may apply to obtain a license in a higher
32.30 licensure tier at any time after the requirements for the higher tier have been met. The teacher
32.31 must be granted the license under a higher tier upon review and approval by the board
32.32 pursuant to the rules established for the license sought. Applicants may obtain a license in
32.33 a lower licensure tier only if they hold a Tier 2 license in one licensure field and a district

33.1 requests to hire the applicant for a different licensure field in which the applicant does not
33.2 meet the requirements for a Tier 2 license. A teacher may simultaneously hold a Tier 1 and
33.3 a Tier 2 license under this subdivision.

33.4 Subd. 5. **Multiple expiration dates.** If a license holder has completed and verified the
33.5 renewal requirements for a currently held Tier 3 or 4 license issued under sections 42 and
33.6 43, the license holder may renew a currently held Tier 3 or 4 license up to one year before
33.7 the expiration date for the purpose of consolidating multiple expiration dates of any Tier 3
33.8 or 4 licenses held into one expiration date. The consolidation of multiple expiration dates
33.9 must be consolidated within a single tier.

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

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

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

33.21 Subd. 9. **Fees.** An applicant must pay an application fee for the review of the license
33.22 pursuant to Minnesota Statutes, section 122A.21.

33.23 Sec. 40. **TIER 1 LICENSE.**

33.24 Subdivision 1. **Purpose.** If a district is unable to fill an open position with a teacher
33.25 holding a Tier 2, 3, or 4 license, a Tier 1 license must be issued, consistent with this section,
33.26 to an applicant who does not hold a Tier 2, 3, or 4 license on behalf of a district request
33.27 except as provided in section 39, subdivision 4. A Tier 1 license authorizes the license holder
33.28 to teach within the requesting district and the specific licensure field in the application.

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

33.32 (b) The applicant must:

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

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

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

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

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

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

34.14 (c) The hiring district must show the position was posted for at least 15 days on the
34.15 board-approved statewide job board.

34.16 (d) The hiring district must affirm the applicant:

34.17 (1) will participate in a mentorship program, as available;

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

34.22 (3) has the necessary skills and knowledge to teach in the content field aligned to the
34.23 assignment.

34.24 (e) A committee of board staff designated by the board must review applications that
34.25 meet board criteria for an emergency placement under this subdivision within two business
34.26 days. The committee may immediately issue an interim permission for a qualified Tier 1
34.27 license based on board-adopted minimum qualifications criteria pending review by the
34.28 board. The interim permission expires at the first possible review by the full board. The
34.29 board must review applications after the position has been posted on the board-approved
34.30 statewide job board for 15 days.

34.31 Subd. 3. **Duration.** A Tier 1 license is valid for up to one year and expires on June 30
34.32 of the expiration year.

35.1 Subd. 4. **Position change.** If a Tier 1 license holder moves to another licensure area
35.2 within a district or to another district, prior to the expiration of the Tier 1 license, the license
35.3 holder must initiate a new application, including paying the application fee, and the hiring
35.4 district must meet the requirements under subdivision 2 for the new position. The applicant
35.5 is not required to complete a new background check by the board. The Tier 1 license issued
35.6 by the board under this subdivision is considered a new license, not a renewal.

35.7 Sec. 41. **TIER 2 LICENSE.**

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

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

35.14 (b) The applicant must:

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

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

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

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

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

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

35.28 (c) The applicant must:

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

36.1 (2) hold a master's degree, or equivalent, aligned to the assignment from a college or
36.2 university located in the United States that is regionally accredited by the Higher Learning
36.3 Commission or by the regional association for accreditation of colleges and secondary
36.4 schools, as verified by a college transcript; or

36.5 (3) show completion of two of the following:

36.6 (i) at least eight upper division or graduate-level credits aligned to the assignment;

36.7 (ii) field-specific methods in a state-approved teacher preparation program aligned to
36.8 the assignment;

36.9 (iii) at least two years of experience teaching as the teacher of record aligned to the
36.10 assignment;

36.11 (iv) board-adopted pedagogy and content examinations with passing scores aligned to
36.12 the licensure area. Any licensure area that does not have a board-approved content
36.13 examination is exempt from the content examination requirement; or

36.14 (v) a state-approved teacher preparation program aligned to the licensure area.

36.15 (d) The hiring district must affirm the applicant will participate in mentorship as available
36.16 and evaluation aligned to the district's teacher development and evaluation model under
36.17 Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or, if the
36.18 statutory models are not practicable, to another identified district-aligned evaluation.

36.19 Subd. 3. **Duration.** A Tier 2 license is valid for up to two years and expires on June 30
36.20 of the expiration year.

36.21 Subd. 4. **Position change.** If a Tier 2 license holder moves to another licensure area
36.22 within a district or to another district, prior to the expiration of the Tier 2 license, the license
36.23 holder must initiate a new application, including paying the application fee, and the hiring
36.24 district must meet the requirements under subdivision 2 for the new position. The applicant
36.25 is not required to complete a new background check by the board. The Tier 2 license issued
36.26 by the board under this subdivision is considered a new license, not a renewal.

36.27 Sec. 42. **TIER 3 LICENSE.**

36.28 Subdivision 1. **Purpose.** A Tier 3 license must be issued to an applicant, consistent with
36.29 this section, aligned to the scope and field of the applicant's training and experience. A Tier
36.30 3 license authorizes the license holder to teach within the specific licensure field for which
36.31 board rules exist.

37.1 Subd. 2. Requirements. (a) The board must issue a Tier 3 license if the applicant meets
37.2 all of the requirements of this subdivision.

37.3 (b) The applicant must:

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

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

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

37.14 (i) five years of relevant work experience aligned to the licensure area sought;

37.15 (ii) an associate's degree aligned to the licensure area sought; or

37.16 (iii) a professional certification aligned to the licensure area sought from an approved
37.17 certifying organization.

37.18 (c) The applicant must obtain passing scores on the board-approved pedagogy and content
37.19 examinations aligned to the licensure area sought. Any licensure area that does not have a
37.20 board-approved content examination is exempt from the content examination requirement.

37.21 (d) The applicant must show one of the following:

37.22 (1) completion of a board-approved conventional, nonconventional, or alternative teacher
37.23 preparation program aligned to the licensure area sought. The board must accept certifications
37.24 in related services positions under sections 50 to 54 and Minnesota Rules, parts 8710.6000
37.25 to 8710.6400, in lieu of completion of a board-approved teacher preparation program;

37.26 (2) completion of a preparation program approved in another state aligned to the licensure
37.27 area sought that included field-specific student teaching equivalent to field-specific student
37.28 teaching in Minnesota-approved teacher preparation programs. The applicant is exempt
37.29 from field-specific student teaching if the applicant has at least two years of field-specific
37.30 experience teaching as the teacher of record in the licensure area sought;

37.31 (3) recommendation for licensure via portfolio application aligned to the licensure area
37.32 sought;

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

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

38.8 Subd. 3. **Duration.** A Tier 3 license is valid for up to three years and expires on June
38.9 30 of the expiration year.

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

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

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

38.20 **Sec. 43. TIER 4 LICENSE.**

38.21 Subdivision 1. **Purpose.** A Tier 4 license authorizes the license holder, consistent with
38.22 this section, to teach in the field and scope aligned to the license holder's preparation. A
38.23 Tier 4 license indicates the license holder has had at least three years of experience in
38.24 Minnesota within the field and scope of licensure and completed the professional
38.25 development requirements mandated by statute.

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

38.28 (b) The applicant must:

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

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

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

39.7 (i) five years of relevant work experience aligned to the licensure area sought;

39.8 (ii) an associate's degree aligned to the licensure area sought; or

39.9 (iii) a professional certification aligned to the licensure area sought from an approved
39.10 certifying organization.

39.11 (c) The applicant must have completed one of the following:

39.12 (1) a board-approved conventional, nonconventional, or alternative teacher preparation
39.13 program aligned to the licensure area sought. The board must accept certifications in related
39.14 services positions under sections 50 to 54 and Minnesota Rules, parts 8710.6000 to
39.15 8710.6400, in lieu of completion of a board-approved teacher preparation program; or

39.16 (2) a preparation program approved in another state aligned to the licensure area sought
39.17 that included field-specific student teaching equivalent to field-specific student teaching in
39.18 Minnesota-approved teacher preparation programs. The applicant is exempt from
39.19 field-specific student teaching if the applicant has at least two years of field-specific
39.20 experience teaching as the teacher of record.

39.21 (d) The applicant must obtain passing scores on the board-approved skills, pedagogy,
39.22 and content examinations aligned to the licensure area sought. Any licensure area that does
39.23 not have a board-approved content examination is exempt from the content examination
39.24 requirement.

39.25 (e) The applicant must have at least three years of experience teaching in Minnesota as
39.26 the teacher of record.

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

39.30 (g) The applicant must have participated in mentorship and evaluation aligned to the
39.31 district's teacher development and evaluation model under Minnesota Statutes, section

40.1 122A.40, subdivision 8, or 122A.41, subdivision 5, or, if the statutory models are not
40.2 practicable, to another identified district-aligned evaluation.

40.3 Subd. 3. **Adding a Tier 4 license.** To add an additional Tier 4 license, the applicant
40.4 must show evidence of meeting the requirements of subdivision 2, paragraph (d), and section
40.5 42, subdivision 2, paragraph (d), clause (1), (2), or (3), in the licensure area sought. An
40.6 applicant may add a teachers of science endorsement by meeting the requirements of
40.7 Minnesota Rules, part 8710.4770.

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

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

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

40.16 Sec. 44. **OUT-OF-FIELD PERMISSION.**

40.17 Subdivision 1. **Purpose.** An out-of-field permission authorizes a teacher holding a Tier
40.18 3 or 4 license, consistent with this section, to teach in a field not aligned with the Tier 3 or
40.19 4 license.

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

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

40.24 (2) the applicant holds a license other than for a related services position under sections
40.25 50 to 54 and Minnesota Rules, parts 8710.6000 to 8710.6400;

40.26 (3) the applicant approves the request; and

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

40.29 (b) A committee of board staff designated by the board must review applications
40.30 requesting emergency placements under this subdivision within two business days. The
40.31 committee may immediately issue an out-of-field permission based on board-adopted criteria

41.1 pending review by the board. The board must review applications after the position has
41.2 been posted on the board-approved statewide job board for 15 days.

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

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

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

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

41.11 **Sec. 45. INNOVATIVE PROGRAM PERMISSION.**

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

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

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

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

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

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

41.23 **Sec. 46. SHORT-CALL SUBSTITUTE LICENSE.**

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

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

41.28 (1) hold the minimum of a bachelor's degree from a college or university located in the
41.29 United States that is regionally accredited by the Higher Learning Commission or by the

42.1 regional association for accreditation of colleges and secondary schools, as verified by a
42.2 college transcript;

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

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

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

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

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

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

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

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

42.20 **Sec. 47. LIFETIME SUBSTITUTE LICENSE.**

42.21 Subdivision 1. **Purpose.** A lifetime substitute license is issued, consistent with this
42.22 section, to a retired teacher and authorizes the license holder to replace a teacher of record
42.23 who is on an approved leave of absence.

42.24 Subd. 2. **Requirements.** The board must issue a lifetime substitute license to an applicant
42.25 who meets one of the following:

42.26 (1) holds or held a Tier 3 or 4 license, a Minnesota five-year standard license or its
42.27 equivalent, or a professional license from another state and receives a retirement annuity
42.28 as a result of the person's teaching experience; or

42.29 (2) holds or held a Tier 3 or 4 license or a Minnesota five-year standard license or its
42.30 equivalent, taught for at least three years in an accredited nonpublic school in Minnesota,
42.31 and receives a retirement annuity as a result of the person's teaching experience.

43.1 Subd. 3. **Duration.** A lifetime substitute license does not expire.

43.2 Subd. 4. **Limitations.** A teacher holding a lifetime substitute license may replace the
43.3 same teacher of record on an approved leave of absence for more than 15 consecutive school
43.4 days if the substitute teacher's previous Tier 3 or 4 license, Minnesota five-year standard
43.5 license or its equivalent, or professional license from another state is aligned to the
43.6 assignment.

43.7 **Sec. 48. TEACHERS OF READING.**

43.8 A candidate for licensure to teach reading to students in kindergarten through grade 12
43.9 shall hold or qualify for a teaching license, as defined in section 39, valid for one or more
43.10 of the following student levels: elementary, middle, or secondary.

43.11 **Sec. 49. READING LEADER.**

43.12 A candidate for licensure to teach reading to students in kindergarten through grade 12
43.13 shall hold or qualify for a teaching license, as defined in section 39, valid for one or more
43.14 of the following student levels: elementary, middle, or secondary.

43.15 **Sec. 50. SPEECH-LANGUAGE PATHOLOGIST.**

43.16 Subdivision 1. **Exceptions.** A speech-language pathologist teacher is not required to
43.17 pass content, pedagogy, or basic skills examinations.

43.18 Subd. 2. **Requirements for Tier 2 license.** (a) A Tier 2 license issued under section 41
43.19 must be issued to a speech-language pathologist teacher if the requirements of this subdivision
43.20 are met.

43.21 (b) The applicant must:

43.22 (1) hold a baccalaureate degree in speech-language pathology or communication
43.23 disorders; and

43.24 (2) be enrolled in a master's degree program. The recommending institution must agree
43.25 in writing to provide supervision for the speech-language pathologist teacher.

43.26 (c) The hiring district must:

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

43.28 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
43.29 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision

44.1 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
44.2 identified district-aligned evaluation.

44.3 Subd. 3. **Requirements for Tier 3 license.** A Tier 3 license issued under section 42
44.4 must be issued to a speech-language pathologist teacher if the applicant provides evidence
44.5 of:

44.6 (1) having completed a master's degree in speech-language pathology from a program
44.7 accredited by the Council on Academic Affairs of the American Speech-Language-Hearing
44.8 Association; or

44.9 (2) holding a valid certificate of clinical competence from the American
44.10 Speech-Language-Hearing Association.

44.11 Subd. 4. **Requirements for Tier 4 license.** A Tier 4 license issued under section 43
44.12 must be issued to a speech-language pathologist teacher if the applicant:

44.13 (1) meets all requirements for a Tier 3 license under subdivision 3;

44.14 (2) has at least three years of experience as a speech-language pathologist teacher in
44.15 Minnesota schools; and

44.16 (3) was not placed or otherwise kept in an improvement process aligned to the district's
44.17 teacher development and evaluation plan by the applicant's most recent summative evaluation.

44.18 **Sec. 51. SCHOOL NURSE.**

44.19 Subdivision 1. **Exceptions.** A school nurse is not required to pass content, pedagogy,
44.20 or basic skills examinations.

44.21 Subd. 2. **Requirements for Tier 3 license.** A Tier 3 license issued under section 42
44.22 must be issued to a school nurse if the applicant:

44.23 (1) holds a baccalaureate degree in nursing from a regionally accredited college or
44.24 university;

44.25 (2) is currently registered in Minnesota to practice as a licensed registered nurse under
44.26 the Board of Nursing; and

44.27 (3) is currently registered in Minnesota as a public health nurse under the Board of
44.28 Nursing.

44.29 Subd. 3. **Requirements for Tier 4 license.** A Tier 4 license issued under section 43
44.30 must be issued to a school nurse if the applicant:

44.31 (1) meets all requirements for a Tier 3 license under subdivision 2;

45.1 (2) has at least three years of experience as a school nurse in Minnesota; and

45.2 (3) was not placed or otherwise kept in an improvement process aligned to the district's
45.3 teacher development and evaluation plan by the applicant's most recent summative evaluation.

45.4 Subd. 4. **Maintaining board of nursing registration.** In order to retain licensure as a
45.5 school nurse, current registration as a registered nurse and registration as a public health
45.6 nurse must be maintained at all times. Lapse of this registration or licensure is grounds for
45.7 revocation of licensure as a school nurse.

45.8 Persons without baccalaureate degrees who hold valid licenses as school nurses may
45.9 continue to renew their licenses under this subdivision, provided that requirements for
45.10 renewal are met. However, if a license is allowed to lapse, persons must meet the licensure
45.11 requirements in subdivision 2 or 3 in order to receive a current school nurse license.

45.12 Sec. 52. **SCHOOL PSYCHOLOGIST.**

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

45.15 Subd. 2. **Requirements for Tier 2 license.** (a) A Tier 2 license issued under section 41
45.16 must be issued to a school psychologist if the requirements of this subdivision are met.

45.17 (b) The applicant must:

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

45.21 (2) hold a master's degree or equivalent in a school psychology program and provide
45.22 verification of completion of at least three years of preparation required for licensure as a
45.23 school psychologist. The recommending institution must verify completion of at least three
45.24 years of preparation required for licensure as a school psychologist, affirm that the institution
45.25 will assist in designing the learning experience, and provide supervision during the learning
45.26 experience.

45.27 (c) The hiring district must:

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

45.29 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
45.30 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision
45.31 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
45.32 identified district-aligned evaluation; and

46.1 (3) if the applicant obtains a Tier 2 license pursuant to paragraph (b), clause (2), assign
46.2 a school psychologist who holds a Tier 3 or Tier 4 license issued under sections 42 and 43
46.3 to supervise the applicant.

46.4 Subd. 3. **Tier 2 license duration; renewal.** (a) A Tier 2 license issued under subdivision
46.5 2, paragraph (b), clause (1), is valid for up to two years, expires on June 30 of the expiration
46.6 year, and may be renewed one time pursuant to board rules.

46.7 (b) A Tier 2 license issued under subdivision 2, paragraph (b), clause (2), may be used
46.8 only in the requesting district, is valid for up to one school year, and expires on the June 30
46.9 following the date of issuance. The license may be renewed one time upon application to
46.10 the board if the applicant must complete the equivalent of one school year of internship
46.11 experience during the following school year. The license shall be revoked by the board if
46.12 it is demonstrated that the intent and purpose of the licensure have not been fulfilled.

46.13 Subd. 4. **Requirements for Tier 3 license.** A Tier 3 license issued under section 42
46.14 must be issued to a school psychologist if the applicant has completed a preparation program
46.15 in school psychology accredited by the National Association of School Psychologists.

46.16 Subd. 5. **Requirements for Tier 4 license.** A Tier 4 license issued under section 43
46.17 must be issued to a school psychologist if the applicant:

46.18 (1) meets all requirements for a Tier 3 license issued under subdivision 4;

46.19 (2) has at least three years of experience working as a school psychologist in Minnesota;
46.20 and

46.21 (3) was not placed or otherwise kept in an improvement process aligned to the district's
46.22 teacher development and evaluation plan by the applicant's most recent summative evaluation.

46.23 **Sec. 53. SCHOOL SOCIAL WORKER.**

46.24 Subdivision 1. **Exceptions.** A school social worker is not required to pass content,
46.25 pedagogy, or basic skills examinations.

46.26 Subd. 2. **Requirements for Tier 3 license.** A Tier 3 license issued under section 42
46.27 must be issued to a school social worker if the applicant:

46.28 (1) holds a baccalaureate or master's degree in social work from a program accredited
46.29 by the Council on Social Work Education; and

46.30 (2) is currently licensed in Minnesota to practice as a social worker under the Board of
46.31 Social Work.

47.1 Subd. 3. Requirements for Tier 4 license. A Tier 4 license issued under section 43
47.2 must be issued to a school social worker if the applicant:

47.3 (1) meets all requirements for a Tier 3 license under subdivision 2;

47.4 (2) has at least three years of experience working as a school social worker in Minnesota;
47.5 and

47.6 (3) was not placed or otherwise kept in an improvement process aligned to the district's
47.7 teacher development and evaluation plan by the applicant's most recent summative evaluation.

47.8 Sec. 54. SCHOOL COUNSELOR.

47.9 Subdivision 1. Exceptions. A school counselor is not required to pass content, pedagogy,
47.10 or basic skills examinations.

47.11 Subd. 2. Requirements for Tier 2 license. (a) A Tier 2 license issued under section 41
47.12 must be issued to a school counselor if the requirements of this subdivision are met.

47.13 (b) The applicant must:

47.14 (1) hold a baccalaureate degree;

47.15 (2) be enrolled in an accredited school counselor education program;

47.16 (3) have accumulated no less than 24 semester credit hours in school counseling-specific
47.17 coursework or content, including introduction to the field, counseling skills, and ethical
47.18 standards; and

47.19 (4) verify to the board in writing a plan of study of full- or part-time enrollment to achieve
47.20 licensure within three years.

47.21 (c) The hiring district must show the position was posted for at least 15 days on the
47.22 board-approved statewide job board.

47.23 (d) The hiring district must:

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

47.25 (2) affirm the applicant will participate in an evaluation aligned to the district's teacher
47.26 development and evaluation model under Minnesota Statutes, section 122A.40, subdivision
47.27 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another
47.28 identified district-aligned evaluation.

47.29 (e) Applicants granted a license to practice under this subdivision must obtain approval
47.30 to practice in writing from the school counseling program in which they are enrolled and

48.1 must be supervised by a duly licensed school counselor with no less than two years of
48.2 full-time practice experience.

48.3 Subd. 3. **Tier 2 license duration.** A Tier 2 license issued under subdivision 2 is valid
48.4 for two years and may be renewed one time.

48.5 Subd. 4. **Requirements for Tier 3 license.** A Tier 3 license issued under section 42
48.6 must be issued to a school counselor if the applicant:

48.7 (1) holds a master's degree or the equivalent in school counseling from a college or
48.8 university that is regionally accredited by the association for the accreditation of colleges
48.9 and secondary schools; and

48.10 (2) shows verification of having completed a preparation program approved by the state
48.11 where the program resides or the Council for the Accreditation of Counseling and Related
48.12 Educational Services.

48.13 Subd. 5. **Requirements for Tier 4 license.** A Tier 4 license issued under section 43
48.14 must be issued to a school counselor if the applicant:

48.15 (1) meets all requirements for a Tier 3 license issued under subdivision 4;

48.16 (2) has at least three years of experience working as a school counselor in Minnesota;
48.17 and

48.18 (3) was not placed or otherwise kept in an improvement process aligned to the district's
48.19 teacher development and evaluation plan by the applicant's most recent summative evaluation.

48.20 **Sec. 55. DUTY OF LICENSEE TO RENEW.**

48.21 It is the responsibility of the person seeking the renewal of a Tier 3 or 4 teaching license
48.22 to comply with licensure renewal requirements and to submit the application, appropriate
48.23 verification, and other supporting materials to the local continuing education/relicensure
48.24 committee, in accordance with procedures and due dates established by that committee.

48.25 **Sec. 56. CAREER PATHWAYS TEACHER.**

48.26 Subdivision 1. **Scope of practice.** A career pathways teacher is authorized to teach
48.27 students the skills and information necessary for a specific career where that career does
48.28 not necessarily require a four-year degree and in which there are not board rules in place.
48.29 Such careers include but are not limited to law enforcement, cosmetology, and park services.

48.30 Subd. 2. **Licensure requirements.** (a) A candidate for licensure as a career pathways
48.31 teacher must meet the requirements of this subdivision.

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

49.2 (1) five years of relevant work experience;

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

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

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

49.9 **Sec. 57. REPEALER.**

49.10 (a) Minnesota Rules, parts 8700.7620; 8710.0300, subparts 1, 1a, 2, 2a, 2b, 3, 5, 6, 7,
49.11 8, 9, 10, and 11; 8710.1000; 8710.1050; 8710.1250; 8710.1400; and 8710.1410, are repealed.

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

49.14 **EFFECTIVE DATE.** Paragraph (a) is effective July 1, 2018. Paragraph (b) is effective
49.15 the day following final enactment.