

Subject Background checks

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Overview

This bill addresses misconduct by teachers and other school employees in statutes related to teacher licensure, school employees, maltreatment, and public safety.

Summary

Section	Description
1	<p>Code of ethics.</p> <p>Moves code of ethics currently in rule to statute. Adds examples to requirement that teacher provide services in a nondiscriminatory manner. Adds prohibition on engaging in sexual contact with a student.</p>
2	<p>Advise members of profession.</p> <p>Requires PELSB to develop a process for a school district to receive a written complaint about a teacher under the code of ethics and forward the complaint to PELSB.</p>
3	<p>Teacher licenses; background checks.</p> <p>Eliminates language allowing the Professional Educator Licensing and Standards Board (PELSB) or Board of School Administrators (BOSA) to issue a license pending completion of a background check.</p>
4	<p>Expiration and renewal; background check.</p> <p>Requires PELSB or BOSA to request a criminal history background check from the Bureau of Criminal Apprehension (BCA) on a licensed teacher applying for a renewal license who has not had a background check within the preceding five years.</p>
5	<p>Grounds for revocation, suspension, or denial.</p> <p>(a) Amends grounds on which PELSB or BOSA may refuse to issue, refuse to renew, suspend, or revoke a teacher's license.</p> <p>(b) Amends list of offenses for which, if the teacher is convicted, a board must refuse to issue or renew, or revoke the teacher's license. Allows a board to refuse to issue, refuse to renew, or automatically revoke a teacher's license without the</p>

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	<p>right to a hearing if the teacher has received a stay of adjudication for any offense.</p> <p>(c) Allows a person whose license to teach has been revoked, not issued, or not renewed under paragraph (b) to petition the board to reconsider if the conviction is reversed or if the person receives a pardon for the offense.</p> <p>(d) Requires PELSB or BOSA to refuse to issue, refuse to renew, or revoke a teacher's license if the teacher has engaged in sexual penetration with a student enrolled in a school where the teacher works or volunteers.</p> <p>(e) Requires PELSB or BOSA to review and refuse to issue, refuse to renew, or revoke a teacher's license to teach if the teacher has been convicted of certain offenses.</p> <p>(f) Requires a decision by PELSB or BOSA to refuse to issue, refuse to renew, suspend, or revoke a license to be reversed if the decision is based on a background check and the teacher or license application is not the subject of the background check.</p> <p>(g) Allows a person to appeal a licensing action under this subdivision by filing a written request with the board, which must initiate administrative hearing procedures.</p> <p>(h) Allows PELSB or BOSA to suspend a teacher's license pending an investigation into a report of conduct that would be grounds for revocation.</p>
6	<p>Mandatory reporting.</p> <p>Adds BOSA to a mandatory reporting provision that applies to PELSB. Requires PELSB or BOSA to notify law enforcement authorities or the local welfare agency if the board has reason to believe a child has been neglected or physically or sexually abused.</p>
7	<p>Continuing contract teachers; immediate discharge.</p> <p>Amends grounds on which a school board must discharge a continuing contract teacher. Makes technical changes.</p>
8	<p>Teacher tenure; grounds for discharge or demotion.</p> <p>Amends grounds on which a school board must discharge a tenured teacher. Makes technical changes.</p>
9	<p>Background check required.</p> <p>Requires a school hiring authority to request a criminal history background check from the BCA on all employees every five years, unless the employee provides the hiring authority with a copy of the results of a background check conducted within the previous five years. Allows a school hiring authority to pay for the background check.</p>

Section	Description
10	Effect of background check or PELSB action. Eliminates language allowing a school hiring authority to hire a person pending completion of a background check.
11	Report by court administrator. Requires the superintendent of the BCA to require court administrators to report stays of adjudication for an offense that, if convicted of, would require predatory offender registration.
12	Background checks; additional disclosure. Requires the superintendent of the BCA to disclose stays of adjudication granted to the subject of the background check if the background check is statutorily mandated or authorized.
13	Limits of sentences. Requires that a stay of adjudication be reported to the superintendent of the BCA.
14	Persons mandated to report; persons voluntarily reporting. Adds the member of a board whose licensees perform work within a school facility to the list of mandated reporters.
15	Duties of local welfare agency and local law enforcement agency upon receipt of report; mandatory notification between police or sheriff and agency. Requires law enforcement authorities to inform PELSB or BOSA if it receives information that one of the board's licensees has physically abused, sexually abused, or neglected a child.
16	Determinations. Requires the commissioner of education to inform an appropriate licensing entity that a report of maltreatment was received, the subject of the report, the date of the initial report, the category of maltreatment, the fact that maltreatment was not determined, and a summary of the reasons for the determination.
17	Certified copy of disqualifying offense convictions sent to public safety and school districts. Requires a court administrator to send a copy of a school bus driver's stay of adjudication for various offenses to the Department of Public Safety and to the school districts in which the offender drives a school bus within ten days of the stay of adjudication.
18	Repealer. Repeals Minnesota Statutes, section 122A.09, subdivision 1 (requiring PELSB to adopt code of ethics in rule); and Minnesota Rules, part 8710.2100, subparts 1 and 2 (teacher code of ethics).



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