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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2794

02/09/2018 Authored by Davnie, Erickson, Loon, Maye Quade, Fenton and others
The bill was referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; making members and employees of the Professional Educator
1.3 Licensing and Standards Board and the Board of School Administrators mandated
1.4 reporters; amending Minnesota Statutes 2017 Supplement, sections 122A.20,
1.5 subdivision 2; 626.556, subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 2, is
1.8 amended to read:

1.9 Subd. 2. **Mandatory reporting.** (a) A school board must report to the Professional
1.10 Educator Licensing and Standards Board, the Board of School Administrators, or the Board
1.11 of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction
1.12 over the teacher's or administrator's license, when its teacher or administrator is discharged
1.13 or resigns from employment after a charge is filed with the school board under section
1.14 122A.41, subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7, or after charges are
1.15 filed that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a),
1.16 clauses (1) to (5), or when a teacher or administrator is suspended or resigns while an
1.17 investigation is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1)
1.18 to (5); 122A.41, subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; or 626.556,
1.19 or when a teacher or administrator is suspended without an investigation under section
1.20 122A.41, subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; or 626.556. The
1.21 report must be made to the appropriate licensing board within ten days after the discharge,
1.22 suspension, or resignation has occurred. The licensing board to which the report is made
1.23 must investigate the report for violation of subdivision 1 and the reporting board must
1.24 cooperate in the investigation. Notwithstanding any provision in chapter 13 or any law to

2.1 the contrary, upon written request from the licensing board having jurisdiction over the
2.2 license, a board or school superintendent shall provide the licensing board with information
2.3 about the teacher or administrator from the district's files, any termination or disciplinary
2.4 proceeding, any settlement or compromise, or any investigative file. Upon written request
2.5 from the appropriate licensing board, a board or school superintendent may, at the discretion
2.6 of the board or school superintendent, solicit the written consent of a student and the student's
2.7 parent to provide the licensing board with information that may aid the licensing board in
2.8 its investigation and license proceedings. The licensing board's request need not identify a
2.9 student or parent by name. The consent of the student and the student's parent must meet
2.10 the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30.
2.11 The licensing board may provide a consent form to the district. Any data transmitted to any
2.12 board under this section is private data under section 13.02, subdivision 12, notwithstanding
2.13 any other classification of the data when it was in the possession of any other agency.

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

2.23 (c) The Professional Educator Licensing and Standards Board and Board of School
2.24 Administrators must report to the appropriate law enforcement authorities a revocation,
2.25 suspension, or agreement involving a loss of license, relating to a teacher or administrator's
2.26 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement
2.27 authority" means a police department, county sheriff, or tribal police department. A report
2.28 by the Professional Educator Licensing and Standards Board or Board of School
2.29 Administrators to appropriate law enforcement authorities does not diminish, modify, or
2.30 otherwise affect the responsibilities of a licensing board, school board, or any person
2.31 mandated to report abuse under section 626.556.

3.1 Sec. 2. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
3.2 to read:

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

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

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

3.17 (3) a member or employee of the Professional Educator Licensing and Standards Board
3.18 or the Board of School Administrators.

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

3.23 (c) A person mandated to report physical or sexual child abuse or neglect occurring
3.24 within a licensed facility shall report the information to the agency responsible for licensing
3.25 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
3.26 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
3.27 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
3.28 report may request the local welfare agency to provide assistance pursuant to subdivisions
3.29 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
3.30 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
3.31 the circumstances of the alleged maltreatment to the commissioner of education. Section
3.32 13.03, subdivision 4, applies to data received by the commissioner of education from a
3.33 licensing entity.

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

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

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