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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **190**

January 17, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

1.1 A bill for an act
1.2 relating to education; establishing additional grounds for automatic revocation
1.3 of a teaching license; amending Minnesota Statutes 2006, section 122A.20,
1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 122A.20, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Board of
1.9 Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's
1.10 licensure, may, on the written complaint of the school board employing a teacher, a teacher
1.11 organization, or any other interested person, refuse to issue, refuse to renew, suspend, or
1.12 revoke a teacher's license to teach for any of the following causes:

- 1.13 (1) immoral character or conduct;
- 1.14 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;
- 1.15 (3) gross inefficiency or willful neglect of duty;
- 1.16 (4) failure to meet licensure requirements; or
- 1.17 (5) fraud or misrepresentation in obtaining a license.

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

1.19 (b) The Board of Teaching or Board of School Administrators, whichever
1.20 has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or
1.21 automatically revoke a teacher's license to teach without the right to a hearing upon
1.22 receiving a certified copy of a conviction showing that the teacher has been convicted
1.23 of child abuse, as defined in section 609.185, ~~or~~ sexual abuse under section 609.342,
1.24 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, ~~or~~ using

2.1 minors in a sexual performance under section 617.246, or possessing pornographic works
2.2 involving a minor under section 617.247, or under a similar law of another state or the
2.3 United States. The board shall send notice of this licensing action to the district in which
2.4 the teacher is currently employed.

2.5 (c) A person whose license to teach has been revoked, not issued, or not renewed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

2.17 (d) For purposes of this subdivision, the Board of Teaching is delegated the authority
2.18 to suspend or revoke coaching licenses.

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