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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 473

February 1, 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; clarifying agency jurisdiction for investigating reports of
1.3 alleged maltreatment of minors; developing a plan to implement a repository
1.4 for information on child abuse offenders; amending Minnesota Statutes 2006,
1.5 section 626.556, subdivisions 3b, 10h.

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

1.7 Section 1. Minnesota Statutes 2006, section 626.556, subdivision 3b, is amended to
1.8 read:

1.9 Subd. 3b. **Agency responsible for assessing or investigating reports of**
1.10 **maltreatment.** The Department of Education is the agency responsible for assessing or
1.11 investigating allegations of child maltreatment in schools ~~as defined in sections~~ under
1.12 section 120A.05, subdivisions 9, 11, and 13; and charter schools under section 124D.10;
1.13 and early childhood family education programs under section 124D.13. The Department
1.14 of Education is also the agency responsible for assessing or investigating allegations
1.15 of child maltreatment in school-age care programs under section 124D.19, subdivision
1.16 11, which are located in schools under section 120A.05, subdivisions 9, 11, and 13, or
1.17 charter schools under section 124D.10, and when the allegation identifies a school district
1.18 employee as the person responsible for the alleged maltreatment.

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

1.20 Sec. 2. Minnesota Statutes 2006, section 626.556, subdivision 10h, is amended to read:

1.21 Subd. 10h. **Child abuse data; release to family court services.** (a) The
1.22 commissioner of education must provide to the commissioner of human services the final
1.23 dispositions of substantiated reports of maltreatment, including the name of the victim,

2.1 the identity of the individual or facility determined to have maltreated a minor, the nature
2.2 of the maltreatment, and the date of the agency's final disposition. The commissioner of
2.3 human services shall establish records to retain the names of substantiated offenders.

2.4 (b) Prior reports of maltreatment, including the identity of individuals determined to
2.5 have maltreated a minor, which are maintained by the commissioner of human services,
2.6 shall be made available to the commissioner of education, upon request, under this
2.7 paragraph and subdivision 10g.

2.8 (c) The responsible authority or its designee of a local welfare agency may release
2.9 private or confidential data on an active case involving assessment or investigation of
2.10 actions that are defined as sexual abuse, physical abuse, or neglect under this section to a
2.11 court services agency if:

2.12 (1) the court services agency has an active case involving a common client or clients
2.13 who are the subject of the data; and

2.14 (2) the data are necessary for the court services agency to effectively process the
2.15 court services' case, including investigating or performing other duties relating to the
2.16 case required by law.

2.17 The data disclosed under this subdivision may be used only for purposes of the
2.18 active court services case described in clause (1) and may not be further disclosed to any
2.19 other person or agency, except as authorized by law.

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

2.21 **Sec. 3. PLAN FOR IMPLEMENTING A REPOSITORY FOR INFORMATION**
2.22 **REGARDING CHILD ABUSE OFFENDERS.**

2.23 The commissioners of education and human services, in consultation with the
2.24 Information Policy Analysis Division of the Department of Administration, must submit
2.25 a plan for implementing a repository for information regarding child abuse offenders to
2.26 the Education and Human Services Policy and Finance Committees of the legislature by
2.27 February 15, 2008. The plan must require all agencies that conduct investigations of
2.28 alleged maltreatment to notify a designated agency of offenders that have maltreated
2.29 minors in the home, school, or community setting.

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