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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2657**

February 12, 2008

Authored by Bigham, Greiling, Mariani, Benson, Slocum and others

The bill was read for the first time and Interim introduction, referred to E-12 Education

March 4, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to education; requiring school boards to seek information from
1.3 prospective employees and the Board of Teaching about disciplinary actions
1.4 against the employees; amending Minnesota Statutes 2006, section 123B.03, by
1.5 adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2006, section 123B.03, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 1a. **Requiring information about disciplinary actions taken against**
1.10 **prospective employees.** At the time a school hiring authority conducts a criminal history
1.11 background check on an individual offered employment as a teacher at the school, and
1.12 consistent with section 13.43, the school hiring authority also must use the Web site
1.13 provided by the department's educator licensing division to determine whether an asterisk
1.14 appears in proximity with other licensure information. An asterisk indicates that the
1.15 individual has had disciplinary action taken against his or her teaching license relating
1.16 to sexual misconduct with a student. Sexual misconduct is defined as sexual contact or
1.17 attempted sexual contact between a teacher and a student, which may include physical
1.18 contact or verbal, written, or pictorial interactions. When an asterisk appears, the school
1.19 hiring authority must contact the state Board of Teaching before it hires the individual
1.20 to determine the substance of the disciplinary actions taken against that individual. In
1.21 addition, the school hiring authority, as part of the employment application, must require
1.22 the individual to provide information about all current and previous disciplinary actions
1.23 in Minnesota and elsewhere taken against the individual's teaching license as a result of
1.24 sexual misconduct with a student and, notwithstanding other law to the contrary, indicate

2.1 to the individual that intentionally submitting false or incomplete information is a ground
2.2 for dismissal.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.4 and applies to any disciplinary action taken against a teacher after July 1, 2008.