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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1276

02/18/2019 Authored by Theis
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; allowing for revocation or denial of a teaching license for
1.3 certain behavior involving a student; amending Minnesota Statutes 2018, section
1.4 122A.20, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 122A.20, subdivision 1, is amended to read:

1.7 Subdivision 1. Grounds for revocation, suspension, or denial. (a) The Professional
1.8 Educator Licensing and Standards Board or Board of School Administrators, whichever
1.9 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
1.10 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
1.11 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
1.12 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; or
1.18 (6) intentional and inappropriate patting, touching, pinching, or other physical contact
1.19 with a student that is sexually motivated.

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

2.1 (b) The Professional Educator Licensing and Standards Board or Board of School  
2.2 Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to  
2.3 issue, refuse to renew, or automatically revoke a teacher's license to teach without the right  
2.4 to a hearing upon receiving a certified copy of a conviction showing that the teacher has  
2.5 been convicted of child abuse, as defined in section 609.185, sex trafficking in the first  
2.6 degree under section 609.322, subdivision 1, sex trafficking in the second degree under  
2.7 section 609.322, subdivision 1a, engaging in hiring, or agreeing to hire a minor to engage  
2.8 in prostitution under section 609.324, subdivision 1, sexual abuse under section 609.342,  
2.9 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation  
2.10 of children to engage in sexual conduct or communication of sexually explicit materials to  
2.11 children under section 609.352, interference with privacy under section 609.746 or stalking  
2.12 under section 609.749 and the victim was a minor, using minors in a sexual performance  
2.13 under section 617.246, possessing pornographic works involving a minor under section  
2.14 617.247, or any other offense not listed in this paragraph that requires the person to register  
2.15 as a predatory offender under section 243.166, or a crime under a similar law of another  
2.16 state or the United States. The board shall send notice of this licensing action to the district  
2.17 in which the teacher is currently employed.

2.18 (c) A person whose license to teach has been revoked, not issued, or not renewed under  
2.19 paragraph (b), may petition the board to reconsider the licensing action if the person's  
2.20 conviction for child abuse or sexual abuse is reversed by a final decision of the court of  
2.21 appeals or the supreme court or if the person has received a pardon for the offense. The  
2.22 petitioner shall attach a certified copy of the appellate court's final decision or the pardon  
2.23 to the petition. Upon receiving the petition and its attachment, the board shall schedule and  
2.24 hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the  
2.25 petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal  
2.26 of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified  
2.27 from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing  
2.28 action. If the board finds that the petitioner is not disqualified from teaching under paragraph  
2.29 (a), clause (1), it shall reverse its previous licensing action.

2.30 (d) The Professional Educator Licensing and Standards Board or Board of School  
2.31 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,  
2.32 refuse to renew, or automatically revoke a teacher's license if the teacher has engaged in  
2.33 sexual penetration as defined in section 609.321, subdivision 11, with a student enrolled in  
2.34 a school where the teacher works or volunteers.

- 3.1 (e) For purposes of this subdivision, the Professional Educator Licensing and Standards
- 3.2 Board is delegated the authority to suspend or revoke coaching licenses.