

Subject Education policy: government data practices

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Overview

This bill contains provisions from the house education policy bill related to the jurisdiction of the judiciary committee. It deals primarily with government data practices and the Office of Inspector General (OIG) at the Department of Education (MDE).

Summary

Section	Description
1	Education data: Directory information. Requires educational agencies or institutions sharing personal student contact information and directory information for students in special education to comply with requirements for parental consent under federal regulations.
2	Department of Education Office of the Inspector General; investigative data. Requires data used in an investigation by the OIG to be maintained as confidential or protected nonpublic data, and not be disclosed except under specified circumstances. Requires data referred to in this section to be classified as public data upon submission to a court in a civil or criminal proceeding or when the investigation is no longer active, except as required under other statutes. Allows the existence of an investigation by the OIG or withholding of payment by the commissioner to be disclosed if the commissioner, after consulting with the inspector general, determines it will not compromise the investigation.
3	Comprehensive law enforcement data: Application. Adds the MDE OIG to list of agencies that carry a law enforcement function.
4	Required academic standards: Rulemaking. Allows MDE to adopt standards through the regular rulemaking process rather than the expedited rulemaking process.

Section	Description
5	<p>Increasing percentage of teachers of color and American Indian teachers in Minnesota: Reporting.</p> <p>Shifts from the Professional Educator Licensing and Standards Board (PELSB) to MDE responsibility for the report on programs to increase the percentage of teachers of color and American Indian teachers.</p>
6	<p>OIG: Establishment of the OIG; powers; duties.</p> <p>Adds preventing and detecting theft to the purpose and duties of the OIG.</p>
7	<p>OIG: Definitions.</p> <p>Modifies definition of “abuse” and provides examples. Defines “excluded.” Modifies definition of “fraud” and provides examples.</p>
8	<p>OIG: Access to records.</p> <p>Requires program participants to give the OIG immediate access without prior notice to any locations of potential record storage and the records themselves, and to any records related to a department program. Provides that denying access to requested records is cause for immediate suspension of payment. Allows the OIG to copy any record related to a department program.</p>
9	<p>OIG: Sanctions; appeal.</p> <p>Modifies grounds for sanctions.</p>
10	<p>OIG: Data practices.</p> <p>Modifies cross-references to data practices statutes, referencing new statute governing the OIG and investigative data (section 13.3211 (section 2 above)) and statute on comprehensive law enforcement data (section 13.82) rather than statute governing data collected by a government entity as part of an active investigation related to a civil action (section 13.39). Strikes audit data from the list of types of data governed by these cross-referenced statutes.</p>
11	<p>OIG: Interference prohibited.</p> <p>Strikes reference to whistleblower statute.</p>
12	<p>OIG: Immunity and confidentiality.</p> <p>Provides immunity from civil liability to a person making a good faith report or participating in an investigation. Requires the reporter’s name and identifying information to be kept confidential after an investigation is complete.</p>
13	<p>OIG: Limits on receiving public funds; prohibition.</p> <p>Provides that subdivision does not authorize reducing or pausing state or federal aid to a district, charter school, cooperative unit, library, library system, or library</p>

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	district. Establishes requirements for and consequences of excluding a participant from a department program.
14	OIG: Notice. Requires the commissioner to provide a program participant notice when excluding a participant from a department program.
15	OIG: Appeal. Allows a program participant excluded from a department program to request a contested case hearing.
16	OIG: Withholding of payments. Provides that subdivision does not authorize withholding payments of state or federal aid to a school district, charter school, cooperative unit, library, library system, or library district. Requires the inspector general to recommend to the commissioner to withhold payments to a participant in any department program if there is a credible allegation of fraud or theft for which an investigation is pending. Requires the commissioner to notify the participant when withholding payments. Prohibits appeals of withholding of payments.
17	Aid adjustments: Excess tax increment. Requires the county auditor to certify by February 1 to the commissioner of education the amount of any excess tax increment that accrued to the district during the preceding year.
18	DEED data: Use of data. Adds the MDE OIG to the list of agencies that may receive data from the unemployment insurance program without the consent of the data, for investigations related to fraud, theft, waste, and abuse or other misuse of public funds.



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