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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 3080**

03/13/2014 Authored by Loeffler and Mariani

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; clarifying definition of continuing employment for  
1.3 probationary teachers; amending Minnesota Statutes 2012, sections 122A.40,  
1.4 subdivision 5; 122A.41, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2012, section 122A.40, subdivision 5, is amended to read:

1.7 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
1.8 first teaching experience in Minnesota in a single district is deemed to be a probationary  
1.9 period of employment, and, the probationary period in each district in which the teacher is  
1.10 thereafter employed shall be one year. The school board must adopt a plan for written  
1.11 evaluation of teachers during the probationary period that is consistent with subdivision 8.  
1.12 Evaluation must occur at least three times periodically throughout each school year for a  
1.13 teacher performing services during that school year; the first evaluation must occur within  
1.14 the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers'  
1.15 workshops, and other staff development opportunities and days on which a teacher is absent  
1.16 from school must not be included in determining the number of school days on which a  
1.17 teacher performs services. Except as otherwise provided in paragraph (b), during the  
1.18 probationary period any annual contract with any teacher may or may not be renewed as the  
1.19 school board shall see fit. However, the board must give any such teacher whose contract  
1.20 it declines to renew for the following school year written notice to that effect before July 1.  
1.21 If the teacher requests reasons for any nonrenewal of a teaching contract, the board must  
1.22 give the teacher its reason in writing, including a statement that appropriate supervision  
1.23 was furnished describing the nature and the extent of such supervision furnished the  
1.24 teacher during the employment by the board, within ten days after receiving such request.

2.1 The school board may, after a hearing held upon due notice, discharge a teacher during the  
 2.2 probationary period for cause, effective immediately, under section 122A.44.

2.3 (b) A board must discharge a probationary teacher, effective immediately, upon  
 2.4 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's  
 2.5 license has been revoked due to a conviction for child abuse or sexual abuse.

2.6 (c) A probationary teacher whose first three years of consecutive employment are  
 2.7 interrupted for active military service and who promptly resumes teaching consistent with  
 2.8 federal reemployment timelines for uniformed service personnel under United States  
 2.9 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
 2.10 for purposes of paragraph (a).

2.11 (d) A probationary teacher whose first three years of consecutive employment are  
 2.12 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
 2.13 months of when the leave began is considered to have a consecutive teaching experience  
 2.14 for purposes of paragraph (a).

2.15 (e) A probationary teacher must complete at least 120 days of teaching service each  
 2.16 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
 2.17 workshops, and other staff development opportunities and days on which a teacher is  
 2.18 absent from school do not count as days of teaching service under this paragraph.

2.19 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2013.

2.20 Sec. 2. Minnesota Statutes 2012, section 122A.41, subdivision 2, is amended to read:

2.21 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
 2.22 the public schools in cities of the first class during the first three years of consecutive  
 2.23 employment shall be deemed to be in a probationary period of employment during which  
 2.24 period any annual contract with any teacher may, or may not, be renewed as the school  
 2.25 board, after consulting with the peer review committee charged with evaluating the  
 2.26 probationary teachers under subdivision 3, shall see fit. The school site management team  
 2.27 or the school board if there is no school site management team, shall adopt a plan for a  
 2.28 written evaluation of teachers during the probationary period according to subdivisions 3  
 2.29 and 5. Evaluation by the peer review committee charged with evaluating probationary  
 2.30 teachers under subdivision 3 shall occur at least three times periodically throughout each  
 2.31 school year for a teacher performing services during that school year; the first evaluation  
 2.32 must occur within the first 90 days of teaching service. Days devoted to parent-teacher  
 2.33 conferences, teachers' workshops, and other staff development opportunities and days on  
 2.34 which a teacher is absent from school shall not be included in determining the number of  
 2.35 school days on which a teacher performs services. The school board may, during such

3.1 probationary period, discharge or demote a teacher for any of the causes as specified in  
3.2 this code. A written statement of the cause of such discharge or demotion shall be given to  
3.3 the teacher by the school board at least 30 days before such removal or demotion shall  
3.4 become effective, and the teacher so notified shall have no right of appeal therefrom.

3.5 (b) A probationary teacher whose first three years of consecutive employment are  
3.6 interrupted for active military service and who promptly resumes teaching consistent with  
3.7 federal reemployment timelines for uniformed service personnel under United States  
3.8 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
3.9 for purposes of paragraph (a).

3.10 (c) A probationary teacher whose first three years of consecutive employment are  
3.11 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
3.12 months of when the leave began is considered to have a consecutive teaching experience  
3.13 for purposes of paragraph (a).

3.14 (d) A probationary teacher must complete at least 120 days of teaching service each  
3.15 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
3.16 workshops, and other staff development opportunities and days on which a teacher is  
3.17 absent from school do not count as days of teaching service under this paragraph.

3.18 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2013.