

(SENATE AUTHORS: JUNGBAUER, Nienow and Hann)

DATE	D-PG	OFFICIAL STATUS
02/07/2011	188	Introduction and first reading Referred to Education

1.1

A bill for an act

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relating to education; providing for five-year continuing teacher contracts;

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amending Minnesota Statutes 2010, sections 122A.40, subdivision 7, by adding a

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subdivision; 122A.41, subdivision 4, by adding a subdivision.

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

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Section 1. Minnesota Statutes 2010, section 122A.40, is amended by adding a

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subdivision to read:

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Subd. 5a. **Continuing contract.** A school board must record a majority roll call

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vote of the full membership of the board to either offer a teacher a continuing contract,

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discharge the teacher, or retain the teacher without a continuing contract at the end of

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the teacher's probationary period. The term of a continuing contract must not exceed

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five years. At the end of every five years of a teacher's service, a school board must

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record a majority roll call vote of the full membership of the board to renew the teacher's

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continuing contract for an additional five years, retain the teacher without a continuing

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contract, or terminate the teacher's employment. At a minimum, a school board's decision

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to offer a continuing contract must be based on the teacher's job performance and peer

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reviews. Before July 1, the school board must give the teacher notice of the renewal of

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employment or retention without a continuing contract. A teacher recommended for

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termination by the district shall have the right to request a hearing pursuant to this section.

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A teacher recommended for retention without a continuing contract is an at-will employee

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of the district until the board votes to offer the teacher a continuing contract or terminates

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their employment.

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Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 7, is amended to read:

2.1           Subd. 7. **Termination of contract after probationary period.** (a) A teacher who  
2.2 has completed a probationary period in any district, and who has not been discharged or  
2.3 advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have  
2.4 a five-year continuing contract with such district where contract terms and conditions,  
2.5 including salary and salary increases, are established based either on the length of the  
2.6 school calendar or an extended school calendar under section 120A.415. Thereafter,  
2.7 the teacher's contract must remain in full force and effect for five-year terms, except as  
2.8 modified by mutual consent of the board and the teacher, until terminated by a majority  
2.9 roll call vote of the full membership of the board prior to April 1 upon one of the grounds  
2.10 specified in subdivision 9 or July 1 upon one of the grounds specified in subdivision 10  
2.11 or 11, or until the teacher is discharged pursuant to subdivision 13, or by the written  
2.12 resignation of the teacher submitted prior to April 1. If an agreement as to the terms and  
2.13 conditions of employment for the succeeding school year has not been adopted pursuant  
2.14 to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of  
2.15 resignation is extended to the 30th calendar day following the adoption of said contract  
2.16 in compliance with section 179A.20, subdivision 5. Such written resignation by the  
2.17 teacher is effective as of June 30 if submitted prior to that date and the teachers' right of  
2.18 resignation for the school year then beginning shall cease on July 15. Before a teacher's  
2.19 contract is terminated by the board, the board must notify the teacher in writing and state  
2.20 its ground for the proposed termination in reasonable detail together with a statement that  
2.21 the teacher may make a written request for a hearing before the board within 14 days after  
2.22 receipt of such notification. If the grounds are those specified in subdivision 9 or 13, the  
2.23 notice must also state a teacher may request arbitration under subdivision 15. Within 14  
2.24 days after receipt of this notification the teacher may make a written request for a hearing  
2.25 before the board or an arbitrator and it shall be granted upon reasonable notice to the  
2.26 teacher of the date set for hearing, before final action is taken. If no hearing is requested  
2.27 within such period, it shall be deemed acquiescence by the teacher to the board's action.  
2.28 Such termination shall take effect at the close of the school year in which the contract is  
2.29 terminated in the manner aforesaid. Such contract may be terminated at any time by mutual  
2.30 consent of the board and the teacher and this section does not affect the powers of a board  
2.31 to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

2.32           (b) A teacher electing to have a continuing contract based on the extended school  
2.33 calendar under section 120A.415 must participate in staff development training under  
2.34 subdivision 7a and shall receive an increased base salary.

Sec. 3. Minnesota Statutes 2010, section 122A.41, is amended by adding a subdivision to read:

Subd. 2a. **Continuing contract.** A school board must record a majority roll call vote of the full membership of the board to either offer a teacher a continuing contract, discharge the teacher, or retain the teacher without a continuing contract at the end of the teacher's probationary period. The term of a continuing contract must not exceed five years. At the end of every five years of a teacher's service, a school board must vote, by a majority roll call vote of the full membership of the board, to renew, terminate, or retain the teacher without a continuing contract. At a minimum, a school board's decision to offer a continuing contract must be based on the teacher's job performance and peer reviews. Before July 1, the school board must give the teacher notice of the renewal of employment. A teacher recommended for termination by the district shall have the right to request a hearing pursuant to this section. A teacher recommended for retention without a continuing contract is an at-will employee of the district until the board votes to offer the teacher a continuing contract or terminates their employment.

Sec. 4. Minnesota Statutes 2010, section 122A.41, subdivision 4, is amended to read:

Subd. 4. **Period of service after probationary period; discharge or demotion.**

(a) After the completion of such probationary period, without discharge, such teachers as are thereupon reemployed shall continue in service and hold their respective position for five-year terms during good behavior and efficient and competent service and must not be discharged or demoted except for cause after a hearing. The terms and conditions of a teacher's employment contract, including salary and salary increases, must be based either on the length of the school year or an extended school calendar under section 120A.415.

(b) A probationary teacher is deemed to have been reemployed for the ensuing school year, unless the school board in charge of such school gave such teacher notice in writing before July 1 of the termination of such employment.

(c) A teacher electing to have an employment contract based on the extended school calendar under section 120A.415 must participate in staff development training under subdivision 4a and shall receive an increased base salary.