

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 3416**

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DATE  
03/15/2018

D-PG  
6514 Introduction and first reading  
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; prohibiting limits on school district hiring authority;  
1.3 withholding basic revenue; amending Minnesota Statutes 2016, sections 122A.40,  
1.4 subdivision 3; 122A.41, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2016, section 122A.40, subdivision 3, is amended to read:

1.7 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly  
1.8 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,  
1.9 constitute a quorum, no contract employing a teacher shall be made or authorized except  
1.10 upon the unanimous vote of the full board.

1.11 (b) A teacher related by blood or marriage, within the fourth degree, computed by the  
1.12 civil law, to a board member shall not be employed except by a unanimous vote of the full  
1.13 board.

1.14 (c) The initial employment of the teacher in the district must be by written contract,  
1.15 signed by the teacher and by the chair and clerk. All subsequent employment of the teacher  
1.16 in the district must be by written contract, signed by the teacher and by the chair and clerk,  
1.17 except where there is a master agreement covering the employment of the teacher.

1.18 (d) Contracts for teaching or supervision of teaching can be made only with qualified  
1.19 teachers. A school board must not enter into an agreement that restricts the board's authority  
1.20 to hire a qualified teacher, as defined in section 122A.16, regardless of the tier level of the  
1.21 teacher's license. The school board must not enter into an agreement that limits the board's  
1.22 authority to assign or reassign a teacher to a school or program based on the tier level of  
1.23 the teacher's license.

2.1        (e) A teacher shall not be required to reside within the employing district as a condition  
2.2        to teaching employment or continued teaching employment.

2.3        Sec. 2. Minnesota Statutes 2016, section 122A.41, is amended by adding a subdivision to  
2.4        read:

2.5        Subd. 16. **Hiring a qualified teacher.** A school board must not enter into an agreement  
2.6        that restricts the board's authority to hire a qualified teacher, as defined in section 122A.16,  
2.7        regardless of the tier level of the teacher's license. The school board must not enter into an  
2.8        agreement that limits the board's authority to assign or reassign a teacher to a school or  
2.9        program based on the tier level of the teacher's license.

2.10       Sec. 3. **WITHHOLD BASIC REVENUE.**

2.11       For fiscal year 2019 only, on September 1, 2018, the commissioner of education must  
2.12       withhold five percent of a school district's basic revenue if, on that date, the collective  
2.13       bargaining agreement between the school board and the exclusive representative of the  
2.14       teachers contains a provision restricting the board's authority to hire, assign, or reassign  
2.15       teachers to a school based on the tier level of the teacher's license.