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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 1870**

01/24/2012 Authored by Petersen, B.; Garofalo; Quam; Fabian; Downey and others  
The bill was read for the first time and referred to the Committee on Education Reform  
02/13/2012 Adoption of Report: Pass as Amended and Read Second Time  
02/16/2012 Calendar for The Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments  
04/26/2012 Read Third Time as Amended by Conference and repassed by the House  
04/28/2012 Read Third Time as Amended by Conference and repassed by the Senate

1.1 A bill for an act  
1.2 relating to education; allowing school districts to base unrequested leave of  
1.3 absence and certain discharge and demotion decisions on teacher evaluation  
1.4 outcomes; amending Minnesota Statutes 2010, sections 122A.40, subdivisions  
1.5 10, 11, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; Minnesota  
1.6 Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.40,  
1.7 subdivision 5; 122A.41, subdivisions 2, 6.

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

1.9 Section 1. Minnesota Statutes 2011 Supplement, section 122A.245, subdivision 1,  
1.10 is amended to read:

1.11 Subdivision 1. **Requirements.** (a) To improve academic excellence, improve ethnic  
1.12 and cultural diversity in the classroom, and close the academic achievement gap, the  
1.13 Board of Teaching must approve qualified teacher preparation programs under this section  
1.14 that are a means to acquire a two-year limited-term license, which the board may renew  
1.15 one time for an additional one-year term, and to prepare for acquiring a standard license.  
1.16 The following entities are eligible to participate under this section:

1.17 (1) a school district or charter school that forms a partnership with a college or  
1.18 university that has a board-approved alternative teacher preparation program; or

1.19 (2) a school district or charter school, after consulting with a college or university  
1.20 with a board-approved teacher preparation program, forms a partnership with a nonprofit  
1.21 corporation organized under chapter 317A for an education-related purpose that has a  
1.22 board-approved teacher preparation program.

1.23 (b) Before participating in this program, a candidate must:

1.24 (1) have a bachelor's degree with a 3.0 or higher grade point average unless the  
1.25 board waives the grade point average requirement based on board-adopted criteria;

2.1 (2) pass the reading, writing, and mathematics skills examination under section  
2.2 122A.09, subdivision 4, paragraph (b); and

2.3 (3) obtain qualifying scores on applicable board-approved rigorous content area and  
2.4 pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

2.5 (c) The Board of Teaching must issue a two-year limited-term license to a person  
2.6 who enrolls in an alternative teacher preparation program. This limited-term license is not  
2.7 a provisional license under section 122A.40 or 122A.41.

2.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.9 Sec. 2. Minnesota Statutes 2011 Supplement, section 122A.40, subdivision 5, is  
2.10 amended to read:

2.11 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
2.12 first teaching experience in Minnesota in a single district is deemed to be a probationary  
2.13 period of employment, and, the probationary period in each district in which the teacher is  
2.14 thereafter employed shall be one year. The school board must adopt a plan for written  
2.15 evaluation of teachers during the probationary period that is consistent with subdivision  
2.16 8. Evaluation must occur at least three times periodically throughout each school year  
2.17 for a teacher performing services during that school year; the first evaluation must occur  
2.18 within the first 90 days of teaching service. Days devoted to parent-teacher conferences,  
2.19 teachers' workshops, and other staff development opportunities and days on which a  
2.20 teacher is absent from school must not be included in determining the number of school  
2.21 days on which a teacher performs services. Except as otherwise provided in paragraph  
2.22 (b), during the probationary period any annual contract with any teacher may or may not  
2.23 be renewed as the school board shall see fit or consistent with the unrequested leave of  
2.24 absence plan in effect under subdivision 10 or 11. However, the board must give any such  
2.25 teacher whose contract it declines to renew for the following school year written notice to  
2.26 that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching  
2.27 contract, the board must give the teacher its reason in writing, including a statement  
2.28 that appropriate supervision was furnished describing the nature and the extent of such  
2.29 supervision furnished the teacher during the employment by the board, within ten days  
2.30 after receiving such request. The school board may, after a hearing held upon due notice,  
2.31 discharge a teacher during the probationary period for cause, effective immediately,  
2.32 under section 122A.44.

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

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

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

3.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.11 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

3.12 Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the  
 3.13 exclusive bargaining representative of the teachers ~~may~~ must negotiate a plan providing  
 3.14 for unrequested leave of absence without pay or fringe benefits for as many teachers  
 3.15 as may be necessary because of discontinuance of position, lack of pupils, financial  
 3.16 limitations, or merger of classes caused by consolidation of districts. The plan must  
 3.17 base unrequested leave of absence decisions on teachers' subject matter licensure fields  
 3.18 and evaluation outcomes, from the least to most effective category under subdivision 8  
 3.19 and from the least to greatest seniority within each effectiveness category, and must be  
 3.20 consistent with subdivision 11, paragraph (n). Failing to successfully negotiate such a  
 3.21 plan, the provisions of subdivision 11 shall apply. The negotiated plan must not include  
 3.22 provisions which would result in the exercise of seniority by a teacher holding only a  
 3.23 provisional license, other than a vocational education license if required for the position,  
 3.24 contrary to the provisions of subdivision 11, ~~clause~~ paragraph (c), or the reinstatement  
 3.25 of a teacher holding only a provisional license, other than a vocational education license  
 3.26 required for the position, contrary to the provisions of subdivision 11, ~~clause (c)~~ paragraph  
 3.27 (f). The provisions of section 179A.16 do not apply for the purposes of this subdivision.

3.28 (b) For purposes of placing a teacher on unrequested leave of absence or recalling a  
 3.29 teacher from unrequested leave of absence, nothing in this subdivision requires a school  
 3.30 board to reassign a teacher in order to accommodate the seniority claims of another  
 3.31 teacher. For purposes of this subdivision, a provisional license is a license to teach issued  
 3.32 by the Board of Teaching under a waiver or variance.

3.33 (c) Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or  
 3.34 other law to the contrary, a teacher's effectiveness category and the underlying data on  
 3.35 the individual teacher generated under the teacher evaluation process in subdivision 8,

4.1 paragraph (b), used to determine a teacher's effectiveness category for purposes of this  
4.2 subdivision are private data on individuals.

4.3 (d) Notwithstanding paragraph (c), the school board may make the effectiveness  
4.4 categories of the teachers accessible to the exclusive representative of teachers for the  
4.5 purpose of verifying the order of teachers' unrequested leave of absence.

4.6 (e) Nothing in this subdivision permits a school board to use a teacher's remuneration  
4.7 as a basis for making unrequested leave of absence or discharge decisions.

4.8 **EFFECTIVE DATE.** This section is effective the day following final enactment  
4.9 and applies to negotiated plans agreed to after that date.

4.10 Sec. 4. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

4.11 Subd. 11. **Unrequested leave of absence.** The board may place on unrequested  
4.12 leave of absence, without pay or fringe benefits, as many teachers as may be necessary  
4.13 because of discontinuance of position, lack of pupils, financial limitations, or merger  
4.14 of classes caused by consolidation or reorganization of districts under chapter 123A.

4.15 The unrequested leave is effective at the close of the school year. In placing teachers on  
4.16 unrequested leave, the board is governed by the following provisions:

4.17 (a) The board may place probationary teachers on unrequested leave first in the  
4.18 inverse order of their employment. A teacher who has acquired continuing contract  
4.19 rights must not be placed on unrequested leave of absence while probationary teachers  
4.20 are retained in positions for which the teacher who has acquired continuing contract  
4.21 rights is licensed;

4.22 (b) Teachers who have acquired continuing contract rights shall be placed on  
4.23 unrequested leave of absence in fields in which they are licensed in the inverse order  
4.24 in which they were employed by the school district. In the case of equal seniority, the  
4.25 order in which teachers who have acquired continuing contract rights shall be placed on  
4.26 unrequested leave of absence in fields in which they are licensed is negotiable;

4.27 (c) Notwithstanding the provisions of ~~clause~~ paragraph (b), a teacher is not entitled  
4.28 to exercise any seniority when that exercise results in that teacher being retained by the  
4.29 district in a field for which the teacher holds only a provisional license, ~~as defined by the~~  
4.30 ~~board of teaching~~, unless that exercise of seniority results in the placement on unrequested  
4.31 leave of absence of another teacher who also holds a provisional license in the same field.  
4.32 The provisions of this ~~clause~~ paragraph do not apply to vocational education licenses;  
4.33 required for available positions.

4.34 (d) Notwithstanding ~~clauses~~ paragraphs (a), (b) and (c), if the placing of a  
4.35 probationary teacher on unrequested leave before a teacher who has acquired continuing

5.1 rights, the placing of a teacher who has acquired continuing contract rights on unrequested  
 5.2 leave before another teacher who has acquired continuing contract rights but who has  
 5.3 greater seniority, or the restriction imposed by the provisions of ~~clause~~ paragraph (c) would  
 5.4 place the district in violation of its affirmative action program, the district may retain the  
 5.5 probationary teacher, the teacher with less seniority, or the provisionally licensed teacher.

5.6 (e) For purposes of placing a teacher on unrequested leave of absence or recalling a  
 5.7 teacher from unrequested leave of absence, nothing in this subdivision requires a school  
 5.8 board to reassign a teacher in order to accommodate the seniority claims of another teacher.

5.9 (f) Teachers placed on unrequested leave of absence must be reinstated to the  
 5.10 positions from which they have been given leaves of absence or, if not available, to other  
 5.11 available positions in the school district in fields in which they are licensed. Reinstatement  
 5.12 must be in the inverse order of placement on leave of absence. A teacher must not be  
 5.13 reinstated to a position in a field in which the teacher holds only a provisional license,  
 5.14 other than a vocational education license if required for the position, while another teacher  
 5.15 who holds a nonprovisional license in the same field remains on unrequested leave.  
 5.16 The order of reinstatement of teachers who have equal seniority and who are placed on  
 5.17 unrequested leave in the same school year is negotiable.

5.18 ~~(f)~~ (g) Appointment of a new teacher must not be made while there is available, on  
 5.19 unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the  
 5.20 teacher fails to advise the school board within 30 days of the date of notification that a  
 5.21 position is available to that teacher who may return to employment and assume the duties  
 5.22 of the position to which appointed on a future date determined by the board.

5.23 ~~(g)~~ (h) A teacher placed on unrequested leave of absence may engage in teaching  
 5.24 or any other occupation during the period of this leave.

5.25 ~~(h)~~ (i) The unrequested leave of absence must not impair the continuing contract  
 5.26 rights of a teacher or result in a loss of credit for previous years of service.

5.27 ~~(i)~~ (j) Consistent with paragraph (n) and subdivision 10, the unrequested leave of  
 5.28 absence of a teacher who is categorized as effective or better under subdivision 8, who  
 5.29 is placed on unrequested leave of absence, and who is not reinstated shall continue for a  
 5.30 period of five years, after which the right to reinstatement ~~shall terminate~~ terminates. The  
 5.31 teacher's right to reinstatement ~~shall also terminate~~ terminates if the teacher fails to file  
 5.32 with the board by April 1 of ~~any~~ each year a written statement requesting reinstatement.

5.33 (k) Consistent with paragraph (n) and subdivision 10, the unrequested leave of  
 5.34 absence of a teacher who is categorized as ineffective or less under subdivision 8, who  
 5.35 is placed on unrequested leave of absence, and who is not reinstated continues for the  
 5.36 following school year only, after which the teacher's right to reinstatement terminates. The

6.1 teacher's right to reinstatement also terminates if the teacher fails to file with the board by  
 6.2 April 1 in that following school year a written statement requesting reinstatement.

6.3 ~~(j)~~ (l) The same provisions applicable to terminations of probationary or continuing  
 6.4 contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of  
 6.5 absence.

6.6 ~~(k)~~ (m) Nothing in this subdivision shall be construed to impair the rights of teachers  
 6.7 placed on unrequested leave of absence to receive unemployment benefits if otherwise  
 6.8 eligible.

6.9 (n) Beginning in the 2016-2017 school year and later, and notwithstanding any  
 6.10 contradictory provisions in this subdivision, a school board must place teachers on  
 6.11 unrequested leave of absence based on their subject matter licensure fields and most recent  
 6.12 evaluation outcomes, from the least to most effective category under subdivision 8 and  
 6.13 from least to greatest seniority, including probationary teachers, within each effectiveness  
 6.14 category. A school board is not required to reassign a teacher in order to accommodate the  
 6.15 seniority claims of another teacher. A school board may decide to renew or not renew a  
 6.16 probationary teacher's contract as it sees fit. The school board must make available to the  
 6.17 public in a readily accessible format the unrequested leave of absence plan it develops and  
 6.18 implements under this paragraph.

6.19 (o) For purposes of this subdivision, a provisional license is a license to teach issued  
 6.20 by the Board of Teaching under a waiver or variance.

6.21 (p) Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or  
 6.22 other law to the contrary, a teacher's effectiveness category and the underlying data on  
 6.23 the individual teacher generated under the teacher evaluation process in subdivision 8,  
 6.24 paragraph (b), used to determine a teacher's effectiveness category for purposes of this  
 6.25 subdivision are private data on individuals.

6.26 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 6.27 except that paragraph (n) is effective for the 2016-2017 school year and later.

6.28 Sec. 5. Minnesota Statutes 2010, section 122A.40, subdivision 19, is amended to read:

6.29 Subd. 19. **Records relating to individual teacher; access; expungement.** All  
 6.30 evaluations and files generated within a school district relating to each individual teacher,  
 6.31 including teacher evaluation data under subdivisions 8, 10, and 11, among other teacher  
 6.32 evaluations and files, must be available to each individual teacher upon written request.  
 6.33 Effective January 1, 1976, all evaluations and files, wherever generated, relating to each  
 6.34 individual teacher must be available to each individual teacher upon written request. The  
 6.35 teacher shall have the right to reproduce any of the contents of the files at the teacher's

7.1 expense and to submit for inclusion in the file written information in response to any  
7.2 material contained therein.

7.3 A district may destroy the files as provided by law and must expunge from  
7.4 the teacher's file any material found to be false or inaccurate through the grievance  
7.5 procedure required pursuant to section 179A.20, subdivision 4. The grievance procedure  
7.6 promulgated by the director of the bureau of mediation services, pursuant to section  
7.7 179A.04, subdivision 3, clause (h), applies to those principals and supervisory employees  
7.8 not included in an appropriate unit as defined in section 179A.03. Expungement  
7.9 proceedings must be commenced within the time period provided in the collective  
7.10 bargaining agreement for the commencement of a grievance. If no time period is provided  
7.11 in the bargaining agreement, the expungement proceedings must commence within 15  
7.12 days after the teacher has knowledge of the inclusion in the teacher's file of the material  
7.13 the teacher seeks to have expunged.

7.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.15 Sec. 6. Minnesota Statutes 2011 Supplement, section 122A.41, subdivision 2, is  
7.16 amended to read:

7.17 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
7.18 the public schools in cities of the first class during the first three years of consecutive  
7.19 employment shall be deemed to be in a probationary period of employment during which  
7.20 period any annual contract with any teacher may, or may not, be renewed as the school  
7.21 board, after consulting with the peer review committee charged with evaluating the  
7.22 probationary teachers under subdivision 3, shall see fit or consistent with the service  
7.23 termination plan in effect under subdivision 6 or 14. The school site management team  
7.24 or the school board if there is no school site management team, shall adopt a plan for a  
7.25 written evaluation of teachers during the probationary period according to subdivisions 3  
7.26 and 5. Evaluation by the peer review committee charged with evaluating probationary  
7.27 teachers under subdivision 3 shall occur at least three times periodically throughout each  
7.28 school year for a teacher performing services during that school year; the first evaluation  
7.29 must occur within the first 90 days of teaching service. Days devoted to parent-teacher  
7.30 conferences, teachers' workshops, and other staff development opportunities and days on  
7.31 which a teacher is absent from school shall not be included in determining the number of  
7.32 school days on which a teacher performs services. The school board may, during such  
7.33 probationary period, discharge or demote a teacher for any of the causes as specified in  
7.34 this code. A written statement of the cause of such discharge or demotion shall be given to

8.1 the teacher by the school board at least 30 days before such removal or demotion shall  
8.2 become effective, and the teacher so notified shall have no right of appeal therefrom.

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

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

8.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.13 Sec. 7. Minnesota Statutes 2011 Supplement, section 122A.41, subdivision 6, is  
8.14 amended to read:

8.15 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in  
8.16 paragraph ~~(b)~~ (d), causes for the discharge or demotion of a teacher either during or after  
8.17 the probationary period must be:

8.18 (1) immoral character, conduct unbecoming a teacher, or insubordination;

8.19 (2) failure without justifiable cause to teach without first securing the written release  
8.20 of the school board having the care, management, or control of the school in which the  
8.21 teacher is employed;

8.22 (3) inefficiency in teaching or in the management of a school, consistent with  
8.23 subdivision 5, paragraph (b);

8.24 (4) affliction with active tuberculosis or other communicable disease must be  
8.25 considered as cause for removal or suspension while the teacher is suffering from such  
8.26 disability; or

8.27 (5) discontinuance of position or lack of pupils.

8.28 Beginning in the 2016-2017 school year and later, and notwithstanding any  
8.29 contradictory provisions in this subdivision, the school board must discharge or demote  
8.30 teachers under clause (5) based on their subject matter licensure fields and most recent  
8.31 evaluation outcomes, from the least to most effective category under subdivision 5 and  
8.32 from least to greatest seniority, including probationary teachers, within each effectiveness  
8.33 category. Nothing in this subdivision permits a school board to use a teacher's  
8.34 remuneration as the basis for making discharge or demotion decisions. The school board



9.1 must make available to the public in a readily accessible format any discharge and  
 9.2 demotion plan it develops to implement clause (5) of this paragraph.

9.3 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
 9.4 discriminatory practice described in section 363A.13.

9.5 (b) Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or  
 9.6 other law to the contrary, a teacher's effectiveness category and the underlying data on  
 9.7 the individual teacher generated under the teacher evaluation process in subdivision 5,  
 9.8 paragraph (b), used to determine a teacher's effectiveness category for purposes of this  
 9.9 subdivision are private data on individuals.

9.10 (c) Notwithstanding paragraph (b), the school board may make the effectiveness  
 9.11 categories of the teachers accessible to the exclusive representative of teachers for the  
 9.12 purpose of verifying the order of teachers' discharge and demotion.

9.13 ~~(b)~~ (d) A probationary or continuing-contract teacher must be discharged  
 9.14 immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph  
 9.15 (b), that the teacher's license has been revoked due to a conviction for child abuse or  
 9.16 sexual abuse.

9.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 9.18 and applies to negotiated plans agreed to after that date.

9.19 Sec. 8. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

9.20 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**  
 9.21 **given.** (a) To the extent consistent with paragraph (c) and subdivision 6, paragraph (a),  
 9.22 clause (5), a teacher whose services are terminated on account of discontinuance of  
 9.23 position or lack of pupils must receive first consideration for other positions in the district  
 9.24 for which that teacher is qualified. ~~In the event~~ If it becomes ~~is~~ necessary to discontinue  
 9.25 one or more positions, in making such discontinuance, teachers must be discontinued in  
 9.26 any department in the inverse order in which they were employed, unless a board and the  
 9.27 exclusive representative of teachers in the district negotiate a plan providing otherwise.

9.28 (b) Notwithstanding the provisions of ~~clause~~ paragraph (a), and to the extent  
 9.29 consistent with paragraph (c) and subdivision 6, paragraph (a), a teacher is not entitled  
 9.30 to exercise any seniority when that exercise results in that teacher being retained by the  
 9.31 district in a field for which the teacher holds only a provisional license, ~~as defined by the~~  
 9.32 ~~Board of Teaching,~~ unless that exercise of seniority results in the termination of services,  
 9.33 on account of discontinuance of position or lack of pupils, of another teacher who also  
 9.34 holds a provisional license in the same field. The provisions of this clause do not apply  
 9.35 to vocational education licenses.

10.1 (c) For purposes of discharging, demoting, or recalling a teacher whose services are  
10.2 terminated under this subdivision, nothing in this subdivision requires a school board to  
10.3 reassign a teacher in order to accommodate the seniority claims of another teacher.

10.4 (d) Notwithstanding the provisions of ~~clause~~ paragraph (a), and to the extent  
10.5 consistent with paragraph (c) and subdivision 6, paragraph (a), a teacher must not be  
10.6 reinstated to a position in a field in which the teacher holds only a provisional license,  
10.7 other than a vocational education license if required for the position, while another teacher  
10.8 who holds a nonprovisional license in the same field is available for reinstatement.

10.9 (e) For purposes of this subdivision, a provisional license is a license to teach issued  
10.10 by the Board of Teaching under a waiver or variance.

10.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.12 Sec. 9. Minnesota Statutes 2010, section 122A.41, subdivision 15, is amended to read:

10.13 Subd. 15. **Records relating to individual teacher; access; expungement.** All  
10.14 evaluations and files generated within a district relating to each individual teacher,  
10.15 including teacher evaluation data under subdivisions 5, 6, and 14, among other teacher  
10.16 evaluations and files, must be available to each individual teacher upon the teacher's  
10.17 written request. Effective January 1, 1976, all evaluations and files, wherever generated,  
10.18 relating to each individual teacher must be available to each individual teacher upon the  
10.19 teacher's written request. The teacher has the right to reproduce any of the contents of the  
10.20 files at the teacher's expense and to submit for inclusion in the file written information in  
10.21 response to any material contained therein.

10.22 A district may destroy the files as provided by law and must expunge from  
10.23 the teacher's file any material found to be false or substantially inaccurate through  
10.24 the grievance procedure required pursuant to section 179A.20, subdivision 4. The  
10.25 grievance procedure promulgated by the director of the Bureau of Mediation Services,  
10.26 pursuant to section 179A.04, subdivision 3, clause (h), applies to those principals and  
10.27 supervisory employees not included in an appropriate unit as defined in section 179A.03.  
10.28 Expungement proceedings must be commenced within the time period provided in the  
10.29 collective bargaining agreement for the commencement of a grievance. If no time period  
10.30 is provided in the bargaining agreement, the expungement proceedings must commence  
10.31 within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the  
10.32 material the teacher seeks to have expunged.

10.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.1 Sec. 10. Minnesota Statutes 2010, section 123A.75, subdivision 1, is amended to read:

11.2 Subdivision 1. **Teacher assignment.** (a) As of the effective date of a consolidation  
11.3 in which a district is divided or the dissolution of a district and its attachment to two or  
11.4 more existing districts, each teacher employed by an affected district shall be assigned to  
11.5 the newly created or enlarged district on the basis of a ratio of the pupils assigned to each  
11.6 district according to the new district boundaries. The district receiving the greatest number  
11.7 of pupils must be assigned the teacher with the greatest seniority, and the remaining  
11.8 teachers must be alternately assigned to each district until the district receiving the fewest  
11.9 pupils has received its ratio of teachers who will not be retiring before the effective date of  
11.10 the consolidation or dissolution.

11.11 (b) Notwithstanding paragraph (a), the board and the exclusive representative of  
11.12 teachers in each district involved in the consolidation or dissolution and attachment may  
11.13 negotiate a plan for assigning teachers to each newly created or enlarged district.

11.14 (c) Notwithstanding other law to the contrary, the provisions of this section apply  
11.15 only to the extent they are consistent with section 122A.40, subdivisions 8, 10, and 11.

11.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.