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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 4255

03/26/2018 Authored by Smith and Peterson The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; modifying probationary period provisions for teachers and
1.3 principals in school districts outside cities of the first class; amending Minnesota
1.4 Statutes 2016, section 122A.40, subdivisions 5, 7, 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 5, is amended to read:

1.7 Subd. 5. Probationary period. (a) The first three consecutive years of a teacher's first
1.8 teaching experience in Minnesota in a single district is deemed to be a the 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
1.19 the 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
1.21 1. 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 teacher
1.24 during the employment by the board, within ten days after receiving such request. The

2.1 ~~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.~~ The board
 2.3 may discharge or demote a teacher during the teacher's probationary period for any cause
 2.4 specified in section 122A.40 or 122A.41. The board must give a probationary teacher a
 2.5 written statement notifying the teacher of the cause for discharge or demotion at least 30
 2.6 days before discharging or demoting the teacher. A probationary teacher that receives notice
 2.7 of discharge or demotion has no right of appeal.

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 2.10 been revoked due to a conviction for child abuse or sexual abuse.

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

2.16 (d) A probationary teacher whose first three years of consecutive employment are
 2.17 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
 2.18 months of when the leave began is considered to have a consecutive teaching experience
 2.19 for purposes of paragraph (a) if the probationary teacher completes a combined total of
 2.20 three years of teaching service immediately before and after the leave.

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

2.25 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.26 Sec. 2. Minnesota Statutes 2016, section 122A.40, subdivision 7, is amended to read:

2.27 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who has
 2.28 completed a probationary period in any district, and who has not been discharged or advised
 2.29 of a refusal to renew the teacher's contract under subdivision 5, shall elect to have a
 2.30 continuing contract ~~with such district where contract~~ and continues to hold a position during
 2.31 good behavior and efficient and competent service, and must not be discharged or demoted
 2.32 except:

2.33 (1) for cause under subdivision 9, 12, or 13, after a hearing; or

3.1 (2) due to a discontinuance of the teacher's position or a lack of pupils.

3.2 The terms and conditions of a teacher's employment, including salary and salary increases,
 3.3 ~~are established~~ must be based either on the length of the school calendar or an extended
 3.4 school calendar under section 120A.415. ~~Thereafter, the teacher's contract must remain in~~
 3.5 ~~full force and effect, except as modified by mutual consent of the board and the teacher,~~
 3.6 ~~until terminated by a majority roll call vote of the full membership of the board prior to~~
 3.7 ~~April 1 upon one of the grounds specified in subdivision 9 or July 1 upon one of the grounds~~
 3.8 ~~specified in subdivision 10 or 11, or until the teacher is discharged pursuant to subdivision~~
 3.9 ~~13, or by the written resignation of the teacher submitted prior to April 1. If an agreement~~
 3.10 ~~as to the terms and conditions of employment for the succeeding school year has not been~~
 3.11 ~~adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the~~
 3.12 ~~teacher's right of resignation is extended to the 30th calendar day following the adoption~~
 3.13 ~~of said contract in compliance with section 179A.20, subdivision 5. Such written resignation~~
 3.14 ~~by the teacher is effective as of June 30 if submitted prior to that date and the teachers' right~~
 3.15 ~~of resignation for the school year then beginning shall cease on July 15. Before a teacher's~~
 3.16 contract is terminated by the board, the board must notify the teacher in writing and state
 3.17 its ground for the proposed termination in reasonable detail together with a statement that
 3.18 the teacher may make a written request for a hearing before the board within 14 days after
 3.19 receipt of such notification. ~~If the grounds are those specified in subdivision 9 or 13, the~~
 3.20 ~~notice must also state a teacher may request arbitration under subdivision 15. Within 14~~
 3.21 ~~days after receipt of this notification the teacher may make a written request for a hearing~~
 3.22 ~~before the board or an arbitrator and it shall be granted upon reasonable notice to the teacher~~
 3.23 ~~of the date set for hearing, before final action is taken. If no hearing is requested within~~
 3.24 ~~such period, it shall be deemed acquiescence by the teacher to the board's action. Such~~
 3.25 ~~termination shall take effect at the close of the school year in which the contract is terminated~~
 3.26 ~~in the manner aforesaid. Such~~ The board and the teacher may mutually consent to terminate
 3.27 an employment contract ~~may be terminated~~ at any time by mutual consent of the board and
 3.28 the teacher, and this section does not affect the powers of a board to suspend, discharge, or
 3.29 demote a teacher under and pursuant to other provisions of law.

3.30 (b) A teacher electing to have a continuing contract based on the extended school calendar
 3.31 under section 120A.415 must participate in staff development training under subdivision
 3.32 7a and shall receive an increased base salary.

3.33 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

4.1 Sec. 3. Minnesota Statutes 2016, section 122A.40, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 8a. **Probationary period for principals hired internally.** (a) A board and the
4.4 exclusive representative of the school principals in the district may negotiate a plan for a
4.5 probationary period of up to two years for:

4.6 (1) a licensed school principal or assistant principal who was previously employed by
4.7 the board as a licensed teacher; and

4.8 (2) a licensed principal who was previously employed by the board as a licensed assistant
4.9 principal.

4.10 (b) This subdivision applies to all principal and assistant principal contracts entered into
4.11 or modified after the effective date of this subdivision.

4.12 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.