

consent of the governing body of said city acquire by condemnation the public easement in any public alley which the school board of such district deems it necessary to use for school purposes.

Approved March 11, 1927.

CHAPTER 36--H. F. No. 77

An act to regulate the employment of teachers in the public schools in cities of the first class and fixing the conditions under which they may hold their positions or may be discharged or may be demoted.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Definition.—The term “teacher” shall include every person regularly employed, as a principal, or to give instruction in a class-room, or to superintend or supervise class-room instruction, or as placement teacher and visiting teacher.

Sec. 2. Definition.—The term “school board” shall include a majority in membership of any and all boards or official bodies having the care, management or control over public schools; and the term “commissioner” shall include any and all instances where a single official has the care, management or control over public schools.

Sec. 3. Definition.—The word “demote” shall mean to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

Sec. 4. Probation period—discharge.—All teachers in the public schools in cities of the first class in the State during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not be renewed as the school board or commissioner shall see fit. The school board or commissioner may during such probationary period discharge or demote a teacher for any of the causes as specified in Section 6. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board or commissioner at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

Sec. 5. No discharge except for cause.—After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective positions during good behavior and efficient and competent service and shall not be discharged or

demoted except for one or more of the causes as specified in Section 6, and after a hearing as specified and provided in Section 7.

Sec. 6. Causes for discharge.— Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

(a) Immoral character, conduct unbecoming a teacher or insubordination.

(b) Failure without justifiable cause to teach without first securing the written release of the school board or commissioner having the care, management or control of the school in which the teacher is employed.

(c) Inefficiency in teaching or in the management of a school.

(d) Affliction with active tuberculosis or other communicable disease shall be considered as cause for removal or suspension while the teacher is suffering from such disability.

(e) On account of discontinuance of position or lack of pupils.

Sec. 7. Charges must be in writing—hearings.—The charge or charges against a teacher shall be in writing and signed by the person making the same, and then filed with the secretary or clerk of the school board or commissioner having charge of the school in which the teacher is employed. Such school board or commissioner before discharging or demoting a teacher shall then accord the teacher against whom such charge or charges have been filed a full hearing and shall give to said teacher at least Ten days notice in writing of the time and place of such hearing; such notice may be served personally or sent by registered mail addressed to such teacher at his or her last known postoffice address; provided that if said charge be made by any person not in connection with said school system said charge may be disregarded by such school board or commissioner. Upon such hearing being held such school board or commissioner shall hear all evidence that may be adduced in support of the charge or charges and for the teacher's defense thereto. Either party shall have the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed shall be examined under oath. Any member of the school board or any commissioner conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Sec. 8. Both parties may be represented by counsel.—Each party appearing before said school board or commissioner shall have the right to be represented by counsel, and such counsel may examine and cross-examine witnesses and present arguments.

Sec. 9. Hearings may be public or private.—All hearings before said school board or commissioner shall be private or may be public at the decision of the teacher against whom such charge or charges have been filed.

Sec. 10. Decision must be rendered within twenty-five days.—Such hearing must be concluded and a decision in writing, stating the grounds on which it is based, rendered within 25 days after the giving of such notice. Where the hearing is before a school board the teacher may be discharged or demoted upon the affirmative vote of a majority of the members of said school board. If the charge or charges, or any of such, are found to be true the school board or commissioner conducting the hearing shall discharge, demote or suspend the teacher, as seems to be for the best interest of the school. Provided, that no teacher shall be discharged for either of the causes specified in Paragraph "c" of Section 6, except during the school year, and then only upon a charge or charges filed at least Four months before the close of the school sessions of such school year.

Sec. 11. Charges shall be expunged from records in certain cases.—In all cases where the final decision is in the favor of the teacher the charge or charges shall be physically expunged from the records.

Sec. 12. Teachers may be suspended.—Upon the filing of a charge or charges against a teacher the school board or commissioner may suspend the teacher from regular duty. If upon final decision the teacher is suspended or removed the school board or commissioner may in its or his discretion determine the teacher's salary or compensation as of the time of filing the charge or charges. If the final decision is favorable to the teacher there shall be no abatement of salary or compensation.

Sec. 13. Teachers to be placed on preferred list in certain cases.—Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified.

Sec. 14. Computation of probationary period.—The period of service rendered by teachers in the districts in which they are employed at the time this act becomes effective, shall be considered in computing their probationary period.

Sec. 15. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 16. Effective July 1, 1927.—This act shall take effect and be in force from and after July 1st, 1927.

Approved March 14, 1927.