

geographically and politically, all of whom shall be residents of the county of Hennepin at the time of their appointment. The library board shall be advisory to the county board of commissioners and shall be responsible for policy and legislative recommendations relating to the library system and shall perform such other duties and responsibilities pertinent to library matters as may be delegated by the county board of commissioners. Subject to the approval of the county board of commissioners, the library board shall appoint a library director pursuant to the provisions of Laws 1965, Chapter 855, who shall be the chief administrative officer of the library system.

Sec. 6. The library boards of the county of Hennepin and the city of Minneapolis shall commence merger discussions of the two library systems for the purpose of establishing an agreement of amalgamation to be effective January 1, 1973.

Sec. 7. Laws 1965, Chapter 898, is hereby specifically repealed.

Sec. 8. This act shall become effective only after its approval by a majority of the governing body of the county of Hennepin and upon compliance with the provisions of Minnesota Statutes 1965, Section 645.021.

Approved May 31, 1967.

EXTRA SESSION

CHAPTER 25—S. F. No. 34

[Coded in Part]

An act relating to education; establishing a professional teaching practices commission; providing for code of ethics for teachers; and penalties for the violation thereof; appropriating moneys; amending Minnesota Statutes 1965, Section 125.09.

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

Section 1. **[125.181] Teachers; professional practices; intent.** *The purpose of this act is to develop standards of ethical conduct for the guidance and improvement of the teaching profession and to provide measures through which the observance of such*

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standards by the members of the profession may be promoted and enforced.

Sec. 2. **[125.182] Definitions.** *Subdivision 1. For the purpose of this act the words, phrases and terms defined in this section shall have the meanings ascribed to them.*

Subd. 2. "Teacher" means a superintendent, principal, supervisor, classroom teacher, or other similar professional employee required to hold a certificate from the state department of education.

Subd. 3. "Commission" means the professional teaching practices commission.

Subd. 4. "State board" means the state board of education.

Sec. 3. **[125.183] Membership.** *Subdivision 1. A professional teaching practices commission consisting of 12 members is hereby established. Each member shall be appointed by the governor for a four year term and serve until his successor is duly appointed and qualified. No member shall be reappointed for more than one additional term. A vacancy during the term of a member shall be filled by the governor for the unexpired term.*

Subd. 2. Of the first members appointed, three shall be appointed for a term ending the first Monday in January 1968; three shall be appointed for a term ending the first Monday in January 1969; three shall be appointed for a term ending the first Monday in January 1970; and three shall be appointed for a term ending the first Monday in January 1971. Thereafter each member shall be appointed for a full four year term.

Subd. 3. To be eligible for appointment to the commission a person must be fully certificated for the position he holds and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The commission shall be composed of four elementary school classroom teachers, four secondary classroom teachers, three school administrators, one of whom shall be a superintendent, one of whom shall be an elementary school administrator, one of whom shall be a secondary school administrator, and one other teacher.

Sec. 4. **[125.184] Meetings.** *Subdivision 1. The commission shall meet regularly at quarterly intervals at the seat of government and at such other times and places as the commission shall determine. Meetings shall be called by the chairman or at the written request of any six members. Each member shall be*

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reimbursed for travel, subsistence and other reasonable expenses incurred in the performance of his duties in the same manner and in the same amounts as other state officers and employees are reimbursed.

Subd. 2. The commissioner of education, in his discretion, may assign such persons as may be required to perform clerical and professional assistance to the commission.

Sec. 5. [125.185] Duties. *Subdivision 1. The commission shall, after public hearings, develop a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance.*

Subd. 2. The commission shall act in an advisory capacity to the state board of education and to members of the profession in matters of interpretation of the code of ethics.

Subd. 3. In the case of a complaint under Minnesota Statutes 1965, Section 125.09, the commission shall conduct the hearing if the complaint is based upon an alleged violation of the professional code of ethics, except that, upon request of the teacher against whom the charges are brought, such hearing shall be held in the manner otherwise provided in Minnesota Statutes 1965, Section 125.09.

Subd. 4. The commission shall elect a chairman and such other officers as it may deem necessary.

Sec. 6. Minnesota Statutes 1965, Section 125.09, is amended to read:

125.09 Suspension or revocation of certificates. **Subdivision 1. Grounds for revocation.** The state board may, on the written complaint of the board employing a teacher, or of the superintendent of the county where such teacher is employed, or of the commissioner, which complaint shall specify generally the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- ~~(4) Affliction with active tuberculosis or some other communicable disease, while suffering from such disability.~~

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(4) *A violation of the professional code of ethics, when, in the determination of the state board, in consultation with the commission, such violation constitutes gross misconduct.*

Subd. 2. Hearing on charges. The commissioner shall, within ~~five~~ 10 days after the filing of the complaint, serve a copy thereof upon the teacher in person or by registered mail addressed to such teacher at his last known address and such teacher shall, within 10 days after the service of such copy upon him, file with the state board his answer to the charges specified. The commissioner shall thereupon fix in writing a time for a hearing upon the complaint, and serve a copy thereof on the teacher. Such hearing shall be conducted by the state board or by the commissioner or assistant commissioner, as the rules of the state board may provide, unless the complaint is filed by the commissioner, in which case it shall be conducted by the state board or a member thereof designated by the state board. *In the case of a complaint of a violation of the professional code of ethics, the hearing shall be conducted by the professional teaching practices commission unless the teacher charged requests otherwise.* The hearing shall be held in the office of the state board unless the teacher at the time of filing his answer shall file therewith a written demand that the hearing be held in the county seat of the county wherein he is employed, in which case it shall be held at such county seat. Such hearing shall be either private or public, as the teacher may elect, and the teacher shall have the right to appear in person and by counsel and produce evidence thereat. All witnesses shall be sworn before testifying and the official conducting such hearing is hereby authorized to administer the oath prescribed by law for witnesses in judicial proceedings. A record in writing shall be made of the proceedings and of all evidence produced thereat and forthwith filed with the state board upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

Subd. 3. Decision by state board. Upon concluding such hearing, if conducted by the state board, or the filing of such report, if conducted by the commissioner, deputy commissioner, or member of the state board, *or the professional teaching practices commission*, the state board shall consider the same and make its decision within 30 days from the date of such hearing. *The report of a hearing conducted by the professional teaching practices commission shall also include the findings and recommendation of such commission.* In case of suspension or revocation, the order of the state board shall fix the date at which suspension or revocation becomes effective and, in case of suspension, the duration thereof, and

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notice thereof shall forthwith be given in writing to the teacher and to the school board by which he is employed.

The action of the state board shall be final and all orders of suspension or revocation shall be included in the certificate records of the department.

Sec. 7. *The sum of \$10,000 or so much thereof as may be necessary is appropriated to the commissioner of education from the income tax school fund in the state treasury for the biennium beginning July 1, 1967 to carry out the purposes of this act.*

Sec. 8. *This is in effect on July 1, 1967.*

Approved May 31, 1967.

EXTRA SESSION

CHAPTER 26—S. F. No. 36

An act relating to the public employees retirement association; amending Minnesota Statutes 1965, Sections 353.01, Subdivision 15; 353.31, Subdivision 1.

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

Section 1. Minnesota Statutes 1965, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. **Public employees; dependent child.** “Dependent child” means any natural or adopted child of a deceased member, *provided such child is (a) under the age of 18, (b) age 18 through 21 and a full time student*, unmarried and actually dependent for more than one half of his support upon such member at the time of death and for not less than ninety days prior thereto. It also includes any child of the member conceived during his lifetime and born after his death in any case where a member died after July 1, 1957. It also means any dependent child who is the subject of joint adoption proceedings filed by a member and his wife, and who within two years after death of the member, by judgment and ~~decreed~~ *decree* duly entered, is adjudged to be the adopted child of the deceased member’s surviving wife; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 2. Minnesota Statutes 1965, Section 353.31, Subdivision 1, is amended to read:

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