

than 90 percent of the money appropriated by this section shall be spent for grants-in-aid as specified in section 3 of this act.

Sec. 10. **EFFECTIVE DATE.** Section 3 of this act shall take effect on January 1, 1974, Section 7 of this act shall take effect on March 1, 1974, and the remainder of this act shall take effect the day following enactment.

Approved May 24, 1973.

## CHAPTER 749—H.F.No.1779

[Coded in Part]

*An act relating to education; teaching practices and certification; providing a penalty; appropriating money; amending Minnesota Statutes 1971, Sections 125.04; 125.05, Subdivisions 1 and 2; 125.06; 125.08; 125.09; 125.181; 125.182; 125.183; 125.184; and 125.185.*

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

Section 1. Minnesota Statutes 1971, Section 125.04, is amended to read:

**125.04 TEACHERS; PRACTICES; CERTIFICATION; QUALIFIED TEACHER DEFINED.** A qualified teacher is one holding a valid certificate ~~from the state board~~, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 2. Minnesota Statutes 1971, Section 125.05, Subdivision 1, is amended to read:

**125.05 COMMISSION TO ISSUE CERTIFICATES.** Subdivision 1. **QUALIFICATIONS.** The authority to certify teachers as defined herein is vested in the ~~state board~~ teacher standards and certification commission but based solely on criteria and qualifications approved by the state board of education. The authority to certify superintendents and principals is vested in the state board of education. Certificates shall be issued to such persons as the ~~state board~~ commission finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the ~~state board~~ commission under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commission-

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er shall issue certificates to any qualified blind graduates of a school of education.

Sec. 3. Minnesota Statutes 1971, Section 125.05, Subdivision 2, is amended to read:

Subd. 2. **EXPIRATION AND RENEWAL.** Each certificate shall bear the date of issue. Certificates shall expire and be renewed in accordance with rules promulgated by the ~~state board of education~~ commission. Renewal requirements for the renewal of a certificate shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects for which the certificate is valid or the completion of such additional preparation as the ~~state board~~ commission shall prescribe.

Sec. 4. Minnesota Statutes 1971, Section 125.06, is amended to read:

**125.06 APPLICANTS TRAINED IN OTHER STATES.** When a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or of the University of Minnesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the ~~state board~~ commission, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota State college or the university of Minnesota or a liberal arts college in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

Sec. 5. Minnesota Statutes 1971, Section 125.08, is amended to read:

**125.08 TEACHERS' CERTIFICATES, FEES.** Each application for the issuance, renewal, or extension of a certificate to teach shall be accompanied by a nonrefundable fee of ~~\$5 in an amount set by the commission~~. Such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the state auditor the amount of fees collected.

Sec. 6. Minnesota Statutes 1971, Section 125.09, is amended to read:

**125.09 SUSPENSION OR REVOCATION OF CERTIFICATES.** Subdivision 1. **GROUND FOR REVOCATION.** The ~~state board~~ commission may, on the written complaint of the board employing a teacher, or of the superintendent of schools where such teacher is employed, or of a teacher organization, or of a teacher in

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a district where no teacher organization exists, 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) 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.~~
- (4) Failure to meet recertification requirements; or
- (5) Fraud or misrepresentation in obtaining a certificate.

Subd. 2. **HEARING ON CHARGES.** ~~The commissioner chairman of the commission shall, within 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 commission his answer to the charges specified. The commissioner chairman of the commission 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 commission or by the commissioner chairman of the commission or assistant commissioner, as the rules of the state board commission 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 commission 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 commission upon the conclu-~~

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sion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

Subd. 3. **DECISION BY COMMISSION.** Upon concluding such hearing, if conducted by the state board commission, the ~~state board commission~~ shall ~~consider the same and~~ make its decision within 30 days from the date of such hearing. If the hearing is conducted by the commissioner, deputy commissioner chairman or such other person as is authorized by rules of the commission, ~~member of the state board, or the professional teaching practices commission,~~ the state board commission shall make its decision within 30 days from the date of the filing of the hearing report with the state board commission, which report shall be filed 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 commission shall fix the date at which suspension or revocation becomes effective and, in case of suspension, the duration thereof, and 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 commission shall be ~~final and subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0426.~~ All orders of suspension or revocation shall be included in the certificate records of the department commission.

Sec. 7. Minnesota Statutes 1971, Section 125.181, is amended to read:

**125.181 PROFESSIONAL PRACTICES; INTENT.** The purpose of ~~Extra Session Laws 1967, Chapter 25 sections 125.181 to 125.185,~~ 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 standards by the members of the profession may be promoted and enforced.

Sec. 8. Minnesota Statutes 1971, Section 125.182, is amended to read:

**125.182 DEFINITIONS.** Subdivision 1. For the purpose of ~~Extra Session Laws 1967, Chapter 25~~ 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~~ teacher standards and certification commission.

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

Sec. 9. Minnesota Statutes 1971, Section 125.183, is amended to read:

125.183 **MEMBERSHIP.** Subdivision 1. ~~A professional teaching practices teacher standards and certification~~ commission consisting of 12 15 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. Initial appointments shall be made by November 15, 1973 for terms as follows: five members shall be appointed for terms ending November 15 in each of the years 1974, 1975 and 1976. Thereafter each member shall be appointed for a full four year term.~~

Subd. 3. Except for the representatives of higher education and the public, 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 one teacher whose responsibilities are those either of a counsellor, librarian, psychologist, remedial reading teacher, speech therapist, vocational teacher, or certified school nurse, 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 higher education representatives, from higher education faculties preparing teachers, two of whom shall be representatives of state institutions and one of whom shall be a representative of private institutions; one school administrator and two members of the public. Each nominee other than a public nominee shall be selected on the basis of his professional experience, and knowledge of teacher education, accreditation and certification.

Subd. 4. The position of a member who leaves Minnesota or whose employment status changes to a category different from that from which he was appointed shall be deemed vacant.

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Sec. 10. Minnesota Statutes 1971, Section 125.184, is amended to read:

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 eight members. ~~Each member shall be 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~~ The members of the commission shall receive compensation of the sum of \$35 per day for attendance at commission meetings and ordinary and necessary expenses in the same amount and manner as state employees. When attendance at commission meetings requires a member to absent himself from other public employment, the compensation paid for other public employment shall be reduced by the amount of compensation paid for attendance at commission meetings.

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

Sec. 11. Minnesota Statutes 1971, Section 125.185, is amended to read:

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 and methods of enforcement.

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 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 section 125.09.~~

Subd. 4. ~~3.~~ The commission shall elect a chairman and such other officers as it may deem necessary.

Subd. 4. The commission shall develop and create criteria, rules, and regulations for the certification of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission shall

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revise or supplement the criteria for certification of public school teachers subject to approval by the state board. It shall be the duty of the commission to establish criteria for the approval of teacher education programs subject to approval by the board. Subject to criteria, rules, and regulations approved by the state board of education, the commission shall also grant certificates to interns and to candidates for original certificates and receive recommendations from local committees as established by the commission for the renewal of teaching certificates, to grant life certificates to those who qualify according to requirements established by the commission, and suspend or revoke certificates pursuant to Minnesota Statutes, Section 125.09. With regard to vocational education teachers the commission shall adopt and maintain as its criteria the state plan for vocational education.

In the event the state board of education disapproves any proposal from the commission, it shall give written notice of such disapproval within 120 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the commission at any time after the expiration of 90 days after the date of disapproval.

Subd. 5. The secretary of the commission shall keep a record of the proceedings of and a register of all persons certificated under this act. The register shall show the name, address, certificate number and the renewal thereof. The commission shall on July 1, 1974, or as soon thereafter as is practicable, and each year thereafter compile a list of such duly certificated teachers and transmit a copy thereof to the board. A copy of the register shall be available during business hours at the office of the commission to any interested person.

Subd. 6. The state board shall provide all necessary materials and assistance for the transaction of the business of the commission and all moneys received by the commission shall be paid into the state treasury as provided by law.

Subd. 7. Any person who shall in any manner represent himself as a certificated teacher without a valid existing certificate issued to him by the commission or any person who employs fraud or deception in applying for or securing a certificate shall be guilty of a gross misdemeanor.

Subd. 8. The sum of \$30,000 or so much thereof as may be necessary is appropriated to the state board of education from the general fund in the state treasury for the establishment of the commission to carry out the purposes of this act.

Subd. 9. The commission may adopt rules and regulations, pursuant to Minnesota Statutes, Chapter 15, in order to effect the

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purposes of this act. Rules and regulations so adopted shall be subject to the approval of the state board as provided in this act. The state board shall not hold a public hearing pursuant to Minnesota Statutes, Chapter 15, with respect to rules and regulations adopted by the commission.

Sec. 12. [125.187] **VALIDITY OF CERTIFICATES.** No regulation adopted by the teacher standards and certification commission shall affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.

Sec. 13. This act is effective July 1, 1973. The present rules and regulations of the state board of education shall continue in full force and effect relative to teacher certification and approval of teacher preparation programs until superseded.

Approved May 24, 1973.

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## CHAPTER 750—H.F.No.1789

[Coded in Part]

*An act relating to workmen's compensation; liability of self-insured employers for benefits to employees and dependents; amending Minnesota Statutes 1971, Section 176.183, Subdivision 2, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1971, Section 176.183, is amended by adding a subdivision to read:

**Subd. 1a. WORKMEN'S COMPENSATION; SELF-INSURED EMPLOYERS; LIABILITY.** When an employee or his dependent is entitled to benefits under chapter 176 from a self-insurer, present or past, other than the state and its municipal subdivisions, but fails to be paid them, the employee or his dependents, regardless of the date when the accident, personal injury, occupational disease, or death occurred, shall nevertheless receive such benefits from the special compensation fund, and the state treasurer as custodian of such fund shall have a cause of action against such employer for reimbursement, for all moneys paid out or to be paid out and, in the discretion of the court, as

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