

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2129

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DATE	D-PG	OFFICIAL STATUS
03/03/2014	5915	Introduction and first reading Referred to Education

1.1

A bill for an act

1.2

relating to education; modifying unrequested leave of absence provisions for

1.3

teachers in special circumstances; amending Minnesota Statutes 2012, sections

1.4

122A.40, subdivision 10; 122A.41, by adding a subdivision.

1.5

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

1.6

Section 1. Minnesota Statutes 2012, section 122A.40, subdivision 10, is amended to

1.7

read:

1.8

Subd. 10. **Negotiated unrequested leave of absence.** The school board and the

1.9

exclusive bargaining representative of the teachers may negotiate a plan providing for

1.10

unrequested leave of absence without pay or fringe benefits for as many teachers as may

1.11

be necessary because of discontinuance of position, lack of pupils, financial limitations, or

1.12

merger of classes caused by consolidation of districts. Failing to successfully negotiate

1.13

such a plan, the provisions of subdivision 11 shall apply. The negotiated plan must not

1.14

include provisions which would result in the exercise of seniority by a teacher holding a

1.15

provisional license, other than a vocational education license, contrary to the provisions

1.16

of subdivision 11, paragraph (c), or the reinstatement of a teacher holding a provisional

1.17

license, other than a vocational education license, contrary to the provisions of subdivision

1.18

11, paragraph (e). The provisions of section 179A.16 do not apply for the purposes of this

1.19

subdivision. A school board may make a determination that there are teachers in special

1.20

circumstances. Special circumstances include, but are not limited to, a teacher receiving

1.21

specialized training, teaching a specialized course, or a teacher having a license in a

1.22

subject area in which the teacher has never taught. The school board and the exclusive

1.23

bargaining representative must negotiate a plan providing for unrequested leave of absence

1.24

for teachers in special circumstances. The unrequested leave of absence agreement must

2.1 be included in the school district's policies. A district must submit an electronic copy of its  
2.2 unrequested leave agreement to the commissioner.

2.3 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to  
2.4 negotiated plans for unrequested leave of absence agreed to for teacher contracts with a  
2.5 term beginning on July 1, 2015.

2.6 Sec. 2. Minnesota Statutes 2012, section 122A.41, is amended by adding a subdivision  
2.7 to read:

2.8 Subd. 14a. **Teachers in special circumstances.** A school board may make a  
2.9 determination that there are teachers in special circumstances. Special circumstances  
2.10 include, but are not limited to, a teacher receiving specialized training, teaching a  
2.11 specialized course, or a teacher having a license in a subject area in which the teacher has  
2.12 never taught. The school board and the exclusive bargaining representative must negotiate  
2.13 a plan providing for discharge, demotion, or recall of teachers in special circumstances.  
2.14 The negotiated plan must be included in the school district's policies. A district must  
2.15 submit an electronic copy of its negotiated plan to the commissioner.

2.16 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to  
2.17 negotiated plans for discontinuing or terminating teachers agreed to for teacher contracts  
2.18 with a term beginning on July 1, 2015.