

CHAPTER 130

TEACHERS

130.01 GENERAL CONTROL OF SCHOOLS.

Teachers may be reimbursed for reasonable expenses in groundless suits connected with their employment. OAG May 29, 1946 (768-a).

130.03 QUALIFIED TEACHER DEFINED.

Physical and health qualifications as a basis for competency and issuance of certificates. Annual health examinations, stipulations in teaching contracts, rules and regulations relating to health as prescribed by state board of education. OAG Feb. 8, 1945 (172-F); OAG Feb. 20, 1945 (172-F).

130.04 STATE BOARD OF EDUCATION TO ISSUE CERTIFICATES.

As granting of certificates is based in part upon physical competency, the state board of education may require physical examinations and certificates of health. OAG Feb. 20, 1945 (172f).

Removal from public office. 20 MLR 721.

130.05 CLASSIFICATION OF TEACHERS' CERTIFICATES.

Under the teachers tenure act, section 130.22 et seq., a teacher's position is his relative place, rank, or standing in the school system, and notwithstanding his status he may be transferred to such classroom, building, or division, as the school board may, in good faith, determine, provided he is not thereby demoted. State ex rel v Board, 213 M 552, 7 NW(2d) 544.

130.10 VOCATIONAL, RECREATIONAL, AND ADULT EDUCATION CERTIFICATES.

Amended by L. 1947 c. 147 s. 1.

Physical and health requirements under rules of the state board. OAG Feb. 8, 1945 (172-F); OAG Feb. 20, 1945 (172-F).

130.12 DURATION AND RENEWAL OF CERTIFICATES.

Physical competency a factor in renewal of certificates. OAG Feb. 20, 1945 (172-F).

Upon renewal of a certificate of a woman who has married, the renewal certificate should be issued to her under her legal married name. 1936 OAG 198.

130.14 SUSPENSION OR REVOCATION OF CERTIFICATES.

The county superintendent may, after hearing and cause shown, suspend a teacher's authority to teach in his county. An appeal lies to the state superintendent who hears the case de novo and may suspend or revoke the certificate. The method of revocation prescribed by the statute is exclusive. Affidavit may not be used as evidence. State v Schulz, 142 M 112, 171 NW 263.

Removal from public office; teachers tenure. 20 MLR 721, 762.

Tort liability of administrative officer. 21 MLR 280.

130.18 HIRING OF TEACHERS; CONTRACTS; TERMINATION.

When a teacher has been reemployed after completion of the probationary period, no written contract is necessary to entitle her to protection from wrongful discharge; and board's recognition of plaintiff as a schoolteacher by receiving her services, paying for same, and listing her in the manual as a regular teacher, is a ratification of the superintendent's act in reemploying her. *A teacher may voluntarily accept demotion without a hearing. Hosford v Board, 201 M 1, 275 NW 81; 203 M 138, 280 NW 859.*

By whatever method the yearly salary is fixed, the charter provisions become a part of the contract; and teachers' salaries must not exceed the budget item appropriated therefor under the charter provisions. *Doyle v City of St. Paul, 204 M 558, 284 NW 291; 206 M 649, 289 NW 784.*

Formal action of the school board in refusing to reelect a superintendent is a termination of his contract. *Gilbertson v Independent District, 208 M 51, 293 NW 129.*

A board may adopt a resolution retiring employees at a certain age. They may rescind the resolution and reemploy. *OAG May 9, 1944 (175).*

The superintendent of the county school district is eligible to membership in the teachers retirement fund, but not in public employees retirement association. When the board has adopted a resolution retiring employees upon attaining a specified age it is effective, but the resolution may be rescinded and the employee reemployed. *1944 OAG 119, May 11, 1944 (768-K).*

The contract of hiring must be in writing. It cannot be modified by parol, and oral agreement either before the making of the contract, contemporaneous with its making, or made after the written contract is executed are no part thereof. *1944 OAG 129, June 30, 1944 (172-C-2).*

The statute prohibiting employment of a teacher related to a member of the board does not apply to a teacher in the employ of the district at the time of election of the school director. *OAG July 5, 1944 (172-A).*

A teacher is not required to give insulin treatment to children, nor is a school nurse unless her contract so provides. *OAG Feb. 27, 1945 (169).*

The school district need not carry employees liability insurance. *OAG March 9, 1945.*

Upon his discharge from service, a superintendent of schools is entitled to reinstatement. *OAG Nov. 28, 1945 (768-K).*

A school superintendent after discharge from the armed forces, if he desires reinstatement, must comply with the provisions of section 192.261. *OAG Nov. 28, 1945 (768-K).*

Procedure required to terminate the contract of a superintendent of schools. *OAG June 26, 1946 (768-K-1); OAG June 27, 1946 (768-K-1).*

Contracts for teaching or supervision can be made only with qualified teachers. *OAG Sept. 19, 1946 (172-c-5).*

A teacher's contract may be negotiated by mutual consent of the teacher and the board; but any raise in salary must be based upon conditions that justify the increase. The increase must not be a gratuity nor may it be retroactive. *OAG Dec. 18, 1946 (174-E).*

The benefits which inure from the provisions of sections 130.22 to 130.32 are not available to any schools except in cities of the first class. *OAG Dec. 20, 1946 (172).*

The Robbinsdale school board, when considering proposals of the Central Labor Union of Minneapolis in regard to a continuing contract between the school board and their teachers, cannot surrender or delegate to any individual or outside agency the power conferred and duties imposed by law upon members of the school board; but there is no statute to prevent the school board from considering proposals from any source and based upon those hearings they may make such

rules and regulations as seem fair and just and within the provisions of the statutes. OAG April 29, 1947 (270-D).

Right of teacher to compensation in case of irregular hiring. 4 MLR 155; 7 MLR 332; 8 MLR 73.

Right of teacher to compensation where school closed on account of epidemic. 6 MLR 318; 593.

Liability of municipal corporation under invalid contract. 20 MLR 565.

Teachers tenure. 20 MLR 762, 768.

130.181 EXCHANGE TEACHERS.

HISTORY. 1947 c. 216 ss. 1, 2, 3.

130.22 TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.

To obtain benefit under the tenure act, a librarian must be certified as school librarian. OAG July 17, 1943.

Classification and compensation of substitute teachers is controlled by the board. Length of service of a substitute may qualify, but it does not by itself result in a right to a change in classification. She is classified as a regular teacher only by appointment as such. OAG Aug. 30, 1944 (172).

Teachers tenure applies in Minneapolis under provisions of Minnesota Statutes 1945, sections 130.22 to 130.32. After teachers have passed their probationary period they have a status which is controlled by the tenure law and is to be distinguished from the status of a probationary teacher under its system, or a teacher employed in school districts other than in the three largest counties. A teacher in Minneapolis is not employed for the school year nor for the calendar year after he has once attained tenure status. It is competent for the school board to make provisions for the compensation of teachers as good judgment dictates to the board. The action of the board must be based upon factual information and conditions consistent with its conclusions. A change in salary status may be made during either the fiscal or calendar year. OAG March 20, 1947 (172-c-5).

130.23 PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.

One who taught less than two years in Duluth public school before going into armed service returns to his probationary status upon resuming his teaching occupation. OAG Dec. 12, 1945 (161-A-16).

130.24 PERIOD OF SERVICE AFTER PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.

A substitute teacher who has been regularly employed past the probationary period of employment and continues to be regularly employed has tenure rights in the position she occupies. OAG Aug. 30, 1944 (172).

130.25 GROUNDS FOR DISCHARGE OR DEMOTION.

Even under the teachers tenure act, claimed and proven inefficiency a ground for discharge. *Cochrane v Peterson*, 208 M 361, 294 NW 203.

Construction and application of tenure law. *State ex rel v Board*, 213 M 563, 7 NW(2d) 544.

School boards executive, legislative and quasi-judicial duties distinguished. *State ex rel v Board*, 213 M 569, 7 NW(2d) 544.

Comparison of related sections of L. 1941, c. 169, art. 10. *State ex rel v Board*, 213 M 584, 7 NW(2d) 544.

The superintendent of schools employed by the board of education of the independent school district of Duluth is not within the protection of the provisions of

sections 130.22 to 130.32, and the contract having expired July 31, 1943, the board, in its discretion, may discontinue the employment. *Eelkema v Board*, 215 M 590, 11 NW(2d) 76.

130.26 HEARING OF CHARGES AGAINST TEACHER.

Claimed and proven inefficiency is ground for discharge. *Cochrane v Peterson*, 215 M 590, 11 NW(2d) 76.

130.32 SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.

A teacher may hold but one position, yet be qualified for more than one. A separate position exists for each subject or group of subjects "for which the teacher is qualified." This supplies a criterion in cases of reappointment of one who loses his employment because the "position" he held was abolished. *State ex rel v Ging*, 213 M 585, 7 NW(2d) 544.