

CHAPTER 130

TEACHERS

Sec.	
130.01	General control of schools
130.02	Certification of teachers; definition of teacher
130.03	Qualified teacher defined
130.04	State board of education to issue certificates
130.11	Applicants trained in other states
130.12	Duration and renewal of certificates
130.13	Fees for teachers' certificates
130.14	Suspension or revocation of certificates
130.15	Outstanding certificates not impaired
130.16	Administrative regulations
130.17	Recording of certificates; county and city superintendent
130.18	Hiring of teachers; contracts; termination
130.181	Exchange teachers
130.19	Summer schools; teachers' contracts

Sec.	
130.20	Keeping of registers
130.21	Teachers' reports
130.22	Teacher tenure act; titles of the first class; definitions
130.23	Probationary period; discharge or demotion
130.24	Period of service after probationary period; discharge or demotion
130.25	Grounds for discharge or demotion
130.26	Hearing of charges against teacher
130.27	Counsel; examination of witnesses
130.28	Hearings
130.29	Decision, when rendered
130.30	Charges expunged from records
130.31	Suspension pending hearing; salary
130.32	Services terminated by discontinuance or lack of pupils; preference given

130.01 GENERAL CONTROL OF SCHOOLS. The teacher shall have the general control and government of the school. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers.

[R. L. s. 1336; 1941 c. 169 art. 10 s. 1] (2871)

130.02 CERTIFICATION OF TEACHERS; DEFINITION OF TEACHER. The term "teachers," for the purposes of certification, means and includes any and all persons employed in a public school as members of the instructional and supervisory staff, such as superintendents, principals, supervisors, classroom teachers, and librarians.

[1929 c. 388 s. 1; 1941 c. 169 art. 10 s. 2] (2900-1)

130.03 QUALIFIED TEACHER DEFINED. A qualified teacher is one holding a valid certificate from the state board of education, as hereinafter provided, to perform the particular service for which he is employed in a public school.

[1929 c. 388 s. 2; 1941 c. 169 art. 10 s. 3] (2900-2)

130.04 STATE BOARD OF EDUCATION TO ISSUE CERTIFICATES. The authority to certify teachers is vested in the state board of education. Certificates shall be issued to such persons as the board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the state board of education under rules which it promulgates. Certificates of qualifications of teachers shall be issued by the Commissioner of Education.

[1929 c. 388 s. 3; 1941 c. 169 art. 10 s. 4; 1949 c. 612 s. 1] (2900-3)

130.05 to 130.10 [Repealed, 1949 c. 612 s. 3]

130.11 APPLICANTS TRAINED IN OTHER STATES. Wherever, in sections 130.02 to 130.16, a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state teachers college, or of the college of education 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 of education, 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 training essentially equivalent in content to that required by such Minnesota state teachers college or the college of education of 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.

[1929 c. 388 s. 8; 1941 c. 169 art. 10 s. 11] (2900-8)

130.12 DURATION AND RENEWAL OF CERTIFICATES. Subdivision 1. **Expiration and renewal.** All certificates, except as herein provided, shall bear the date of issue and expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years upon satisfactory evidence produced to the state board of education 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. On less than one school year's teaching experience, the certificate may be renewed for a period sufficient to enable the holder to meet the requirements for a regular renewal. Any person who applies for the issuance or renewal of a teachers' certificate and who possesses the training prescribed in sections 130.02 to 130.16, but who has not at any time during the five-year period immediately preceding, been employed in the type of teaching for which the certificate is valid, may be required to furnish evidence of appropriate training in an accredited teacher training institution within such period, but not in excess of 12 weeks' work.

Subdivision 2. **Permanent certificates.** If the holder of a five-year certificate shall present to the board satisfactory evidence that he has actually and successfully taught in the public schools of the state for not less than five years, the board may issue to him a permanent certificate, of the same class and kind as his five-year certificate, which shall be valid unless and until suspended or revoked. The permanent certificate may be issued only to a teacher actually employed in the public schools of the state, or who has been so employed at any time during the two-year period immediately preceding the date of application, and no permanent certificate shall be issued to a teacher who holds only an elementary school limited certificate, or a vocational, recreational, or adult education certificate.

Subdivision 3. **Elementary limited certificates; expiration and renewal.** An elementary school limited certificate shall bear the date of issue and expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years, under conditions prescribed by the state board of education.

[1929 c. 388 s. 9; 1941 c. 169 art. 10 s. 12] (2900-9)

130.13 FEES FOR TEACHERS' CERTIFICATES. For the issuance, renewal, or extension of a certificate to teach, each applicant for such certificate shall pay a fee. For each elementary school limited certificate or renewal thereof the fee shall be 50 cents. For each permanent certificate the fee shall be \$5.00. For all others, the fee shall be \$1.00 for each certificate or renewal thereof. Such fees shall be paid to the state commissioner of education, 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 for each kind of certificate. The state auditor shall credit all such fees to the teachers institute, training school, and examination fund and the same may be disbursed and used for the purposes for which such fund is provided or for refunds to applicants who are not entitled to certificates or have forwarded to the department of education money in excess of the fees required by law.

Fees for the renewal or extension of certificates in force on April 26, 1929, shall be as provided in General Statutes 1923, Section 2932.

[1929 c. 388 s. 10; 1941 c. 169 art. 10 s. 13] (2900-10)

130.14 SUSPENSION OR REVOCATION OF CERTIFICATES. Subdivision 1. **Grounds for revocation.** The state board of education may, on the written complaint of the school board employing a teacher, or of the superintendent of the county where such teacher is employed, or of the state commissioner of education, which complaint shall specify generally the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach, issued under sections 130.02 to 130.16, or in force on April 26, 1929, 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.

Subd. 2. **Hearing on charges.** The secretary of the state board of education shall, within five 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 ten days after the service of such copy upon him, file with the state board of education his answer to the charges specified. The secretary of the board 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 board, or by the commissioner or deputy commissioner, as the rules of the board may provide, unless the complaint is filed by the commissioner, in which case it shall be conducted by the board or a member thereof designated by the board. The hearing shall be held in the office of the 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 to 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 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 of education. Upon concluding such hearing, if conducted by the board, or the filing of such report, if conducted by the commissioner, deputy commissioner, or member of the board, the board shall consider the same and make its decision within 30 days from the date of such hearing. In case of suspension or revocation, the order of the board 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 board shall be final and all orders of suspension or revocation shall be included in the certificate records of the department of education.

[1929 c. 388 s. 11; 1941 c. 169 art. 10 s. 14] (2900-11)

130.15 OUTSTANDING CERTIFICATES NOT IMPAIRED. No provision or regulation adopted by the state board of education shall affect the validity of certificates or licenses to teach in force on May 1, 1949, or the rights and privileges of the holders by virtue thereof, save that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified in section 130.14.

[1929 c. 388 s. 12; 1941 c. 169 art. 10 s. 15; 1949 c. 612 s. 2] (2900-12)

130.16 ADMINISTRATIVE REGULATIONS. The state board of education shall have power from time to time to make and enforce such rules and regulations, consistent with sections 130.02 to 130.16, as may be appropriate for the administration and enforcement thereof.

[1929 c. 388 s. 13; 1941 c. 169 art. 10 s. 16] (2900-13)

130.17 RECORDING OF CERTIFICATES; COUNTY AND CITY SUPERINTENDENT. No person shall be accounted a qualified teacher within the meaning of the school law until such person has filed for record with the county or local superintendent of schools where such person intends to teach a certificate, or certified copy thereof, authorizing such person to teach school in such county or local school system.

[1905 c. 137 s. 1; 1941 c. 169 art. 10 s. 17] (2901)

130.18 HIRING OF TEACHERS; CONTRACTS; TERMINATION. A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a certificate from the state department of education shall be deemed to be a "teacher" within the meaning of this section. School boards shall hire teachers at meetings called for that purpose; provided, that where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the school board. No teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a trustee shall be employed except by a unanimous vote of the full board. The employment shall be by written contract, signed by the teacher and, in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Contracts for teaching or supervision of teaching can be made only with qualified teachers. Such contract shall specify the wages per year and remain in full force and effect, except as modified by mutual consent of the school board and the teacher, until terminated by a majority vote of the full membership of the school board, or by the written resignation of the teacher, before April 1. Such termination shall take effect at the close of the

school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the school board and the teacher and this section shall not affect the powers of a school board to discharge a teacher for cause under and pursuant to section 125.06, subdivision 10.

This section shall not apply to any school district in a city of the first class.

[*R. L. ss. 1319, 1344; 1927 c. 161; 1929 c. 388 s. 2; 1937 c. 161 ss. 1, 2; 1941 c. 169 art. 10 s. 18*] (2814, 2900-2, 2903, 2903½)

130.181 EXCHANGE TEACHERS. Subdivision 1. A person holding a certificate and contract to teach in a Minnesota public school and assigned by the employing district to teach elsewhere is an exchange teacher.

Subd. 2. Any school district is authorized to assign a teacher for service elsewhere than in the employing district in exchange for a teacher with qualifications satisfactory to the commissioner of education.

Subd. 3. The exchange teacher shall retain all rights in the employing district as though teaching in that district.

[1947 c. 216 s. 1-3]

130.19 SUMMER SCHOOLS; TEACHERS' CONTRACTS. In order to encourage further preparation and education of its teachers, the school board of an independent school district may stipulate in a teacher's contract the amount he or she may receive conditioned upon attending summer school.

[1935 c. 296; 1941 c. 169 art. 10 s. 19] (2903-1)

130.20 KEEPING OF REGISTERS. Each teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. He shall also keep such record of deportment and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and 15 years, and between 15 and 21 years, and the names of all paying tuition. In districts maintaining ungraded elementary schools only the teacher shall return such register, properly kept, to the clerk within ten days after the close of the school year.

[*R. L. s. 1345; 1941 c. 169 art. 10 s. 20*] (2904)

130.21 TEACHERS' REPORTS. Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or high schools, shall, within ten days after the close of the school term, make his report to the county superintendent upon blanks furnished by the superintendent, giving such information as may be called for in the blank, checking with a cross (X) the names of all pupils who are not eligible for apportionment. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In joint districts a report shall be made according to rules established by the state board of education. The teachers, principals, and superintendents in districts maintaining graded elementary or high schools shall make such reports as may be required by law or the rules of the state or local board of education under like penalty.

[*R. L. s. 1346; 1913 c. 198 s. 1; 1941 c. 169 art. 10 s. 21*] (2905)

130.22 TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 130.22 to 130.33, shall be defined as follows:

Subd. 2. **Teachers.** The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if certificated as teachers or as school librarians.

Subd. 3. **School board.** The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

Subd. 4. **Commissioner.** The term "commissioner" includes any and all instances where a single official has the care, management, or control over public schools.

Subd. 5. **Demote.** The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

[1927 c. 36 ss. 1, 2, 3; 1941 c. 169 art. 10 s. 22; 1943 c. 238 s. 1] (2935-1, 2935-2, 2935-3)

130.23 PROBATIONARY PERIOD; DISCHARGE OR DEMOTION. 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 130.25. 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.

[1927 c. 36 s. 4; 1941 c. 169 art. 10 s. 23] (2935-4)

130.24 PERIOD OF SERVICE AFTER PROBATIONARY PERIOD; DISCHARGE OR DEMOTION. After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective position 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 130.25, and after a hearing as specified and provided in section 130.26.

Any probationary teacher shall be deemed to have been re-employed for the ensuing school year, unless the school board or commissioner in charge of such school shall give such teacher notice in writing before April 1st of the termination of such employment. In event of such notice the employment shall terminate at the close of the school sessions of the current school year.

[1927 c. 36 s. 5; 1941 c. 169 art. 10 s. 24; 1943 c. 272 s. 1] (2935-5)

130.25 GROUNDS FOR DISCHARGE OR DEMOTION. Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) 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;
- (3) Inefficiency in teaching or in the management of a school;
- (4) 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; or
- (5) Discontinuance of position or lack of pupils.

[1927 c. 36 s. 6; 1941 c. 169 art. 10 s. 25] (2935-6)

130.26 HEARING OF CHARGES AGAINST TEACHER. The 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 charges have been filed a full hearing and give to the 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 last known post-office address; provided, that if the charge be made by any person not in connection with the school system the 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 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.

[1927 c. 36 s. 7; 1941 c. 169 art. 10 s. 26] (2935-7)

130.27 COUNSEL; EXAMINATION OF WITNESSES. Each party appearing before the 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.

[1927 c. 36 s. 8; 1941 c. 169 art. 10 s. 27] (2935-8)

130.28 HEARINGS. All hearings before the school board or commissioner shall be private or may be public at the decision of the teacher against whom such charges have been filed.

[1927 c. 36 s. 9; 1941 c. 169 art. 10 s. 28] (2935-9)

130.29 DECISION, WHEN RENDERED. Such hearing must be concluded and a decision in writing, stating the grounds on which it is based, rendered within 25 days after 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 the school board. If the 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. No teacher shall be discharged for either of the causes specified in section 130.25, clause (3), except during the school year, and then only upon charges filed at least four months before the close of the school sessions of such school year.

[1927 c. 36 s. 10; 1941 c. 169 art. 10 s. 29] (2935-10)

130.30 CHARGES EXPUNGED FROM RECORDS. In all cases where the final decision is in favor of the teacher the charge or charges shall be physically expunged from the records.

[1927 c. 36 s. 11; 1941 c. 169 art. 10 s. 30] (2935-11)

130.31 SUSPENSION PENDING HEARING; SALARY. Upon the filing of 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 charges. If the final decision is favorable to the teacher there shall be no abatement of salary or compensation.

[1927 c. 36 s. 12; 1941 c. 169 art. 10 s. 31] (2935-12)

130.32 SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN. 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. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

[1927 c. 36 s. 13; 1941 c. 169 art. 10 s. 32; 1943 c. 541 s. 1] (2935-13)