

CHAPTER 125

TEACHERS

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125.01 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.01 DEFINITIONS. For purposes of this chapter, except for section 125.17, the teacher tenure act for cities of the first class, the words defined in section 120.02 have the same meaning.

[*Ex1959 c 71 art 6 s 1*]

125.02 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.02 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.

[*Ex1959 c 71 art 6 s 2*]

125.03 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.03 TEACHERS, DEFINITION, CERTIFICATION. Subdivision 1. The term "teachers" for the purpose 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, librarians and the county superintendents of schools.

Subd. 2. The teacher elected as county superintendent shall hold a valid certificate as required by the state board of education.

Subd. 3. Any county superintendent of schools elected for a term beginning on or before the first Monday in January, 1959, shall be deemed eligible for reelection.

[*1959 c 700 s 3-5; Ex1959 c 71 art 6 s 3*]

125.04 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.04 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.

[*Ex1959 c 71 art 6 s 4*]

125.05 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.05 STATE BOARD TO ISSUE CERTIFICATES. The authority to certify teachers is vested in the state board. Certificates shall be issued to such persons as the state 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 under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commissioner shall issue certificates to any qualified blind graduates of a school of education.

[*Ex1959 c 71 art 6 s 5*]

125.06 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

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, 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.

[*Ex*1959 c 71 art 6 s 6; 1965 c 196 s 1]

125.061, 125.062 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.065, 125.066 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.07 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.07 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 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 by law or regulation, 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.

Subd. 2. **Permanent certificates.** If the holder of a five-year certificate shall present to the state 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.

Subd. 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.

[*Ex*1959 c 71 art 6 s 7]

125.08 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.08 TEACHERS' CERTIFICATES, FEES. 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 \$2. For each permanent certificate the fee shall be \$10. For all others, the fee shall be \$3 for each certificate or renewal thereof. 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 for each kind of certificate.

[*Ex*1959 c 71 art 6 s 8]

125.09 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

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.

Subd. 2. **Hearing on charges.** The commissioner 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 his answer to the charges specified. The commissioner shall there-

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

[*Ex1959 c 71 art 6 s 9*]

125.091 M.S. 1957 [Renumbered 129.01]

125.095 M.S. 1957 [Renumbered 129.02]

125.096 M.S. 1957 [Renumbered 129.03]

125.097 M.S. 1957 [Renumbered 129.04]

125.098 M.S. 1957 [Renumbered 129.05]

125.10 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.10 OUTSTANDING CERTIFICATES NOT IMPAIRED. No provision or regulation adopted by the state board 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 by law.

[*Ex1959 c 71 art 6 s 10*]

125.11 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.11 RECORDING OF CERTIFICATES; COUNTY AND DISTRICT SUPERINTENDENT. No person shall be accounted a qualified teacher 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.

[*Ex1959 c 71 art 6 s 11*]

125.12 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.12 EMPLOYMENT; CONTRACTS, TERMINATION. Subdivision 1. **Teacher defined.** A superintendent, principal, supervisor, and classroom teacher and any other processional employee required to hold a certificate from the state department shall be deemed to be a "teacher" within the meaning of this section.

Subd. 2. Hiring, dismissing. School boards shall hire or dismiss 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 board. No teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member 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 school districts, by at least two members of the board; 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.

Subd. 3. Termination of contract. The first and second years of a beginning

teacher's first teaching experience in Minnesota shall be deemed to be a probationary period of employment. During this period any annual contract with any such teacher may or may not be renewed as the school board shall see fit; provided, however, the school board shall give written notice to renew or not to renew such contract, to the teacher prior to April 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give their reason in writing, if requested, within ten days after receiving such request.

Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board, or by the written resignation of the teacher, before April 1. Provided: before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its reason for the proposed termination. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. 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 board and the teacher and this section shall not affect the powers of a board to discharge or demote a teacher under and pursuant to other provisions of law.

Subd. 4. **Retirement.** Notwithstanding the foregoing provisions, a board may provide by rule that its teachers shall be retired at age 65.

Subd. 5. **Exception.** This section shall not apply to any district in a city of the first class.

[Ex1959 c 71 art 6 s 12; 1963 c 450 s 1]

125.13 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.13 **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 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.

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

[Ex1959 c 71 art 6 s 13]

125.14 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.14 **SUMMER SCHOOLS; TEACHERS' CONTRACTS.** In order to encourage further preparation and education of its teachers, the 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.

[Ex1959 c 71 art 6 s 14]

125.15 M.S. 1941 [Repealed, 1945 c 373 s 2]

125.15 **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 fifteen years, and between fifteen and twenty-one 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.

[Ex1959 c 71 art 6 s 15]

125.16 M.S. 1941 [Repealed, 1945 c 373 s 2]

125.16 **TEACHERS' REPORTS.** Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or secondary 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 districts in more

than one county a report shall be made according to rules established by the state board. The teachers, principals, and superintendents in districts maintaining graded elementary or secondary schools shall make such reports as may be required by law or the rules of the state or local board under like penalty.

[*Ex*1959 c 71 art 6 s 16]

125.165 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.17 M.S. 1941 [Repealed, 1945 c 373 s 2]

125.17. 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 the following subdivisions in this section shall be defined as follows:

(a) **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.

(b) **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.

(c) **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.

Subd. 2. Probationary period; discharge or demotion. All teachers in the public schools in cities of the first class 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 shall see fit. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

Subd. 3. 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 cause after a hearing.

Any probationary teacher shall be deemed to have been re-employed for the ensuing school year, unless the school board in charge of such school shall give such teacher notice in writing before April 1 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.

Subd. 4. 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 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.

Subd. 5. 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 having charge of the school in which the teacher is employed. Such school board 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. Upon such

hearing being held such school board 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 conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Subd. 6. **Counsel; examination of witnesses.** Each party appearing before the school board shall have the right to be represented by counsel, and such counsel may examine and cross-examine witnesses and present arguments.

Subd. 7. **Hearings.** All hearings before the school board shall be private or may be public at the decision of the teacher against whom such charges have been filed.

Subd. 8. **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 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 subdivision 4, 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.

Subd. 9. **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.

Subd. 10. **Suspension pending hearing; salary.** Upon the filing of charges against a teacher, the school board may suspend the teacher from regular duty. If, upon final decision, the teacher is suspended or removed, the school board may in its 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.

Subd. 11. **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.

[Ex1959 c 71 art 6 s 17; 1961 c 720 s 1]

125.18 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.18 SABBATICAL LEAVE FOR SCHOOL TEACHERS. Subdivision 1. A teacher who holds a certificate from the department and a contract for employment in a public school may be granted a sabbatical leave by the board employing such person under rules promulgated by such board.

Subd. 2. Any teacher who makes application for and accepts sabbatical leave shall agree that, upon the conclusion of said sabbatical leave, he shall return to his position for a period determined by the board before the leave is granted, or repay the district the portion of salary received while on sabbatical leave.

Subd. 3. Any teacher who has been granted a sabbatical leave shall retain all rights in the employing district as though teaching in that district.

Subd. 4. The term sabbatical leave, as used in this section, shall mean compensated leaves of absence granted for purposes of professional improvement or service.

[Ex1959 c 71 art 6 s 18]

125.181-125.21 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.22 M.S. 1949 [Repealed, 1953 c 50 s 2]

125.23-125.33 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.34 M.S. 1957 [Renumbered 129.06]

125.35 M.S. 1957 [Renumbered 129.07]

125.36 M.S. 1957 [Renumbered 129.08]

125.37 M.S. 1957 [Renumbered 129.09]

125.38 M.S. 1957 [Renumbered 129.10]

125.46 M.S. 1957 [Renumbered 129.11]

125.51 M.S. 1957 [Renumbered 129.12]