

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 124.573 SCHOOL TAXES, FUNDS, AIDS

paid only for services rendered and for travel costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the state plan for vocational education.

Subd. 4. All secondary vocational education aid shall be paid to the district or cooperative center providing the services. All secondary vocational education aid received by a district or center from any source shall be utilized solely for the purposes of secondary vocational education programs.

Subd. 5. The state shall pay to each school district and center 30 percent of its estimated secondary vocational education aid for salaries and travel for the school year on or before the following dates: August 31, December 31 and March 31. The state shall pay 90 percent of a district's estimated secondary vocational education aid for equipment for the school year on or before August 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.

[ 1977 c 447 art 5 s 10 ]

## 124.646 School lunch aid.

Subdivision 1. School districts shall be paid by the state in the amount of four cents for each full paid student type "A" lunch served to students in the district.

Subd. 2. School districts shall not be paid by the state for free or reduced price type "A" lunches served by the district.

Subd. 3. School districts shall apply to the state department of education for this payment on forms provided by the department.

[ 1977 c 447 art 6 s 6 ]

## CHAPTER 125. TEACHERS

Sec.		Sec.	
125.05	Board to issue licenses.	125.185	Duties.
125.08	Teachers' and administrators' licenses, fees.	125.60	Extended leaves of absence. [New]
125.12	Employment; contracts, termination.	125.61	Teacher early retirement incentive program. [New]
125.17	Teacher tenure act; cities of the first class; definitions.		

## 125.05 Board to issue licenses.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. **Effective date.** Nothing contained herein shall be construed as affecting the validity of a permanent certificate issued prior to July 1, 1969.

[ 1977 c 347 s 20 ]

## 125.08 Teachers' and administrators' licenses, fees.

Each application for the issuance, renewal, or extension of a license to teach shall be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for the issuance, renewal or extension of a superintendent's or principal's license shall be accompanied by a processing fee in an amount set by the state board of education by rule. Except as otherwise provided in this section, these fees shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fees as set by the boards shall be non-refundable for applicants not qualifying for a license, provided however, that a fee shall be refunded by the state treasurer in any case in which the applicant already holds a valid unexpired license.

[ 1977 c 444 s 7; 1977 c 447 art 7 s 20 ]

## TEACHERS 125.12

## 125.12 Employment; contracts, termination.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. **Probationary period.** The first and second consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which he is thereafter employed shall be one year. A teacher who has complied with the then applicable probationary requirements in a school district prior to July 1, 1967, shall not be required to serve a new probationary period in the said district subsequent thereto. During the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit; provided, however, that the school board shall give any such teacher whose contract it declines to renew for the following school year written notice to that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during his employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 123.14, subdivision 4, or section 123.35, subdivision 5.

Subd. 4. **Termination of contract after probationary period.** A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. 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 prior to April 1 upon one of the grounds specified in subdivision 6 or prior to June 1 upon one of the grounds specified in subdivisions 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to 179.77 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 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. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. 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 suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

[For text of subds 5 to 9, see M.S.1976]

Subd. 10. **Decision.** After the hearing, the board shall issue a written decision and order. If the board orders termination of a continuing contract or discharge of a teacher, its decision shall include findings of fact based upon competent

## 125.12 TEACHERS

evidence in the record and shall be served on the teacher, accompanied by an order of termination or discharge, prior to April 1 in the case of a contract termination for grounds specified in subdivision 6, prior to June 1 for grounds specified in subdivision 6a or 6b, or within ten days after conclusion of the hearing in the case of a discharge. If the decision of the board or of a reviewing court is favorable to the teacher, the proceedings shall be dismissed and the decision entered in the board minutes, and all references to such proceedings shall be excluded from the teacher's record file.

[For text of subds 11 and 13, see M.S.1976]

[ 1977 c 447 art 7 s 21-23 ]

### 125.17 Teacher tenure act; cities of the first class; definitions.

[For text of subds 1 and 2, see M.S.1976]

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 June 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.

[For text of subds 4 to 12, see M.S.1976]

[ 1977 c 447 art 7 s 24 ]

### 125.185 Duties.

[For text of subds 1 to 7, see M.S.1976]

Subd. 9. The board of teaching may adopt rules to implement sections 125.04 to 125.09 and 125.181 to 125.187, after approval by the state board of education.

[ 1977 c 444 s 8 ]

### 125.60 Extended leaves of absence.

Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents.

Subd. 2. The board of any district may grant an extended leave of absence without salary to any full time elementary or secondary school teacher who has been employed by the district for at least ten but no more than 20 years of allowable service, as defined in section 354.05, subdivision 13, or the by-laws of the appropriate retirement association, and who has not attained the age of 55 years or over. Extended leaves of absence pursuant to this section shall not exceed five years in duration. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher and may be granted only once.

Subd. 3. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which he is licensed at the beginning of any of the first five school years after his extended leave of absence begins, unless he is discharged or placed on unrequested leave of absence or his con-

## TEACHERS 125.61

tract is terminated pursuant to section 125.17 or 125.12 while he is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return.

Subd. 4. Any teacher who is reinstated to a teaching position after an extended leave of absence pursuant to this section shall retain seniority and continuing contract rights in the employing district as though he had been teaching in the district during the period when he was on the extended leave.

Subd. 5. The years spent by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his return to teaching in the district. The credits earned by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his return to teaching in the district for a period equal to the time of the extended leave of absence.

Subd. 6. Nothing within the provisions of this section shall be construed to limit the authority of a school board to grant any teacher a leave of absence which is not subject to the provisions of this section and sections 354.094 and 354A.091.

[ 1977 c 447 art 9 s 1 ]

### 125.61 Teacher early retirement incentive program.

Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who is employed in the public elementary or secondary schools in the state, who has not less than 15 years of full time teaching service therein, and who has or will have attained the age of 55 years but less than 65 years as of the end of the school year during which an application for an early retirement incentive is made.

Subd. 2. A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district. Applications shall be submitted prior to July 1, 1977 in the case of a teacher retiring at the end of the 1977-78 school year, prior to May 1, 1978 in the case of a teacher retiring at the end of the 1978-79 school year, or, thereafter, prior to May 1 of the year immediately preceding the school year at the end of which the teacher wishes to retire.

Subd. 3. An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of \$7,500. This amount shall be reduced by \$375 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,125 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the end of the school year during which the application for the early retirement incentive is made.

Subd. 4. The early retirement incentive shall be paid by the employing school district in four equal successive monthly installments commencing on November 1 of the year of retirement. The state shall reimburse the district for 10 percent of any amount or amounts paid out as an early retirement incentive pursuant to this section upon receipt of a proper claim therefor accompanying the report required by subdivision 5. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Subd. 5. Each school district contracting for an early retirement incentive pursuant to this section shall report annually during the month of December to the department of education on forms prescribed by the department. The report shall cover the preceding school year and shall contain the number of teachers participating in the early retirement incentive program, the annual salary which would have been paid had the teacher not elected to participate, the amount paid by the district for early retirement incentives, the amount claimed as reimbursement from the state, and such other information as the department of education may require.

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 125.61 TEACHERS

Subd. 6. No school board shall enter into an agreement for termination of services with an early retirement incentive without applying for and receiving authorization from the commissioner of finance. The commissioner of finance shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section.

[ 1977 c 447 art 9 s 2 ]

## CHAPTER 126. CURRICULUM, CONDUCT, TEXTBOOKS

Sec.		Sec.	
126.021	Repealed.	126.45	Citation. [New]
126.022	Repealed.	126.46	Declaration of policy. [New]
126.024	Repealed.	126.47	Definitions. [New]
126.07	Instruction, use of English language.	126.48	American Indian language and culture education programs. [New]
126.111	Environmental conservation education.	126.49	Teachers; licenses; exemptions. [New]
126.31	Citation. [New]	126.50	Teachers aides; community coordinators. [New]
126.32	Declaration of policy. [New]	126.51	Parent and community participation. [New]
126.33	Applicability. [New]	126.52	State board of education duties. [New]
126.34	Definitions. [New]	126.53	Advisory task force on American Indian language and culture education programs. [New]
126.35	Bilingual education programs. [New]	126.54	Pilot programs. [New]
126.36	Teachers; licenses; exemptions. [New]	126.55	Construction. [New]
126.37	Teachers aides; community coordinators. [New]		
126.38	Parent and community participation. [New]		
126.39	State board of education duties. [New]		
126.40	Advisory task force on bilingual education programs. [New]		
126.41	Pilot programs. [New]		
126.42	Construction. [New]		

126.021 [ Repealed, 1977 c 447 art 6 s 13 ]

126.022 [ Repealed, 1977 c 447 art 6 s 13 ]

126.024 [ Repealed, 1977 c 447 art 6 s 13 ]

126.07 Instruction, use of English language.

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 126.34. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

[ 1977 c 306 s 15 ]

126.111 Environmental conservation education.

Subdivision 1. The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

Subd. 2. The commissioner of education in consultation with the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.

[ 1977 c 381 s 20 ]