

## CHAPTER 125

## TEACHERS

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**125.03 TEACHERS, SUPERVISORY AND SUPPORT PERSONNEL, DEFINITIONS, LICENSURE.**

*[For text of subds 1 and 4, see M.S.1984]*

Subd. 5. "Teachers" for the purpose of examination means persons applying for initial teaching licenses or persons applying for additional fields of licensure to provide direct instruction to pupils in prekindergarten, elementary, secondary, and special education programs. It does not mean persons applying for licenses as supervisory or support personnel nor does it mean librarians, school social workers, school psychologists, audio-visual directors or coordinators, or media generalists or supervisors.

**History:** *1Sp1985 c 12 art 8 s 18*

**125.031 LICENSURE EXEMPTION FOR AVTI INSTRUCTORS TEACHING LESS THAN 61 HOURS A FISCAL YEAR.**

Notwithstanding section 125.03, subdivision 1, a person who teaches in a part-time vocational technical education program not more than 61 hours per fiscal year is exempt from a license requirement.

**History:** *1985 c 122 s 2*

**125.05 BOARD TO ISSUE LICENSES.**

Subdivision 1. **Qualifications.** The authority to license teachers as defined in section 125.03, subdivision 1, is vested in the board of teaching except that the authority to license supervisory and support personnel as defined in section 125.03, subdivision 4, is vested in the state board of education. Licenses shall be issued to such persons as the board of teaching or the state board of education finds to be competent for their respective positions. For teachers, as defined in section 125.03, subdivision 5, competency includes successful completion of an examination of academic knowledge in each field of licensure and, for persons applying for initial licenses, an examination of skills in reading, writing, and mathematics. Qualifications of teachers and other professional employees except supervisory and support personnel shall be determined by the board of teaching under the rules which it promulgates. Licenses under the jurisdiction of the board of teaching shall be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education shall be issued through the licensing section of the department of education.

*[For text of subds 2 to 4, see M.S.1984]*

Subd. 5. *[Repealed, 1Sp1985 c 12 art 7 s 33]*

Subd. 6. **Limited provisional licenses.** The board of teaching may grant provisional licenses, which shall be valid for two years, in fields in which licenses

were not issued previously or in fields in which a shortage of licensed teachers exists. A shortage shall be defined as a lack of or an inadequate supply of licensed personnel within a given licensure area in a school district that has notified the board of teaching of the shortage and has applied to the board of teaching for provisional licenses for that district's licensed staff.

**History:** *1Sp1985 c 12 art 7 s 21; art 8 s 19*

NOTE: Subdivision 1, as amended by Laws 1985, First Special Session chapter 12, article 8, section 19, is effective for licenses issued on April 4, 1988, and thereafter. See Laws 1985, First Special Session chapter 12, article 8, section 66.

**125.055** [Repealed, 1985 c 122 s 11]

## **125.12 EMPLOYMENT; CONTRACTS, TERMINATION.**

*[For text of subds 1 to 2, see M.S.1984]*

Subd. 2a. **Employment in supervisory positions.** Notwithstanding other law, a teacher, as defined in section 179A.03, does not have a right to employment in a district as an assistant superintendent, as a principal defined in section 179A.03, as a confidential or supervisory employee defined in section 179A.03, or in a position that is a promotion from the position currently held, based on seniority, seniority date, or order of employment by the district; provided that this provision shall not alter the reinstatement rights of an individual who is placed on leave from an assistant superintendent, principal or assistant principal, or supervisory or confidential employee position pursuant to this chapter.

*[For text of subds 3 to 14, see M.S.1984]*

**History:** *1Sp1985 c 12 art 7 s 22*

## **125.182 DEFINITIONS.**

Subdivision 1. For the purpose of sections 125.181 to 125.185, the terms defined in this section have the meanings given them, unless another meaning is clearly indicated.

*[For text of subds 2 and 3, see M.S.1984]*

**History:** *1Sp1985 c 12 art 8 s 20*

## **125.185 DUTIES.**

*[For text of subds 1 to 3, see M.S.1984]*

Subd. 4. The board shall adopt rules to license public school teachers and interns subject to chapter 14. The board shall adopt rules for examination of teachers, as defined in section 125.03, subdivision 5. The rules may allow for completion of the examination of skills in reading, writing, and mathematics before entering or during a teacher education program. The board shall adopt rules to approve teacher education programs. These rules shall encourage teacher educators to obtain periodic classroom teaching experience. The board shall also grant licenses to interns and to candidates for initial licenses and receive recommendations from local committees as established by the board for the renewal of teaching licenses, grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. Notwithstanding any law or rule to the contrary, the board shall not establish any expiration date for application for life licenses. With regard to vocational education teachers the board of teaching shall adopt and maintain as its

rules the rules of the state board of education and the state board of vocational technical education.

*[For text of subds 4a to 9, see M.S.1984]*

**History:** *1Sp1985 c 12 art 8 s 21*

## **125.60 EXTENDED LEAVES OF ABSENCE.**

*[For text of subds 1 and 2, see M.S.1984]*

**Subd. 3. Reinstatement.** Except as provided in subdivisions 6a and 6b, a teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which the teacher is licensed at the beginning of any school year which immediately follows a year of the extended leave of absence, unless the teacher fails to give the required notice of intention to return or is discharged or placed on unrequested leave of absence or the contract is terminated pursuant to section 125.12 or 125.17 while the teacher 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 the intention to return before February 1 in the school year preceding the school year in which the teacher wishes to return or by February 1 in the calendar year in which the leave is scheduled to terminate. The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.

*[For text of subds 4 to 6b, see M.S.1984]*

**Subd. 7. Application procedures; limits.** The commissioner of education shall establish procedures for applications and shall approve or disapprove applications for extended leaves beginning before the 1984-1985 school year pursuant to this subdivision within the limits of the appropriation for the purposes of sections 354.094 and 354A.091. Each application shall state whether or not the teacher requesting the extended leave of absence pursuant to this section intends to pay the employee contribution and requests state payment of the employer contribution into the teacher's retirement fund pursuant to section 354.094 or 354A.091 in order to receive retirement service credit for years spent on leave. The commissioner shall approve no more than 250 applications for extended leaves beginning in the 1983-1984 school year for teachers who intend to pay employee contributions and request state payment of employer contributions.

If more than 250 applications for extended leaves beginning in any school year are received by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.

The commissioner shall not approve any applications for extended leaves beginning in the 1984-1985 or any subsequent school year for teachers who intend to pay employee contributions and request state payment of employer contributions. There is no limit on the number of applications which may be approved by school districts for extended leaves for teachers who do not intend to pay employee contributions or who do not request state payment of employer contributions.

*[For text of subd 8, see M.S.1984]*

**History:** *1Sp1985 c 12 art 6 s 12; art 7 s 23*

NOTE: Subdivision 3, as amended by Laws 1985, First Special Session chapter 12, article 7, section 23, is effective July 1, 1986. See Laws 1985, First Special Session chapter 12, article 7, section 34.

**125.611 TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.**

*[For text of subds 1 and 2, see M.S.1984]*

Subd. 3. [Repealed, 1Sp1985 c 12 art 6 s 31]

Subd. 4. [Repealed, 1Sp1985 c 12 art 6 s 31]

Subd. 5. [Repealed, 1Sp1985 c 12 art 6 s 31]

Subd. 6. [Repealed, 1Sp1985 c 12 art 6 s 31]

Subd. 7. [Repealed, 1Sp1985 c 12 art 6 s 31]

*[For text of subds 8 to 13, see M.S.1984]*