

## CHAPTER 125

## TEACHERS

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**125.01** MS 1953 [Repealed, 1957 c 947 art 9 s 9]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.

**History:** *Ex1959 c 71 art 6 s 1*

**125.02** MS 1953 [Repealed, 1957 c 947 art 9 s 9]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.

**History:** *Ex1959 c 71 art 6 s 2*

**125.03** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

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

Subdivision 1. The term "teachers" for the purpose of licensure, 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.

Subd. 2. [Repealed, 1975 c 162 s 42]

Subd. 3. [Repealed, 1975 c 162 s 42]

Subd. 4. "Supervisory and support personnel" for the purpose of licensure means: superintendents; principals; professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel; counselors; school nurses; athletic coaches; and other professional employees who engage primarily in nonclassroom activities. The term does not include: librarians; school psychologists; school social workers; audio-visual directors and coordinators; recreation personnel; media generalists; media supervisors; or speech therapists.

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:** 1959 c 700 s 3-5; Ex1959 c 71 art 6 s 3; 1975 c 162 s 31; 1976 c 222 s 10,208; 1980 c 345 s 1; 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:** 1980 c 609 art 5 s 18; 1984 c 654 art 4 s 10; 1985 c 122 s 2

### **125.032 LICENSURE; COMMUNITY EDUCATION INSTRUCTORS.**

Subdivision 1. **Exemption.** Notwithstanding the provisions of any law to the contrary and except as otherwise provided in this section, a person who teaches in a community education program established pursuant to sections 121.85 to 121.88 is exempt from all licensure requirements.

Subd. 2. **Exceptions.** A person who teaches in a community education program which qualifies for aid pursuant to section 124.26 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for per capita aid pursuant to section 124.271 or early childhood and family education aid pursuant to section 124.2711 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the board of teaching. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 125.12, subdivision 1, or section 125.17, subdivision 1, clause (a).

**History:** 1983 c 314 art 7 s 27; 1984 c 463 art 4 s 4

**125.04 MS 1953 [Repealed, 1957 c 947 art 9 s 9]**

### **125.04 QUALIFIED TEACHER DEFINED.**

A qualified teacher is one holding a valid license, as hereinafter provided, to perform the particular service for which employed in a public school.

**History:** Ex1959 c 71 art 6 s 4; 1973 c 749 s 1; 1976 c 222 s 11,208; 1986 c 444

**125.05 MS 1953 [Repealed, 1957 c 947 art 9 s 9]**

### **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 examina-

tion 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.

**Subd. 2. Expiration and renewal.** Each license issued through the licensing section of the department of education shall bear the date of issue. Licenses shall expire and be renewed in accordance with the respective rules promulgated by the board of teaching or the state board of education. Renewal requirements for the renewal of a license shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or the completion of such additional preparation as the board of teaching shall prescribe. Requirements for the renewal of the licenses of supervisory and support personnel shall be established by the state board of education.

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

**Subd. 4. Human relations.** The board of teaching and the state board of education shall accept training programs completed through Peace Corps, VISTA, or Teacher Corps in lieu of completion of the human relations component of the training program for purposes of issuing or renewing a license in education.

**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:** *Ex1959 c 71 art 6 s 5; 1969 c 435 s 1,3; 1973 c 749 s 2,3; 1975 c 271 s 6; 1976 c 222 s 12,27,208; 1977 c 347 s 20; 1978 c 706 s 37; 1980 c 345 s 2,3; 1982 c 448 s 1; 1983 c 314 art 7 s 28; 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]

**125.06** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

## **125.06 APPLICANTS TRAINED IN OTHER STATES.**

When a license to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state university, or of the University of Minnesota, or of a liberal arts university, or a technical training institution, such license may also, in the discretion of the board of teaching or the state board of education, whichever has jurisdiction, 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 university or the University of Minnesota or a liberal arts university in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

**History:** *Ex1959 c 71 art 6 s 6; 1965 c 196 s 1; 1973 c 749 s 4; 1975 c 271 s 6; 1975 c 321 s 2; 1976 c 222 s 13,27,208; 1980 c 345 s 4*

**125.061** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.062** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.065** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.066** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.07** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.07** MS 1967 [Repealed, 1969 c 435 s 2]

**125.071** [Expired]

**125.08** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

### **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 license as supervisory or support personnel shall be accompanied by a processing fee in an amount set by the state board of education by rule. The processing fee for a teacher's license shall be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory and support personnel shall be paid to the commissioner. The executive secretary of the board of teaching and the commissioner shall deposit the fees 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 nonrefundable 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. The boards may waive or reduce fees for applicants who apply at the same time for more than one license, even if the licenses are under the jurisdiction of different boards.

**History:** *Ex1959 c 71 art 6 s 8; 1967 c 217 s 1; 1973 c 492 s 14; 1973 c 749 s 5; 1974 c 488 s 1; 1975 c 271 s 6; 1976 c 163 s 7; 1976 c 222 s 14,27,208; 1977 c 444 s 7; 1977 c 447 art 7 s 20; 1980 c 345 s 5*

**125.09** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

### **125.09 SUSPENSION OR REVOCATION OF LICENSES.**

**Subdivision 1. Grounds for revocation.** The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the board employing a teacher, or of a teacher organization, or of any other interested person, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's 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 the teacher's contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet licensure requirements; or
- (5) Fraud or misrepresentation in obtaining a license.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. [Repealed, 1976 c 222 s 209]

**History:** *Ex1959 c 71 art 6 s 9; Ex1967 c 25 s 6; 1969 c 869 s 1; 1971 c 155 s 1; 1973 c 749 s 6; 1975 c 271 s 6; 1976 c 222 s 15,27,208; 1980 c 345 s 6; 1986 c 444*

**125.091** MS 1957 [Renumbered 129.01]

**125.095** MS 1957 [Renumbered 129.02]

**125.096** MS 1957 [Renumbered 129.03]

**125.097** MS 1957 [Renumbered 129.04]

**125.098** MS 1957 [Renumbered 129.05]

**125.10** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.10 OUTSTANDING CERTIFICATES NOT IMPAIRED.**

No provision or rule 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.

**History:** *Ex1959 c 71 art 6 s 10; 1985 c 248 s 70*

**125.11 MS 1953 [Repealed, 1957 c 947 art 9 s 9]****125.11 RECORDING OF LICENSES; DISTRICT SUPERINTENDENT.**

No person shall be accounted a qualified teacher until such person has filed for record with the district superintendent where such person intends to teach a license, or certified copy thereof, authorizing such person to teach school in such district school system.

**History:** *Ex1959 c 71 art 6 s 11; 1975 c 162 s 32; 1976 c 222 s 16,208*

**125.12 MS 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 professional employee required to hold a license from the state department shall be deemed to be a "teacher" within the meaning of this section.

Subd. 1a. **Nonprovisional license defined.** For purposes of this section, "non-provisional license" shall mean an entrance, continuing, or life license.

Subd. 2. **Hiring, dismissing.** School boards shall hire or dismiss teachers at duly called meetings. 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 full 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 initial employment of the teacher in the district shall be by written contract, signed by the teacher and by the chair and clerk. All subsequent employment of the teacher in the district shall be by written contract, signed by the teacher and by the chair and clerk, except where there is a master agreement covering the employment of the teacher. Contracts for teaching or supervision of teaching can be made only with qualified teachers. No teacher shall be required to reside within the employing school district as a condition to teaching employment or continued teaching employment.

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.

Subd. 3. **Probationary period.** The first three 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 the teacher is thereafter employed shall be one year. The school board shall adopt a plan for written evaluation of teachers during the probationary period. Evaluation shall occur not less than three times each year. 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 the 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 123.35, subdivision 5.

**Subd. 4. Termination of contract after probationary period.** A teacher who has completed a probationary period in any school district, and who has not been discharged or advised of a refusal to renew the teacher's 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 subdivision 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 179A.01 to 179A.25 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 179A.20, subdivision 5. 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 upon reasonable notice to the teacher of the date set for hearing, 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.

**Subd. 5. Retirement.** Notwithstanding the foregoing provisions, a board may provide by rule that its teachers shall be retired at age 70.

**Subd. 6. Grounds for termination.** A continuing contract may be terminated, effective at the close of the school year, upon any of the following grounds:

- (a) Inefficiency;
- (b) Neglect of duty, or persistent violation of school laws, rules, regulations, or directives;
- (c) Conduct unbecoming a teacher which materially impairs the teacher's educational effectiveness;
- (d) Other good and sufficient grounds rendering the teacher unfit to perform the teacher's duties.

A contract shall not be terminated upon one of the grounds specified in clause (a), (b), (c), or (d), unless the teacher shall have failed to correct the deficiency after being given written notice of the specific items of complaint and reasonable time within which to remedy them.

**Subd. 6a. Negotiated unrequested leave of absence.** The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may

be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. The negotiated plan shall not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (e). The provisions of section 179A.16 shall not apply for the purposes of this subdivision.

**Subd. 6b. Unrequested leave of absence.** The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;

(d) Notwithstanding clauses (a), (b) and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

(e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

(f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;

(g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

(h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

(i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if the teacher fails to file with the board by April 1 of any year a written statement requesting reinstatement;

(j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

(k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

**Subd. 7. Suspension and leave of absence for health reasons.** Affliction with active tuberculosis or other communicable disease, mental illness, drug or alcoholic addiction, or other serious incapacity shall be grounds for temporary suspension and leave of absence while the teacher is suffering from such disability. Unless the teacher consents, such action shall be taken only upon evidence that suspension is required from a physician who has examined the teacher. The physician shall be competent in the field involved and shall be selected by the teacher from a list of three provided by the school board, and the examination shall be at the expense of the school district. A copy of the report of the physician shall be furnished the teacher upon request. If the teacher fails to submit to the examination within the prescribed time, the board may discharge the teacher, effective immediately. In the event of mental illness, if the teacher submits to such an examination and the examining physician's or psychiatrist's statement is unacceptable to the teacher or the board, a panel of three physicians or psychiatrists shall be selected to examine the teacher at the board's expense. The board and the teacher shall each select a member of this panel, and these two members shall select a third member. The panel shall examine the teacher and submit a statement of its findings and conclusions to the board. Upon receipt and consideration of the statement from the panel the board may suspend the teacher. The board shall notify the teacher in writing of such suspension and the reasons therefor. During the leave of absence the teacher shall be paid sick leave benefits by the district up to the amount of unused accumulated sick leave, and after it is exhausted, the district may in its discretion pay additional benefits. The teacher shall be reinstated to the teacher's position upon evidence from such a physician of sufficient recovery to be capable of resuming performance of duties in a proper manner. In the event that the teacher does not qualify for reinstatement within twelve months after the date of suspension, the continuing disability may be a ground for discharge under subdivision 8.

**Subd. 8. Immediate discharge.** A school board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

- (a) Immoral conduct, insubordination, or conviction of a felony;
  - (b) Conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;
  - (c) Failure without justifiable cause to teach without first securing the written release of the school board;
  - (d) Gross inefficiency which the teacher has failed to correct after reasonable written notice;
  - (e) Willful neglect of duty; or
  - (f) Continuing physical or mental disability subsequent to a twelve months leave of absence and inability to qualify for reinstatement in accordance with subdivision 7.
- Prior to discharging a teacher the board shall notify the teacher in writing and state

its ground for the proposed discharge in reasonable detail. 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. The board may, however, suspend a teacher with pay pending the conclusion of such hearing and determination of the issues raised therein after charges have been filed which constitute ground for discharge.

**Subd. 9. Hearing procedures.** Any hearing held pursuant to this section shall be held upon appropriate and timely notice to the teacher, and any hearing held pursuant to subdivision 6 or 8 shall be private or public at the discretion of the teacher. A hearing held pursuant to subdivision 6b shall be public and may be consolidated by the school board. At the hearing, the board and the teacher may each be represented by counsel at each party's own expense, and such counsel may examine and cross-examine witnesses and present arguments. The board shall first present evidence to sustain the grounds for termination or discharge and then receive evidence presented by the teacher. Each party may then present rebuttal evidence. Dismissal of the teacher shall be based upon substantial and competent evidence in the record. All witnesses shall be sworn upon oath administered by the presiding officer of the board. The clerk of the board shall issue subpoenas for witnesses or the production of records pertinent to the grounds upon the request of either the board or the teacher. The board shall employ a court reporter to record the proceedings at the hearing, and either party may obtain a transcript thereof at its own expense.

**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 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.

**Subd. 11. Judicial review.** The pendency of judicial proceedings shall not be ground for postponement of the effective date of the school board's order, but if judicial review eventuates in reinstatement of the teacher, the board shall pay the teacher all compensation withheld as a result of the termination or dismissal order.

**Subd. 13. Exception.** This section shall not apply to any district in a city of the first class.

**Subd. 14. Records relating to individual teacher; access; expungement.** All evaluations and files generated within a school district relating to each individual teacher shall be available to each individual teacher upon written request. Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher shall be available to each individual teacher upon written request. The teacher shall have the right to reproduce any of the contents of the files at the teacher's expense and to submit for inclusion in the file written information in response to any material contained therein.

A school district may destroy the files as provided by law and shall expunge from the teacher's file any material found to be false or substantially inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4; provided, the grievance procedure promulgated by the director of the bureau of mediation services, pursuant to section 179A.04, subdivision 3, clause (h), shall apply to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings shall be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings shall commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

**History:** *Ex1959 c 71 art 6 s 12; 1963 c 450 s 1; 1967 c 890 s 1; 1969 c 781 s 1; 1971*

*c 253 s 1; 1971 c 743 s 1; 1973 c 128 s 1; 1974 c 458 s 1-4; 1975 c 151 s 1; 1975 c 177 s 1; 1975 c 432 s 70; 1976 c 222 s 17,208; 1977 c 447 art 7 s 21-23; 1978 c 632 s 1,2; 1978 c 706 s 38,39; 1978 c 764 s 75,76; 1979 c 40 s 2; 1979 c 139 s 1; 1980 c 509 s 35; 1980 c 609 art 6 s 24,25; 1982 c 424 s 33; 1983 c 314 art 7 s 29-31; 1984 c 462 s 27; 1984 c 463 art 7 s 13; 1984 c 525 s 1; 1Sp1985 c 12 art 7 s 22; 1986 c 444*

#### **125.121 COACHES, TERMINATION OF DUTIES.**

Subdivision 1. Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the state board of education, the district shall notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the board. If a hearing is requested, the board shall hold a hearing within 25 days according to the hearing procedures specified in section 125.12, subdivision 9, and the termination shall not be final except upon the order of the board after the hearing.

Subd. 2. Within ten days after the hearing, the board shall issue a written decision regarding the termination. If the board decides to terminate the employee's coaching duties, the decision shall state the reason on which it is based and include findings of fact based upon competent evidence in the record. The board may terminate the employee's duties or not, as it sees fit, for any reason which is found to be true based on substantial and competent evidence in the record.

Subd. 3. This section shall not apply to the termination of coaching duties pursuant to a district transfer policy or as a result of the nonrenewal or termination of the employee's contract or the employee's discharge, demotion or suspension pursuant to section 125.12 or 125.17. This section shall not apply to the termination of an employee's coaching duties prior to completion of the probationary period of employment.

**History:** *1978 c 550 s 1; 1980 c 345 s 7; 1986 c 444*

#### **125.13 MS 1953 [Repealed, 1957 c 947 art 9 s 9]**

#### **125.13 EXCHANGE TEACHERS.**

Subdivision 1. A person holding a license 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.

**History:** *Ex1959 c 71 art 6 s 13; 1976 c 222 s 19,208*

#### **125.14 MS 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 the teacher may receive conditioned upon attending summer school.

**History:** *Ex1959 c 71 art 6 s 14; 1986 c 444*

#### **125.15 MS 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.

Each teacher 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. The teacher shall return such register, properly kept, to the clerk within ten days after the close of the school year.

**History:** *Ex1959 c 71 art 6 s 15; 1975 c 162 s 33; 1986 c 444*

**125.16** MS 1941 [Repealed, 1945 c 373 s 2]

#### **125.16 TEACHERS' REPORTS.**

No order shall be issued for the payment of the wages of any teacher while the teacher is in default in making reports or in returning the teacher's register. The teachers, principals, and superintendents shall make such reports as may be required by law or the rules of the state or local board under like penalty.

**History:** *Ex1959 c 71 art 6 s 16; 1975 c 162 s 34; 1986 c 444*

**125.165** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.17** MS 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 licensed 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.

(d) **Nonprovisional license.** For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.

**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 shall adopt a plan for a written evaluation of teachers during the probationary period. Evaluation shall occur not less than three times each year. 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 reemployed 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 reemployed 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.

**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 certified mail addressed to such teacher at the teacher's 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.**  
 (a) 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 that teacher 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.

(b) Notwithstanding the provisions of clause (a), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses.

(c) Notwithstanding the provisions of clause (a), no teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

**Subd. 12. Records relating to individual teacher; access; expungement.** All evaluations and files generated within a school district relating to each individual teacher shall be available to each individual teacher upon the teacher's written request. Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher shall be available to each individual teacher upon the teacher's written request. The teacher shall have the right to reproduce any of the contents of the files at the teacher's expense and to submit for inclusion in the file written information in response to any material contained therein.

A school district may destroy the files as provided by law and shall expunge from the teacher's file any material found to be false or substantially inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4; provided, the grievance procedure promulgated by the director of the bureau of mediation services, pursuant to section 179A.04, subdivision 3, clause (h), shall apply to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings shall be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings shall commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

**History:** *Ex1959 c 71 art 6 s 17; 1961 c 720 s 1; 1971 c 667 s 1; 1975 c 177 s 2; 1976 c 222 s 19,208; 1977 c 447 art 7 s 24; 1978 c 632 s 3; 1978 c 674 s 60; 1979 c 139 s 2; 1983 c 314 art 7 s 32,33; 1984 c 462 s 27; 1984 c 463 art 7 s 14; 1986 c 444*

**125.18** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

### **125.18 SABBATICAL LEAVE FOR SCHOOL TEACHERS.**

**Subdivision 1.** A teacher who holds a license 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, the teacher shall return to the teacher's 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.

**History:** *Ex1959 c 71 art 6 s 18; 1976 c 222 s 208; 1986 c 444*

**125.181** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.181 PROFESSIONAL PRACTICES; INTENT.**

The purpose of sections 125.181 to 125.185, is to develop standards of ethical conduct for the guidance and improvement of the teaching profession and to provide measures through which the observance of such standards by the members of the profession may be promoted and enforced.

**History:** *Ex1967 c 25 s 1; 1973 c 749 s 7*

**125.182 MS 1953 [Repealed, 1957 c 947 art 9 s 9]****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.

Subd. 2. "Teacher" means a classroom teacher or other similar professional employee required to hold a license from the board of teaching.

Subd. 3. "Board" means the board of teaching.

Subd. 4. [Repealed, 1980 c 345 s 18]

**History:** *Ex1967 c 25 s 2; 1973 c 749 s 8; 1975 c 271 s 6; 1976 c 222 s 20,21,27,208; 1980 c 345 s 8; 1980 c 609 art 6 s 26; 1Sp1985 c 12 art 8 s 20*

**125.183 MS 1953 [Repealed, 1957 c 947 art 9 s 9]****125.183 MEMBERSHIP.**

Subdivision 1. A board of teaching consisting of 15 members appointed by the governor is hereby established. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. No member shall be reappointed for more than one additional term.

Subd. 2. [Repealed, 1975 c 136 s 77]

Subd. 3. Except for the representatives of higher education and the public, to be eligible for appointment to the board of teaching a person must be fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The board shall be composed of one teacher whose responsibilities are those either of a librarian, psychologist, remedial reading teacher, speech therapist, or vocational teacher, three elementary school classroom teachers, three secondary classroom teachers, one higher education representative, from a higher education faculty preparing teachers; one school administrator and six members of the public, two of whom shall be present or former members of local school boards. Each nominee other than a public nominee shall be selected on the basis of professional experience, and knowledge of teacher education, accreditation and licensure.

Subd. 4. The position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed shall be deemed vacant.

Subd. 5. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; the selection and duties of an executive secretary to serve the board; and other provisions relating to board operations shall be as provided in chapter 214. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

Subd. 6. The board may reimburse local school districts for the costs of substitute teachers employed when regular teachers are providing professional assistance to the state by serving on the board or on a committee or task force appointed by the board and charged to make recommendations concerning standards for teacher licensure in this state.

**History:** *Ex1967 c 25 s 3; 1973 c 749 s 9; 1975 c 136 s 1,2; 1975 c 271 s 6; 1976 c*

*149 s 27; 1976 c 222 s 22,23,27,208; 1978 c 706 s 40; 1978 c 793 s 62; 1980 c 345 s 9,10; 1986 c 444*

**125.184** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.184 MEETINGS.**

Subdivision 1. The board of teaching shall meet regularly at such times and places as the board shall determine. Meetings shall be called by the chair or at the written request of any eight members.

Subd. 2. The board of teaching shall have an executive secretary who shall be in the unclassified civil service and who shall not be a member of the board.

**History:** *Ex1967 c 25 s 4; 1973 c 749 s 10; 1975 c 136 s 3; 1975 c 271 s 6; 1976 c 222 s 24,27; 1986 c 444*

**125.185** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.185 DUTIES.**

Subdivision 1. The board of teaching shall develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

Subd. 2. The board shall act in an advisory capacity to members of the profession in matters of interpretation of the code of ethics.

Subd. 3. The board shall elect a chair and such other officers as it may deem necessary.

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.

Subd. 4a. Prior to the adoption by the board of teaching of any rule which must be submitted to public hearing, a representative of the commissioner shall appear before the board of teaching and at the hearing required pursuant to section 14.14, subdivision 1, to comment on the cost and educational implications of that proposed rule.

Subd. 5. The executive secretary of the board of teaching shall keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. The register shall show the name, address, license number and the renewal thereof. The board shall on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers and transmit a copy thereof to the board. A copy of the register shall be available during business hours at the office of the board to any interested person.

Subd. 6. The state board of education shall provide all necessary materials and assistance for the transaction of the business of the board of teaching and all moneys received by the board of teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 125.01 to 125.187 which are incurred by

the board of teaching shall be paid for from appropriations made to the board of teaching.

Subd. 7. Any person who shall in any manner claim to be a licensed teacher without a valid existing license issued by the board or any person who employs fraud or deception in applying for or securing a license shall be guilty of a gross misdemeanor.

Subd. 8. [Repealed, 1976 c 271 s 98]

Subd. 9. The board of teaching may adopt rules subject to the provisions of chapter 14 to implement sections 125.04 to 125.09 and 125.181 to 125.187.

**History:** *Ex1967 c 25 s 5; 1973 c 749 s 11; 1975 c 136 s 4; 1975 c 271 s 6; 1976 c 222 s 25,27,208; 1976 c 271 s 65; 1977 c 444 s 8; 1978 c 706 s 41; 1978 c 764 s 77,78; 1980 c 345 s 11-14; 1982 c 424 s 130; 1984 c 463 art 7 s 16; 1Sp1985 c 12 art 8 s 21; 1986 c 444*

**125.186** MS 1953 [Repealed, 1957 c 947 art 9 s 9]

### **125.187 VALIDITY OF CERTIFICATES OR LICENSES.**

No rule adopted by the board of teaching shall affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.

**History:** *1973 c 749 s 12; 1975 c 271 s 6; 1976 c 222 s 26,27*

- 125.19** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.19** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.20** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.20** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.21** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.21** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.22** MS 1949 [Repealed, 1953 c 50 s 2]
- 125.22** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.23** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.23** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.24** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.24** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.25** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.25** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.26** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.26** MS 1969 [Repealed, Ex1971 c 33 s 17]
- 125.27** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.28** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.29** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.30** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.31** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.32** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.325** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.33** MS 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.34** MS 1957 [Renumbered 129.06]
- 125.35** MS 1957 [Renumbered 129.07]
- 125.36** MS 1957 [Renumbered 129.08]
- 125.37** MS 1957 [Renumbered 129.09]

125.38 MS 1957 [Renumbered 129.10]

125.46 MS 1957 [Renumbered 129.11]

125.51 MS 1957 [Renumbered 129.12]

## 125.52 INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL.

The interstate agreement on qualifications of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

### INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL

#### ARTICLE I

#### PURPOSE, FINDINGS, AND POLICY

(1) The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

(2) The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

#### ARTICLE II

#### DEFINITIONS

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) Educational personnel means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

(2) Designated state official means the educational official of a state selected by that state to negotiate and enter into, on behalf of this state, contracts pursuant to this agreement.

(3) Accept, or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

(4) State means a state, territory, or possession of the United States; the District of Columbia; or the commonwealth of Puerto Rico.

(5) Originating state means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III.

(6) Receiving state means a state (and the subdivisions thereof) which accepts educational personnel in accordance with the terms of a contract made pursuant to article III.

### ARTICLE III

#### INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

(1) The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

(2) Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

(3) No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

(4) Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

(5) The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

(6) A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

### ARTICLE IV

#### APPROVED AND ACCEPTED PROGRAMS

(1) Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

(2) To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

## ARTICLE V

### INTERSTATE COOPERATION

The party states agree that:

(1) They will, so far as practicable, prefer the making of multilateral contracts pursuant to article III of this agreement.

(2) They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

## ARTICLE VI

### AGREEMENT EVALUATION

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

## ARTICLE VII

### OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

## ARTICLE VIII

### EFFECT AND WITHDRAWAL

(1) This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

(2) Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

(3) No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

## ARTICLE IX

### CONSTRUCTION AND SEVERABILITY

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person,

or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

**History:** 1969 c 20 s 1

#### **125.53 DESIGNATED STATE OFFICIAL.**

For the purposes of the agreement set forth in section 125.52, the designated state official for this state shall be the commissioner of education.

**History:** 1969 c 20 s 2

#### **125.54 RECORD OF CONTRACTS.**

Two copies of all contracts made on behalf of this state pursuant to the agreement set forth in section 125.52 shall be kept on file in the office of the commissioner of education.

**History:** 1969 c 20 s 3

### **TEACHER MOBILITY INCENTIVES**

#### **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.

Subd. 2. The board of any district may grant an extended leave of absence without salary to any full or part time elementary, secondary or area vocational technical school teacher who has been employed by the district for at least five years and has at least ten years of allowable service, as defined in section 354.05, subdivision 13, or the bylaws of the appropriate retirement association or ten years of full time teaching service in Minnesota public elementary, secondary and area vocational technical schools. The maximum duration of an extended leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is granted and shall be at least three but no more than five years. 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. If the school board denies a teacher's request, it shall provide reasonable justification for the denial.

Subd. 2a. [Repealed, 1984 c 463 art 7 s 54]

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.

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 the teacher had been teaching in the district during the period of the extended leave; provided, however, this subdivision shall not be construed to require a board to reinstate a teacher to any particular position or to include the years spent on the extended leave of absence in the determination of a teacher's salary upon return to teaching in this district.

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 salary upon 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 salary upon 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.

Subd. 6a. No school board shall be obligated to reinstate a teacher who takes a full-time or part-time position as a teacher in another Minnesota school district while on an extended leave of absence pursuant to this section. This subdivision shall not apply to a teacher who is employed as a substitute teacher.

Subd. 6b. A school board shall not be obligated to reinstate a superintendent on an extended leave of absence pursuant to this section to a position in the district.

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.

Subd. 8. A teacher on an extended leave of absence shall receive all of the health, accident, medical, surgical and hospitalization insurance or benefits, for both the teacher and the teacher's dependents, for which the teacher would otherwise be eligible if not on an extended leave, if such coverage is available from the school district's insurer, if the teacher requests the coverage, and if the teacher either (a) reimburses the district for the full amount of the premium necessary to maintain the coverage within one month following the district's payment of the premium, or (b) if the district is wholly or partially self-insured, pays the district, according to a schedule agreed upon by the teacher and the school board, an amount determined by the school board to be the amount that would be charged for the coverage chosen by the teacher if the school board purchased all health, accident, medical, surgical and hospitalization coverage for its teachers from an insurer.

**History:** 1977 c 447 art 9 s 1; 1978 c 764 s 79-82; 1979 c 334 art 8 s 1-6; 1980 c 609 art 6 s 27; 1981 c 358 art 8 s 1,2; 1983 c 314 art 10 s 1-3; 1Sp1985 c 12 art 6 s 12; art 7 s 23; 1986 c 444

**125.61** Subdivision 1. [Repealed, 1980 c 609 art 6 s 48]

- Subd. 1a. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 2. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 3. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 3a. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 4. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 4a. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 4b. [Repealed, 1980 c 609 art 6 s 48]
- Subd. 5. [Repealed, 1978 c 764 s 143]
- Subd. 6. [Repealed, 1980 c 609 art 6 s 48]

**125.611 TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.**

Subdivision 1. **Criteria.** For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary or area vocational technical schools in the state and

(b) either

(1)(i) has not less than 15 total years of full-time teaching service in elementary, secondary and area vocational technical schools, or at least 15 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354.53; 354.531; 354.66; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; 354A.094; or Laws 1982, chapter 578, article II, section 1 and

(ii) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made, or

(2) has not less than 30 total years of full-time teaching service in elementary, secondary and area vocational technical schools, or at least 30 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354.53; 354.531; 354.66; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; 354A.094; or Laws 1982, chapter 578, article II, section 1.

Subd. 2. For purposes of this section, "retirement" means termination of services in the employing district and withdrawal from active teaching service.

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]

Subd. 8. **Payment; reduction.** An eligible teacher who is offered and accepts an early retirement incentive contract pursuant to subdivision 7 shall receive an early retirement incentive in the amount of \$10,000. This amount shall be reduced by \$500 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,500 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Subd. 9. **Desegregation districts.** Notwithstanding the provisions of subdivision 8, beginning in the 1983-1984 school year, an eligible teacher who is employed by a school district which is implementing a desegregation plan ordered by federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 7, shall receive an early retirement incentive in the amount of \$12,500. This amount shall be reduced by \$625 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,875 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Subd. 10. **Payment arrangement.** The early retirement incentive shall be paid by the employing school district at the time and in the manner mutually agreed upon by a teacher and the board. The state shall pay the district 50 percent of the authorized early retirement incentive grant on or before the September 1 immediately following the commissioner's approval of the teacher's application. For those applications which were approved prior to July 1, 1981, the state shall pay the districts any remaining state obligation on those grants by September 1, 1981. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Subd. 11. Notwithstanding the provisions of subdivisions 2, 3 and 7, a teacher who has entered into an agreement for termination of services and withdrawal from active teaching service with an early retirement incentive may be employed as a substitute teacher after retirement.

Subd. 12. Any amount of unemployment insurance which the teacher receives and for which the district is required to pay into the unemployment compensation fund pursuant to section 268.06, subdivision 25, at any time after the teacher has entered into an agreement pursuant to subdivision 7, may be deducted by the district from the amount of the teacher's early retirement incentive or recovered by the district from the teacher up to the amount of the early retirement incentive. The district shall pay 50 percent of any amount so deducted or recovered to the department of education, and any amount so received by the department shall be deposited in the state treasury.

Subd. 13. **Applications after June 30, 1984.** The state shall not reimburse the district for any portion of an early retirement incentive for any applications submitted after June 30, 1984. Beginning on July 1, 1984, a teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before February 1 of the school year at the end of which the teacher wishes to retire. A school board shall approve or deny the application within 30 days after it is received by the board. The amount of the early retirement incentive shall be agreed upon between the teacher and the school board. The early retirement incentive shall be paid by the employing district at the time and in the manner mutually agreed upon by a teacher and the board.

**History:** 1980 c 609 art 6 s 28; 1981 c 358 art 8 s 3-8; 1982 c 548 art 4 s 11; 1983 c 67 s 1; 1983 c 314 art 10 s 4,5; 1984 c 463 art 7 s 15; 1986 c 444