

CHAPTER 125

TEACHERS

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

Subdivision 1. The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by an ECSU as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

Subd. 4. "Supervisory personnel" for the purpose of licensure means superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, and includes athletic coaches.

[For text of subd 5, see M.S.1988]

History: 1989 c 251 s 1,2

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 personnel as defined in section 125.03, subdivision 4, is vested in the state board of education. The authority to license post-secondary vocational and adult vocational teachers, support personnel, and supervisory personnel in technical institutes is vested in the state board of vocational technical education according to section 136C.04, subdivision 9. Licenses must be issued to persons 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 skills in reading, writing, and mathematics for persons applying for initial licenses. Qualifications of teachers and other professional employees except supervisory personnel must be determined by the board of teaching under the rules it adopts. Licenses under the jurisdiction of the board of teaching must be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education must 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 must bear the date of issue. Licenses must expire and be renewed in accordance with the respective rules adopted by the board of teaching or the state board of education. Requirements for renewal of a license must include 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 completion of such additional preparation as the board of teaching shall prescribe. Requirements for renewal of the licenses of supervisory personnel must be established by the state board of education.

[For text of subds 3 to 6, see M.S.1988]

Subd. 7. **Limit on fields of licensure.** Unless the action of the board of teaching is approved by specific law, the board may not, after July 1, 1989:

- (1) develop additional fields of licensure;
- (2) divide existing fields of licensure; or
- (3) extend any licensure requirements to any duties that could be performed on March 15, 1989, without a license.

The board may establish fields for provisional licensure, but shall submit each field to the legislature for approval. If approval by specific law is not obtained within one year after the provisional license is established, the board shall discontinue the field of provisional licensure.

History: 1989 c 251 s 3-5

125.08 TEACHERS' AND ADMINISTRATORS' LICENSES, FEES.

Each application for the issuance, renewal, or extension of a license to teach must 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 personnel must 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 must be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory personnel must 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 are nonrefundable for applicants not qualifying for a license. However, a fee must 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: 1989 c 251 s 6

125.09 SUSPENSION OR REVOCATION OF LICENSES.

[For text of subd 1, see M.S.1988]

Subd. 4. **Mandatory reporting.** A school board shall report to the board of teaching, the state board of education, or the state board of vocational technical education, whichever has jurisdiction over the teacher's license, when its teacher is discharged or resigns from employment after a charge is filed with the school board under section 125.17, subdivisions 4, clauses (1), (2), and (3), and 5, or after charges are filed that are ground for discharge under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e), or when a teacher is suspended or resigns while an investigation is pending under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e); 125.17, subdivisions 4, clauses (1), (2), and (3), and 5; or 626.556. The report must be made to the board within ten days after the discharge, suspension, or resignation has occurred. The board to which the report is made shall investigate the report for violation of subdivision 1 and the reporting school board shall cooperate in the investigation. Any data transmitted to any board under this section shall be private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

Subd. 5. **Immunity from liability.** A school board, its members in their official capacity, and employees of the school district run by the board are immune from civil or criminal liability for reporting or cooperating as required under subdivision 4, if their actions required under subdivision 4 are done in good faith and with due care.

History: 1989 c 97 s 1,2

125.12 EMPLOYMENT; CONTRACTS, TERMINATION.*[For text of subs 1 to 7, see M.S.1988]*

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 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 7.

For purposes of this subdivision, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

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.

*[For text of subs 9 to 14, see M.S.1988]***History:** 1989 c 152 s 1**125.17 TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.***[For text of subs 1 to 3, see M.S.1988]*

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.

For purposes of this subdivision, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

*[For text of subs 5 to 12, see M.S.1988]***History:** 1989 c 152 s 2**125.183 MEMBERSHIP.**

Subdivision 1. The board of teaching consists of 11 members appointed by the governor. 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 may be reappointed for more than one additional term.

Subd. 3. Membership. 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. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

- (1) six classroom teachers;
- (2) one higher education representative, who must be a faculty member preparing teachers;
- (3) one school administrator; and
- (4) three members of the public, two of whom must be present or former members of school boards.

[For text of subds 4 to 6, see M.S.1988]

History: 1989 c 251 s 7,8

125.241 ADMINISTRATORS ACADEMY.

[For text of subds 1 and 2, see M.S.1988]

Subd. 3. [Repealed, 1989 c 329 art 9 s 34]

125.60 EXTENDED LEAVES OF ABSENCE.

[For text of subds 1 to 6b, see M.S.1988]

Subd. 7. [Repealed, 1989 c 329 art 9 s 34]

[For text of subd 8, see M.S.1988]