

## CHAPTER 122A

## TEACHERS AND OTHER EDUCATORS

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**122A.09 DUTIES.**

*[For text of subs 1 to 3, see M S 1998]*

Subd 4 **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a post-secondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a post-secondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than September 1, 2001

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment

(g) The board must grant licenses to interns and to candidates for initial licenses

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A 20 and 214 10. The board must not establish any expiration date for application for life licenses

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule. The rules adopted under this paragraph apply to teachers who renew their licenses in year 2001 and later.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

*[For text of subs 5 to 10, see M S 1998]*

**History:** 1999 c 241 art 9 s 7, 1999 c 245 art 4 s 2

**122A.164** [Repealed, 1998 c 398 art 6 s 38]

### **122A.18 BOARD TO ISSUE LICENSES.**

**Subdivision 1 Authority to license.** (a) The board of teaching must license teachers, as defined in section 122A 15, subdivision 1, except for supervisory personnel, as defined in section 122A 15, subdivision 2.

(b) The commissioner of children, families, and learning must license supervisory personnel as defined in section 122A 15, subdivision 2.

(c) Licenses under the jurisdiction of the board of teaching and the commissioner of children, families, and learning must be issued through the licensing section of the department.

*[For text of subd 2, see M S 1998]*

**Subd 2a Reading strategies.** All colleges and universities approved by the board of teaching to prepare persons for classroom teacher licensure must include in their teacher preparation programs reading best practices that enable classroom teacher licensure candidates to know how to teach reading, such as phonics or other research-based best practices.

**Subd 3 Supervisory and coach qualifications; code of ethics.** The commissioner of children, families, and learning must issue licenses under its jurisdiction to persons the commissioner finds to be qualified and competent for their respective positions under the rules it adopts. The commissioner of children, families, and learning may develop, by rule, a code of ethics for supervisory personnel covering standards of professional practices, including areas of ethical conduct and professional performance and methods of enforcement.

**Subd 4 Expiration and renewal.** (a) Each license the department of children, families, and learning issues through its licensing section must bear the date of issue. Licenses must expire and be renewed according to the respective rules the board of teaching or the commissioner of children, families, and learning adopts. Requirements for renewing a license must include showing 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 completing such additional preparation as the board of teaching prescribes. The commissioner of children, families, and learning shall establish requirements for renewing the licenses of supervisory personnel.

(b) The board of teaching shall offer alternative continuing relicensure options for teachers who are accepted into and complete the national board for professional teaching standards certification process, and offer additional continuing relicensure options for teachers who earn national board for professional teaching standards certification. Continuing relicensure requirements for teachers who do not maintain national board for professional teaching standards certification are those the board prescribes.

*[For text of subd 5, see M S 1998]*

**Subd 6 Human relations.** The board of teaching and the commissioner of children, families, and learning shall accept training programs completed through Peace Corps, VIS-

TA, 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

*[For text of subd 7, see M S 1998]*

Subd 7a **Permission to substitute teach.** The board of teaching may allow a person who is enrolled in and making satisfactory progress in a board-approved teacher program and who has successfully completed student teaching to be employed as a short-call substitute teacher

Subd 8 **Background checks.** (a) The board of teaching and the commissioner of children, families, and learning must request a criminal history background check from the superintendent of the bureau of criminal apprehension on all applicants for initial licenses under their jurisdiction. An application for a license under this section must be accompanied by

(1) an executed criminal history consent form, including fingerprints, and

(2) a money order or cashier's check payable to the bureau of criminal apprehension for the fee for conducting the criminal history background check

(b) The superintendent of the bureau of criminal apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data maintained in the criminal justice information system computers and shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a)

(c) The board of teaching or the commissioner of children, families, and learning may issue a license pending completion of a background check under this subdivision, but must notify the individual that the individual's license may be revoked based on the result of the background check

*[For text of subd 9, see M S 1998]*

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 5 s 2, art 9 s 8

## 122A.19 BILINGUAL AND ENGLISH AS A SECOND LANGUAGE TEACHERS; LICENSES.

*[For text of subs 1 to 3, see M S 1998]*

Subd 4 **Teacher preparation programs.** For the purpose of licensing bilingual and English as a second language teachers, the board may approve programs at colleges or universities designed for their training

*[For text of subs 5 and 6, see M S 1998]*

**History:** 1999 c 241 art 9 s 9

## 122A.20 SUSPENSION OR REVOCATION OF LICENSES.

Subdivision 1 **Grounds for revocation, suspension, or denial.** (a) The board of teaching or the commissioner, with the advice from an advisory task force of supervisory personnel established under section 15 014, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a 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

The written complaint must specify the nature and character of the charges

(b) The board of teaching or the commissioner of children, families, and learning whichever has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of child abuse, as defined in section 609 185, or sexual abuse under section 609 342, 609 343, 609 344, 609 345, 609 3451, subdivision 3, or 617 23, subdivision 3, or under a similar law of another state or the United States The board shall send notice of this licensing action to the district in which the teacher is currently employed

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the court of appeals or the supreme court or if the person has received a pardon for the offense The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition Upon receiving the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214 10, subdivision 2, unless the petitioner waives the right to a hearing If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action

(d) For purposes of this subdivision, the board of teaching is delegated the authority to suspend or revoke coaching licenses

**Subd 2 Mandatory reporting.** A school board must report to the board of teaching or the board of trustees of the Minnesota state colleges and universities, 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 122A 41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are ground for discharge under section 122A 40, subdivision 13, clauses (a), (b), (c), (d), and (e), or when a teacher is suspended or resigns while an investigation is pending under section 122A 40, subdivision 13, clauses (a), (b), (c), (d), and (e), 122A 41, subdivisions 6, clauses (1), (2), and (3), and 7, or 626 556 The report must be made to the appropriate licensing board within ten days after the discharge, suspension, or resignation has occurred The licensing board to which the report is made must investigate the report for violation of subdivision 1 and the reporting board must cooperate in the investigation Notwithstanding any provision in chapter 13 or any law to the contrary, upon written request from the licensing board having jurisdiction over the teacher's license, a board or school superintendent shall provide the licensing board with information about the teacher from the district's files, any termination or disciplinary proceeding, any settlement or compromise, or any investigative file Upon written request from the appropriate licensing board, a board or school superintendent may, at the discretion of the board or school superintendent, solicit the written consent of a student and the student's parent to provide the licensing board with information that may aid the licensing board in its investigation and license proceedings The licensing board's request need not identify a student or parent by name The consent of the student and the student's parent must meet the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99 30 The licensing board may provide a consent form to the district Any data transmitted to any board under this section is 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

The licensing board to which a report is made must transmit to the attorney general's office any record or data it receives under this subdivision for the sole purpose of having the attorney general's office assist that board in its investigation When the attorney general's office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's license within 45 days of receiving a stipulation executed by the teacher under investigation or a recommendation from an administrative law judge that disciplinary action be taken

[For text of subd 3, see M S 1998]

**History:** 1998 c 398 art 5 s 55, 1999 c 201 s 1, 1999 c 241 art 9 s 10,11

### 122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.

Each application for the issuance, renewal, or extension of a license to teach and 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 board of teaching by rule. The processing fee for a teacher's license and for the licenses of supervisory personnel must be paid to the executive secretary of the board of teaching. The executive secretary of the board of teaching 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 board 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 board may waive or reduce fees for applicants who apply at the same time for more than one license.

**History:** 1999 c 241 art 9 s 12

### 122A.23 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 commissioner of children, families, and learning, 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. The diploma or degree must be 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:** 1998 c 398 art 5 s 55

### 122A.25 NONLICENSED COMMUNITY EXPERTS; VARIANCE.

Subdivision 1 **Authorization.** Notwithstanding any law or commissioner of children, families, and learning rule to the contrary, the board of teaching may allow school districts or charter schools to hire nonlicensed community experts to teach in the public schools or charter schools on a limited basis according to this section.

[For text of subds 2 and 3, see M S 1998]

**History:** 1998 c 398 art 5 s 55

### 122A.26 COMMUNITY EDUCATION TEACHERS; LICENSURE REQUIREMENTS.

[For text of subds 1 and 2, see M S 1998]

Subd 3 **English as a second language.** Notwithstanding subdivision 2, a person who possesses a bachelor's or master's degree in English as a second language, applied linguistics, or bilingual education, or who possesses a related degree as approved by the commissioner, shall be permitted to teach English as a second language in an adult basic education program that receives funding under section 124D 53.

**History:** 1999 c 205 art 4 s 2

### 122A.27 ALTERNATIVE PREPARATION LICENSING FOR ADMINISTRATORS.

Subdivision 1 **Requirements.** (a) A preparation program that is an alternative to a graduate program in education administration for public school administrators to acquire an entrance license is established. The program may be offered in any administrative field.

- (b) To participate in the alternative preparation program, the candidate must
- (1) have a master's degree in an administrative area,
  - (2) have been offered an administrative position in a school district, group of districts, or an education district approved by the commissioner of children, families, and learning to offer an alternative preparation licensure program,
  - (3) have five years of experience in a field related to administration, and
  - (4) document successful experiences working with children and adults
- (c) An alternative preparation license is of one year duration and is issued by the commissioner of children, families, and learning to participants on admission to the alternative preparation program

*[For text of subds 2 and 3, see M S 1998]*

Subd 4 **Approval for standard entrance license.** The resident mentorship team must prepare for the commissioner of children, families, and learning an evaluation report on the performance of the alternative preparation licensee during the school year and a positive or negative recommendation on whether the alternative preparation licensee shall receive a standard entrance license

Subd 5 **Standard entrance license.** The commissioner of children, families, and learning must issue a standard entrance license to an alternative preparation licensee who has successfully completed the school year in the alternative preparation program and who has received a positive recommendation from the licensee's mentorship team

*[For text of subd 6, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

## **122A.28 TEACHERS OF DEAF AND HARD-OF-HEARING STUDENTS; LICENSURE REQUIREMENTS.**

Subdivision 1 **K-12 license to teach deaf and hard-of-hearing students.** The board of teaching must review and determine appropriate licensure requirements for a candidate for a license or an applicant for a continuing license to teach deaf and hard-of-hearing students in prekindergarten through grade 12. In addition to other requirements, a candidate must demonstrate the minimum level of proficiency in American sign language as determined by the board

Subd 2 **Licensure for teaching oral/aural deaf education programs.** (a) The board of teaching shall adopt a separate licensure rule for a candidate for a license or an applicant for a continuing license to teach in oral/aural deaf education programs or to provide services, including itinerant oral/aural deaf education services, to deaf and hard-of-hearing students in prekindergarten through grade 12

(b) The board shall design rule requirements for teaching oral/aural deaf education in collaboration with representatives of parents and educators of deaf and hard-of-hearing students, post-secondary programs preparing teachers of deaf and hard-of-hearing students, and the department of children, families, and learning

(c) Rule requirements for teaching oral/aural deaf education shall reflect best practice research in oral/aural deaf education. Advanced competencies in teaching deaf and hard-of-hearing students through oral/aural modes shall be included

(d) Licensure requirements for teachers of oral/aural deaf education must include minimum competency in American sign language, but are not subject to the guidelines established in Laws 1993, chapter 224, article 3, section 32, as amended by Laws 1998, chapter 398, article 2, section 47. The signed communication proficiency interview shall not be required for teachers licensed to teach deaf and hard-of-hearing students through oral/aural deaf education methods

(e) Requirements for teachers of oral/aural deaf education shall include appropriate continuing education requirements for renewing this licensure

**History:** 1999 c 241 art 2 s 3

**122A.31 AMERICAN SIGN LANGUAGE/ENGLISH INTERPRETERS.**

Subdivision 1 **Requirements for American sign language/English interpreters.** In addition to any other requirements that a school district establishes, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must

(1) hold current interpreter and transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf, or a comparable state certification from the commissioner of children, families, and learning, and

(2) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution

Subd 2 **Oral or cued speech transliterators.** In addition to any other requirements that a school district establishes, any person employed to provide oral transliterating or cued speech transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must hold a current applicable transliterator certificate awarded by the national certifying association or comparable state certification from the commissioner of children, families, and learning

*[For text of subs 3 and 4, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

**122A.40 EMPLOYMENT; CONTRACTS; TERMINATION.**

*[For text of subs 1 to 4, see M S 1998]*

Subd 5 **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must 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 122A 44

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A 20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse

*[For text of subd 6, see M S 1998]*

Subd 7 **Termination of contract after probationary period.** A teacher who has completed a probationary period in any district, and who has not been discharged or advised of a refusal to renew the teacher's contract pursuant to subdivision 5, shall have a continuing contract with such district. Thereafter, the teacher's contract must 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 9 or July 1 upon one of the grounds specified in subdivision 10 or 11, or until the teacher is discharged pursuant to subdivision 13, or by the written resignation of the teacher submitted prior to April 1. 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 is 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 is 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 must 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. If the grounds are those specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration under subdivision 15. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board or an arbitrator 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 does not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

*[For text of subs 8 to 10, see M S 1998]*

**Subd 11 Unrequested leave of absence.** The 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 is effective at the close of the school year. In placing teachers on unrequested leave, the board is governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. A teacher who has acquired continuing contract rights must not 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 is negotiable,

(c) Notwithstanding the provisions of clause (b), a teacher is not 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 do 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 must 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 must be in the inverse order of placement on leave of absence. A teacher must not 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 is negotiable,

(f) Appointment of a new teacher must not 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 must 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 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate. 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 5 and 7 must 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 reemployment compensation if otherwise eligible.

*[For text of subd 12, see M S 1998]*

**Subd 13 Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds

(1) immoral conduct, insubordination, or conviction of a felony,

(2) conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties,

(3) failure without justifiable cause to teach without first securing the written release of the school board,

(4) gross inefficiency which the teacher has failed to correct after reasonable written notice,

(5) willful neglect of duty, or

(6) continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363 03, subdivision 5

Prior to discharging a teacher under this paragraph, the board must 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 in the hearing after charges have been filed which constitute ground for discharge

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A 20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse

*[For text of subs 14 and 15, see M S 1998]*

**Subd 16 Decision.** After the hearing, the board must issue a written decision and order. If the board orders termination of a continuing contract or discharge of a teacher, its decision must include findings of fact based upon competent evidence in the record and must 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 9, prior to July 1 for grounds specified in subdivision 10 or 11, 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 must be dismissed and the decision entered in the board minutes, and all references to such proceedings must be excluded from the teacher's record file.

*[For text of subs 17 to 19, see M S 1998]*

**History:** 1999 c 107 s 66, 1999 c 201 s 2,3, 1999 c 241 art 9 s 13-15

#### 122A.41 TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.

*[For text of subs 1 to 3, see M S 1998]*

**Subd 4 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 must not be discharged or demoted except for cause after a hearing.

A probationary teacher is deemed to have been reemployed for the ensuing school year, unless the school board in charge of such school gave such teacher notice in writing before July 1 of the termination of such employment.

*[For text of subd 5, see M S 1998]*

**Subd 6 Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must 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 must 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 paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

*[For text of subs 7 to 15, see M S 1998]*

**History:** 1999 c 201 s 4, 1999 c 241 art 9 s 16

#### 122A.46 EXTENDED LEAVES OF ABSENCE.

*[For text of subd 1, see M S 1998]*

**Subd 2 Leave of absence.** The board of any district may grant an extended leave of absence without salary to any full- or part-time elementary or secondary 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 and secondary schools. The duration of an extended leave of absence under this section must 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 under this section shall be taken by mutual consent of the board and the teacher. If the school board denies a teacher's request, it must provide reasonable justification for the denial.

*[For text of subs 3 to 9, see M S 1998]*

**History:** 1999 c 222 art 9 s 2

#### 122A.48 TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.

*[For text of subs 1 to 3, see M S 1998]*

**Subd 4 Reemployment compensation benefits.** Any amount of reemployment compensation benefits that the teacher receives and for which the district is required to pay into the reemployment compensation trust fund pursuant to section 268 052, subdivision 1, 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.

*[For text of subd 5, see M S 1998]*

**History:** 1999 c 107 s 66

#### 122A.58 COACHES, TERMINATION OF DUTIES.

**Subdivision 1 Termination; hearing.** Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the commissioner of children, families, and learning, the district must 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 commissioner. If a hearing is requested, the commissioner must hold a hearing within 25 days according to the hearing procedures specified in section 122A 40, subdivision 14, and the termination is final upon the order of the commissioner after the hearing.

**Subd 2 Final decision.** Within ten days after the hearing, the commissioner must issue a written decision regarding the termination. If the commissioner decides to terminate the employee's coaching duties, the decision must state the reason on which it is based and include findings of fact based upon competent evidence in the record. The commissioner 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.

*[For text of subs 3 and 4, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 122A.60 STAFF DEVELOPMENT PROGRAM.

**Subdivision 1 Staff development committee.** A school board must use the revenue authorized in section 122A 61 for in-service education for programs under section 120B 22, subdivision 2, or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators. Districts must report staff development results and expenditures to the commissioner in the form and manner determined by the commissioner. The expenditure report must include expenditures by the board for district level activities and expenditures made by the staff. The report must provide a breakdown of expenditures for (1) curriculum development and programs, (2) in-service education, workshops, and conferences, and (3) the cost of teachers or substitute teachers for staff development purposes. Within each of these categories, the report must also indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made pos-

sible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures are to be reported using the UFARS system. The commissioner shall report the staff development expenditure data to the education committees of the legislature by February 15 each year.

*[For text of subd 2, see M S 1998]*

**Subd 3 Staff development outcomes.** The advisory staff development committee must adopt a staff development plan for improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

(1) improve student achievement of state and local education standards in all areas of the curriculum by using best practices methods,

(2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings,

(3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan,

(4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district,

(5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution, and

(6) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

**History:** 1999 c 241 art 5 s 3, 1999 c 241 art 9 s 17

## **122A.61 RESERVED REVENUE FOR STAFF DEVELOPMENT.**

**Subdivision 1 Staff development revenue.** A district is required to reserve an amount equal to at least one percent of the basic revenue under section 126C 10, subdivision 2, for in-service education for programs under section 120B 22, subdivision 2, for staff development plans, including plans for challenging instructional activities and experiences under section 122A 60, and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B 22, subdivision 2, 122A 60, or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

*[For text of subd 2, see M S 1998]*

**History:** 1999 c 241 art 5 s 4

**122A.63 GRANTS TO PREPARE INDIAN TEACHERS.**

Subdivision 1 **Establishment.** A grant program is established to assist American Indian people to become teachers and to provide additional education for American Indian teachers. The commissioner may award a joint grant to each of the following:

- (1) the Duluth campus of the University of Minnesota and independent school district No. 709, Duluth,
- (2) Bemidji state university and independent school district No. 38, Red Lake,
- (3) Moorhead state university and one of the school districts located within the White Earth reservation, and
- (4) Augsburg college, independent school district No. 625, St. Paul, and special school district No. 1, Minneapolis.

Subd. 2 **Application.** To obtain a joint grant, a joint application must be submitted to the commissioner of children, families, and learning. The application must be developed with the participation of the parent advisory committee, established according to section 124D 78, and the Indian advisory committee at the post-secondary institution. The joint application shall set forth:

- (1) the in-kind, coordination, and mentorship services to be provided by the post-secondary institution, and
- (2) the coordination and mentorship services to be provided by the school district.

Subd. 3 **Review and comment.** The commissioner must submit the joint application to the Minnesota Indian scholarship committee for review and comment.

Subd. 4 **Grant amount.** The commissioner may award a joint grant in the amount it determines to be appropriate. The grant shall include money for the post-secondary institution, school district, student scholarships, and student loans.

*[For text of subd 5, see M S 1998]*

Subd. 6 **Eligibility for scholarships and loans.** The following Indian people are eligible for scholarships:

- (1) a student, including a teacher aide employed by a district receiving a joint grant, who intends to become a teacher and who is enrolled in a post-secondary institution receiving a joint grant,
- (2) a licensed employee of a district receiving a joint grant, who is enrolled in a master of education program, and
- (3) a student who, after applying for federal and state financial aid and an Indian scholarship according to section 124D 84, has financial needs that remain unmet. Financial need shall be determined according to the congressional methodology for needs determination or as otherwise set in federal law.

A person who has actual living expenses in addition to those addressed by the congressional methodology for needs determination, or as otherwise set in federal law, may receive a loan according to criteria established by the commissioner. A contract shall be executed between the state and the student for the amount and terms of the loan.

Subd. 7 **Loan forgiveness.** The loan may be forgiven if the recipient is employed as a teacher, as defined in section 122A 40 or 122A 41, in an eligible school or program in Minnesota. One-fourth of the principal of the outstanding loan amount shall be forgiven for each year of eligible employment, or a pro rata amount for eligible employment during part of a school year, part-time employment as a substitute teacher, or other eligible part-time teaching. Loans for \$2,500 or less may be forgiven at the rate of up to \$1,250 per year. The following schools and programs are eligible for the purposes of loan forgiveness:

- (1) a school or program operated by a school district,
- (2) a tribal contract school eligible to receive aid according to section 124D 83,
- (3) a head start program,
- (4) an early childhood family education program,
- (5) a program providing educational services to children who have not entered kindergarten, or

(6) a program providing educational enrichment services to American Indian students in grades kindergarten through 12

If a person has an outstanding loan obtained through this program, the duty to make payments of principal and interest may be deferred during any time period the person is enrolled at least one-half time in an advanced degree program in a field that leads to employment by a school district. To defer loan obligations, the person shall provide written notification to the commissioner of children, families, and learning and the recipients of the joint grant that originally authorized the loan. Upon approval by the commissioner and the joint grant recipients, payments shall be deferred.

The higher education services office shall approve the loan forgiveness program, loan deferral, and procedures to administer the program.

**Subd 8 Revolving fund.** The Indian teacher preparation loan repayment revolving account is established in the state treasury. Any amounts repaid or contributed by a teacher who received a scholarship or loan under this program shall be deposited in the account. All money in the account is annually appropriated to the commissioner of children, families, and learning and shall be used to enable Indian students to participate in the program.

**History:** 1998 c 398 art 5 s 55

### 122A.65 MINORITY TEACHER INCENTIVES.

**Subdivision 1 Eligible district.** A district is eligible for reimbursement under this section if the district has

- (1) a minority enrollment of more than ten percent, or
- (2) a desegregation/integration plan approved by the commissioner of children, families, and learning to provide equal educational opportunities for all students.

*[For text of subs 2 to 4, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

### 122A.72 TEACHER CENTERS.

*[For text of subs 1 to 3, see M S 1998]*

**Subd 4 Policy board powers and duties.** The policy board shall develop policy, designate a fiscal agent, adopt a budget, expend funds to accomplish the purposes of the center, contract for technical and other assistance, and perform other managerial or supervisory activities consistent with the rules of the commissioner of children, families, and learning. The policy board may employ staff or contract with consultants for services.

*[For text of subd 5, see M S 1998]*

**History:** 1998 c 398 art 5 s 55