

## CHAPTER 125

## TEACHERS

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125.01 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]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.

[*Ex1959 c 71 art 6 s 1*]

125.02 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]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.

[*Ex1959 c 71 art 6 s 2*]

125.03 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.03 TEACHERS, DEFINITION, CERTIFICATION.** Subdivision 1. The term "teachers" for the purpose of certification, 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, librarians and the county superintendents of schools.

Subd. 2. The teacher elected as county superintendent shall hold a valid certificate as required by the state board of education.

Subd. 3. Any county superintendent of schools elected for a term beginning on or before the first Monday in January, 1959, shall be deemed eligible for reelection.

[*1959 c 700 s 3-5; Ex1959 c 71 art 6 s 3*]

125.04 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.04 QUALIFIED TEACHER DEFINED.** A qualified teacher is one holding a valid certificate from the state board, as hereinafter provided, to perform the particular service for which he is employed in a public school.

[*Ex1959 c 71 art 6 s 4*]

125.05 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.05 STATE BOARD TO ISSUE CERTIFICATES.** The authority to certify teachers is vested in the state board. Certificates shall be issued to such persons as the state board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the state board under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commissioner shall issue certificates to any qualified blind graduates of a school of education.

[*Ex1959 c 71 art 6 s 5*]

125.06 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.06 APPLICANTS TRAINED IN OTHER STATES.** When a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or of the university of Minnesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the state board, 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 college or the university of Minnesota or a liberal arts college in Minnesota or a technical training institution, as preliminary to the granting of a diploma or a degree of the same rank and class.

[*Ex*1959 c 71 art 6 s 6; 1965 c 196 s 1]

125.061, 125.062 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.065, 125.066 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.07 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.07 DURATION AND RENEWAL OF CERTIFICATES.** Subdivision 1. **Expiration and renewal.** All certificates, except as herein provided, shall bear the date of issue and expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years upon satisfactory evidence produced to the state board of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects for which the certificate is valid. On less than one school year's teaching experience, the certificate may be renewed for a period sufficient to enable the holder to meet the requirements for a regular renewal. Any person who applies for the issuance or renewal of a teachers' certificate and who possesses the training prescribed by law or regulation, but who has not at any time during the five-year period immediately preceding, been employed in the type of teaching for which the certificate is valid, may be required to furnish evidence of appropriate training in an accredited teacher training institution within such period, but not in excess of 12 weeks' work.

Subd. 2. **Permanent certificates.** If the holder of a five-year certificate shall present to the state board satisfactory evidence that he has actually and successfully taught in the public schools of the state for not less than five years, the board may issue to him a permanent certificate, of the same class and kind as his five-year certificate, which shall be valid unless and until suspended or revoked. The permanent certificate may be issued only to a teacher actually employed in the public schools of the state, or who has been so employed at any time during the two-year period immediately preceding the date of application, and no permanent certificate shall be issued to a teacher who holds only an elementary school limited certificate, or a vocational, recreational, or adult education certificate.

Subd. 3. **Elementary limited certificates; expiration and renewal.** An elementary school limited certificate shall bear the date of issue and expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years, under conditions prescribed by the state board.

[*Ex*1959 c 71 art 6 s 7]

125.08 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.08 TEACHERS' CERTIFICATES, FEES.** Each application for the issuance, renewal, or extension of a certificate to teach shall be accompanied by a non-refundable fee of \$5. Such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the state auditor the amount of fees collected.

[*Ex*1959 c 71 art 6 s 8; 1967 c 217 s 1]

125.09 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.09 SUSPENSION OR REVOCATION OF CERTIFICATES.** Subdivision 1. **Grounds for revocation.** The state board may, on the written complaint of the board employing a teacher, or of the superintendent of the county where such teacher is employed, or of the commissioner, which complaint shall specify generally the nature and character of the charges, suspend or revoke such teacher's certificate or 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 his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- (4) A violation of the professional code of ethics, when, in the determination of the state board, in consultation with the commission, such violation constitutes gross misconduct.

Subd. 2. **Hearing on charges.** The commissioner shall, within 10 days after the filing of the complaint, serve a copy thereof upon the teacher in person or by registered mail addressed to such teacher at his last known address and such

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*or of another teacher in the school district*

teacher shall, within 10 days after the service of such copy upon him, file with the state board his answer to the charges specified. The commissioner shall thereupon fix in writing a time for a hearing upon the complaint, and serve a copy thereof on the teacher. Such hearing shall be conducted by the state board or by the commissioner or assistant commissioner, as the rules of the state board may provide, unless the complaint is filed by the commissioner, in which case it shall be conducted by the state board or a member thereof designated by the state board. In the case of a complaint of a violation of the professional code of ethics, the hearing shall be conducted by the professional teaching practices commission unless the teacher charged requests otherwise. The hearing shall be held in the office of the state board unless the teacher at the time of filing his answer shall file therewith a written demand that the hearing be held in the county seat of the county wherein he is employed, in which case it shall be held at such county seat. Such hearing shall be either private or public, as the teacher may elect, and the teacher shall have the right to appear in person and by counsel and produce evidence thereat. All witnesses shall be sworn before testifying and the official conducting such hearing is hereby authorized to administer the oath prescribed by law for witnesses in judicial proceedings. A record in writing shall be made of the proceedings and of all evidence produced thereat and forthwith filed with the state board upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

**Subd. 3. Decision by state board.** Upon concluding such hearing, if conducted by the state board, or the filing of such report, if conducted by the commissioner, deputy commissioner, member of the state board, or the professional teaching practices commission, the state board shall consider the same and make its decision within 30 days from the date of such hearing. The report of a hearing conducted by the professional teaching practices commission shall also include the findings and recommendation of such commission. In case of suspension or revocation, the order of the state board shall fix the date at which suspension or revocation becomes effective and, in case of suspension, the duration thereof, and notice thereof shall forthwith be given in writing to the teacher and to the school board by which he is employed.

The action of the state board shall be final and all orders of suspension or revocation shall be included in the certificate records of the department.

[*Ex1959 c 71 art 6 s 9; Ex1967 c 25 s 6*]

125.091 M.S. 1957 [Renumbered 129.01]

125.095 M.S. 1957 [Renumbered 129.02]

125.096 M.S. 1957 [Renumbered 129.03]

125.097 M.S. 1957 [Renumbered 129.04]

125.098 M.S. 1957 [Renumbered 129.05]

125.10 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.10 OUTSTANDING CERTIFICATES NOT IMPAIRED.** No provision or regulation 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.

[*Ex1959 c 71 art 6 s 10*]

125.11 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.11 RECORDING OF CERTIFICATES; COUNTY AND DISTRICT SUPERINTENDENT.** No person shall be accounted a qualified teacher until such person has filed for record with the county or local superintendent of schools where such person intends to teach a certificate, or certified copy thereof, authorizing such person to teach school in such county or local school system.

[*Ex1959 c 71 art 6 s 11*]

125.12 M.S. 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 certificate from the state department shall be deemed to be a "teacher" within the meaning of this section.

**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 employment shall be by written contract, signed by the teacher and by the chairman and clerk. Contracts for teaching or supervision of teaching can be made only with qualified teachers. Such contract shall specify the wages per year and the general assignment of the teacher.

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

**Subd. 4. Termination of contract after probationary period.** A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board, upon one of the grounds specified in subdivision 6, or by the written resignation of the teacher, before April 1, or until the teacher is discharged pursuant to subdivision 8. Contracts for probationary teachers to be rehired and for teachers who have a continuing contract hereunder shall be submitted to those teachers no later than March 20th of the school year preceding the school year to which they apply. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

**Subd. 5. Retirement.** Notwithstanding the foregoing provisions, a board may provide by rule that its teachers shall be retired at age 65.

**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 his educational effectiveness;
- (d) Other good and sufficient grounds rendering the teacher unfit to perform his duties; or
- (e) Discontinuance of position, lack of pupils, or merger of classes caused by consolidation of districts or otherwise, provided that in the event of a consolidation of school districts, continuing-contract teachers on the staffs of participating districts shall be retained on the staff of the consolidated district in positions for which they are qualified under state law and state board regulations to the extent that such positions exist.

A contract shall not be terminated upon one of the grounds specified in clauses (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. 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 him, 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 his unused accumulated sick leave, and after it is exhausted, the district may in its discretion pay him additional benefits. The teacher shall be reinstated to his position upon evidence from such a physician that he has made sufficient recovery and is capable of resuming performance of his duties in a proper manner. In the event that the teacher does not qualify for reinstatement within twelve months after the date of suspension, his 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 his 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 Laws 1967, Chapter 890, shall be held upon appropriate and timely notice to the teacher, and shall be private or public at the discretion of the teacher. At the hearing, the board and the teacher may each be represented by counsel at its or his 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 re-

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porter 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, 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.

[*Ex1959 c 71 art 6 s 12; 1963 c 450 s 1; 1967 c 890 s 1*]

125.13 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.13 **EXCHANGE TEACHERS.** Subdivision 1. A person holding a certificate 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.

[*Ex1959 c 71 art 6 s 13*]

125.14 M.S. 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 he or she may receive conditioned upon attending summer school.

[*Ex1959 c 71 art 6 s 14*]

125.15 M.S. 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. He shall also keep such record of department 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 fifteen years, and between fifteen and twenty-one years, and the names of all paying tuition. In districts maintaining ungraded elementary schools only the teacher shall return such register, properly kept, to the clerk within ten days after the close of the school year.

[*Ex1959 c 71 art 6 s 15*]

125.16 M.S. 1941 [Repealed, 1945 c 373 s 2]

125.16 **TEACHERS' REPORTS.** Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or secondary schools, shall, within ten days after the close of the school term, make his report to the county superintendent upon blanks furnished by the superintendent, giving such information as may be called for in the blank, checking with a cross (X) the names of all pupils who are not eligible for apportionment. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In districts in more than one county a report shall be made according to rules established by the state board. The teachers, principals, and superintendents in districts maintaining graded elementary or secondary schools shall make such reports as may be required by law or the rules of the state or local board under like penalty.

[*Ex1959 c 71 art 6 s 16*]

125.165 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

125.17 M.S. 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 certificated 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.

**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 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 re-employed shall continue in service and hold their respective position during good behavior and efficient and competent service and shall not be discharged or demoted except for cause after a hearing.

Any probationary teacher shall be deemed to have been re-employed for the ensuing school year, unless the school board in charge of such school shall give such teacher notice in writing before April 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 registered mail addressed to such teacher at his 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.** 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 she 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.

[*Ex1959 c 71 art 6 s 17; 1961 c 720 s 1*]

125.18 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.18 SABBATICAL LEAVE FOR SCHOOL TEACHERS.** Subdivision 1. A teacher who holds a certificate 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, he shall return to his 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.

[*Ex1959 c 71 art 6 s 18*]

125.181 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.181 PROFESSIONAL PRACTICES; INTENT.** The purpose of Extra Session Laws 1967, Chapter 25, 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.

[*Ex1967 c 25 s 1*]

125.182 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.182 DEFINITIONS.** Subdivision 1. For the purpose of Extra Session Laws 1967, Chapter 25, the words, phrases and terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Teacher" means a superintendent, principal, supervisor, classroom teacher, or other similar professional employee required to hold a certificate from the state department of education.

Subd. 3. "Commission" means the professional teaching practices commission.

Subd. 4. "State board" means the state board of education.

[*Ex1967 c 25 s 2*]



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**125.183** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.183 MEMBERSHIP.** Subdivision 1. A professional teaching practices commission consisting of 12 members is hereby established. Each member shall be appointed by the governor for a four year term and serve until his successor is duly appointed and qualified. No member shall be reappointed for more than one additional term. A vacancy during the term of a member shall be filled by the governor for the unexpired term.

Subd. 2. Of the first members appointed, three shall be appointed for a term ending the first Monday in January 1968; three shall be appointed for a term ending the first Monday in January 1969; three shall be appointed for a term ending the first Monday in January 1970; and three shall be appointed for a term ending the first Monday in January 1971. Thereafter each member shall be appointed for a full four year term.

Subd. 3. To be eligible for appointment to the commission a person must be fully certificated for the position he holds and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The commission shall be composed of four elementary school classroom teachers, four secondary classroom teachers, three school administrators, one of whom shall be a superintendent, one of whom shall be an elementary school administrator, one of whom shall be a secondary school administrator, and one other teacher.

[*Ex*1967 c 25 s 3]

**125.184** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.184 MEETINGS.** Subdivision 1. The commission shall meet regularly at quarterly intervals at the seat of government and at such other times and places as the commission shall determine. Meetings shall be called by the chairman or at the written request of any six members. Each member shall be reimbursed for travel, subsistence and other reasonable expenses incurred in the performance of his duties in the same manner and in the same amounts as other state officers and employees are reimbursed.

Subd. 2. The commissioner of education, in his discretion, may assign such persons as may be required to perform clerical and professional assistance to the commission.

[*Ex*1967 c 25 s 4]

**125.185** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.185 DUTIES.** Subdivision 1. The commission shall, after public hearings, develop a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance.

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

Subd. 3. In the case of a complaint under section 125.09, the commission shall conduct the hearing if the complaint is based upon an alleged violation of the professional code of ethics, except that, upon request of the teacher against whom the charges are brought, such hearing shall be held in the manner otherwise provided in section 125.09.

Subd. 4. The commission shall elect a chairman and such other officers as it may deem necessary.

[*Ex*1967 c 25 s 5]

**125.186** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.19** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.19 ORGANIZATION AND REPRESENTATION; STATEMENT OF POLICY.** Teaching is recognized as a profession and the relationship between the school boards of the state and the teachers employed by them is hereby recognized as a professional relationship. The laws of the state have vested in the elected school board members the full power to manage, control and direct the operations of the public schools. It is acknowledged that teachers are academically trained and are dedicated to a high calling which puts the well being of their students foremost. Teachers share in the overall concern for public education. It is, therefore, the policy of this state to encourage closer cooperation between school boards and certificated school personnel by providing teacher participation in discussions leading to the formulation and implementation of public education policies affecting the conditions of their employment and the practice of their profession.

[1967 c 633 s 1]

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**125.20** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.20 DEFINITIONS.** Subdivision 1. For the purpose of sections 125.19 to 125.26 the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Teacher" means any certificated person defined in section 125.12 subdivision 1, except superintendent.

Subd. 3. "Teacher organization" means any organization or labor union or part of such organization which includes only teachers of a public school as members.

Subd. 4. "Teacher organization member" shall be any teacher employed by the school district who upon payment of any prescribed dues shall have full rights and privileges of membership in the teacher organization on the date of verification and is in all respects a member in good standing.

Subd. 5. "Conditions of professional services" means economic aspects relating to terms of employment, but does not mean educational policies of the district.

[1967 c 633 s 2]

**125.21** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.21 RIGHT TO FORM OR JOIN ORGANIZATIONS.** Subdivision 1. Teachers shall have the right to form and join teacher organizations, and shall have the right not to form or join such organizations. It is unlawful to discharge or otherwise discriminate against any teacher for the exercise of such rights. It is unlawful for any person or group of persons, either directly or indirectly, to intimidate or coerce any teacher to join or to refrain from joining any teacher organization.

Subd. 2. Nothing contained in sections 125.19 to 125.26 shall be construed to limit, impair or affect the right of any teacher to the expression or communication of a view, grievance, complaint or opinion on any matter to the board regardless of the existence of a teacher organization or council in the district, so long as the same is not designed to and does not interfere with the full and faithful and proper performance of the duties of employment; nor shall it be construed to require any teacher to perform services against his will.

[1967 c 633 s 3]

**125.22** M.S. 1949 [Repealed, 1953 c 50 s 2]

**125.22 TEACHER ORGANIZATION RECOGNITION.** Subdivision 1. The school boards of the state shall grant recognition to teacher organizations which request such recognition according to the requirements of this section.

Subd. 2. Where a single teacher organization has as members teachers of the district, the board shall recognize that organization as the representative of those teachers.

Subd. 3. When more than one teacher organization has as members teachers employed in the district, the board shall grant recognition to a committee of five teachers selected by these organizations on a proportionate basis determined by membership. The committee shall be known as the teachers' council and consist only of teachers employed by the district. Each teacher organization shall be entitled to appoint such number to the council which bears, as nearly as practicable, the same ratio as the total membership of the appointing organization bears to the combined membership of teacher organizations to be represented on the council. Recognition shall not, however, preclude any rights of any teacher as provided in section 125.21, subdivision 2.

Subd. 4. Each teacher organization shall adopt procedures for selecting its proportionate share of members of the teacher council providing that such members shall be selected no later than October 31 of each school year. Within ten days after October 31, the members of the teachers' council shall meet and select a chairman from among its own members, and thereafter such teachers' council shall be legally constituted to meet and confer at reasonable times with the school board or committee thereof. The council shall be empowered to adopt rules and procedures for its own operation, provided, however, no rule or procedure which precludes any council member's attendance at any meeting between the council and the board shall be valid. Any teacher organization entitled to membership on the council which fails to name members by October 31 or refrains from participating on the council shall forfeit the right to membership on the council until the following October 31.

[1967 c 633 s 4]

**125.23** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.23 DUTY TO MEET AND CONFER.** The school board or a committee

thereof which may include its representative shall meet and confer at reasonable times with the recognized teacher organization or teacher's council which may include their representative regarding conditions of professional service, as well as educational and professional policies, relationships, grievance procedures, and other matters as apply to teachers. With respect to conditions of professional service the parties shall meet and confer in an effort to reach agreement. With respect to all other matters, the parties shall meet and confer in order to afford a reasonable opportunity for the expression of views and the exchange of information. When agreement is reached concerning conditions of professional services the board shall implement the agreement in the form of a resolution or by direction to any administrative officer as may be appropriate.

[1967 c 633 s 5]

125.24 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.24 SCHOOL BOARD POLICIES.** Each school board shall adopt, in a manner consistent with sections 125.19 to 125.26, policy guides establishing procedures for, but not limited to, meeting and conferring and for verifying the number of teachers employed by the school district who are members in good standing of teacher organizations on the date of verification. Such verification shall be made by the president or other authorized officer of the teacher organization and on his signature.

[1967 c 633 s 6]

125.25 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.25 ADJUSTMENT PANEL.** Subdivision 1. If any matter regarding conditions of professional service is not agreed upon through meetings with the school board, the school board shall set up an adjustment panel at the request of the recognized teacher organization, teachers' council, or at its own instance, provided such request is made prior to March 1 of each school year.

Subd. 2. One of the panel members shall be selected by the recognized teacher organization or council if one exists pursuant to section 125.22, one by the school board, and the two so selected shall select a third member. If after five days the two members cannot agree upon the third member, the senior or presiding judge of the district court of the county in which the district's main administration office is located shall appoint such third member. Such appointment shall be made upon application by either of the appointed members in writing by giving five days notice thereof in writing to the other member. If one of the parties fails or refuses to appoint a member to the panel, such member shall be appointed by the senior or presiding judge of the district court in the same manner as the third member is appointed, upon application by a panel member in writing upon five days notice in writing to the party so failing or refusing.

Subd. 3. Each member of the panel shall be compensated for all necessary expenses by the party he represents. The third member of the panel shall be compensated equally by the parties involved at the rate of \$50 for each day or part of a day the hearing is held, and all other necessary expenses except as may be otherwise agreed to by the parties.

Subd. 4. The panel shall meet within eight days after the appointment of a third member. The parties shall attempt to provide agreement of matters relating to conditions of professional service through informal conferences. If agreement can be found through conferences between the parties with the aid and assistance of the adjustment panel prior to April 1 of each school year, it shall be so adjusted and the school board shall implement the agreement in the form of a resolution. If the results of the conferences are not satisfactory to all parties concerned, the panel, upon request of either party, shall afford the parties a full hearing, after which the panel shall make their findings, a copy of which shall be sent within 15 days to each of the parties involved and to the commissioner of education.

[1967 c 633 s 7]

125.26 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

**125.26 SCHOOL BOARD AUTHORITY AND DUTIES, LIMITATIONS.** Subdivision 1. Nothing in sections 125.19 to 125.26 shall be construed to diminish or enlarge the authority of school boards as expressly granted to the school boards by the legislature in chapters 120 to 129 inclusive.

Subd. 2. Only those duties of the school board as expressly stated in sections 125.23, 125.24 and 125.25 are hereby conferred upon the school boards by sections

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125.19 to 125.26 and nothing in sections 125.19 to 125.26 shall be construed so as to require school boards to do other than expressly stated in said sections.

[1967 c 633 s 8]

- 125.27 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.28 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.29 M.S. 1953 [Repealed, 1957c 947 art 9 s 9]
- 125.30 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.31 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.32 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.325 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.33 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
- 125.34 M.S. 1957 [Renumbered 129.06]
- 125.35 M.S. 1957 [Renumbered 129.07]
- 125.36 M.S. 1957 [Renumbered 129.08]
- 125.37 M.S. 1957 [Renumbered 129.09]
- 125.38 M.S. 1957 [Renumbered 129.10]
- 125.46 M.S. 1957 [Renumbered 129.11]
- 125.51 M.S. 1957 [Renumbered 129.12]