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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3034**

February 18, 2010

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The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight

1.1 A bill for an act
1.2 relating to education; authorizing suspensions without pay for teachers charged
1.3 with felonies; amending Minnesota Statutes 2008, section 122A.40, subdivision
1.4 13.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 122A.40, subdivision 13, is amended to
1.7 read:

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

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

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

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

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

1.18 (5) willful neglect of duty; or

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

1.21 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
1.22 discriminatory practice described in section 363A.13.

1.23 Prior to discharging a teacher under this paragraph, the board must notify the
1.24 teacher in writing and state its ground for the proposed discharge in reasonable detail.

2.1 Within ten days after receipt of this notification the teacher may make a written request
2.2 for a hearing before the board and it shall be granted before final action is taken. The
2.3 board may, ~~however,~~ suspend a teacher with pay pending the conclusion of ~~such the~~
2.4 hearing and determination of the issues raised in the hearing after charges have been
2.5 filed which constitute ground for discharge. However, if a teacher has been charged with
2.6 a felony and the underlying conduct that is the subject of the felony charge serves as a
2.7 ground for a proposed discharge, the suspension pending the conclusion of the hearing
2.8 and determination of the issues raised therein may be without pay. If a hearing under this
2.9 section is held, the board must reimburse the teacher for any salary or compensation
2.10 withheld if the final decision of the board or the arbitrator does not result in imposition of
2.11 a penalty on or suspension, termination, or discharge of the teacher.

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

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.