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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3585**

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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; establishing a due process for charter school teachers
1.3 facing discipline or discharge; prohibiting a charter school from punishing a
1.4 teacher who reports violations of law or school policy; amending Minnesota
1.5 Statutes 2009 Supplement, section 124D.10, subdivision 11.

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

1.7 Section 1. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 11,
1.8 is amended to read:

1.9 Subd. 11. **Employment and other operating matters.** (a) A charter school must
1.10 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,
1.11 who hold valid licenses to perform the particular service for which they are employed in
1.12 the school. The charter school's state aid may be reduced under section 127A.43 if the
1.13 school employs a teacher who is not appropriately licensed or approved by the board of
1.14 teaching. The school may employ necessary employees who are not required to hold
1.15 teaching licenses to perform duties other than teaching and may contract for other services.

1.16 (b) A teacher's initial employment contract must be in writing, include terms and
1.17 conditions of employment, and be signed by the employee and the charter school board of
1.18 directors. The school may discharge or discipline teachers and nonlicensed employees
1.19 for just cause. ~~The charter school board is subject to section 181.932. When offering~~
1.20 employment to a prospective employee, a charter school must give that employee a written
1.21 description of the terms and conditions of employment and the school's personnel policies.
1.22 A charter school must give a teacher written notice of its intent to discharge or discipline
1.23 that teacher. A teacher who is discharged or disciplined may make a written request to the
1.24 charter school for a hearing before an arbitrator within 14 calendar days after receiving
1.25 notice of the discharge or discipline. A charter school, within two business days after

2.1 receiving the teacher's request for a hearing, must request from the Bureau of Mediation
 2.2 Services a list of five persons to serve as an arbitrator. The teacher and the charter school
 2.3 shall alternately strike names from the list until the name of one arbitrator remains. The
 2.4 question of who strikes first must be decided by a coin toss. The teacher and the charter
 2.5 school must share equally in the arbitrator's costs and fees.

2.6 (c) The charter school board of directors shall not discharge, discipline, threaten or
 2.7 discriminate against, or penalize an employee regarding the employee's compensation,
 2.8 terms or conditions of work, or location or privileges of employment because the
 2.9 employee, or a person acting on the employee's behalf, reports information in good faith
 2.10 to the department, the state of Minnesota, a local law enforcement agency, the charter
 2.11 school board, or a school administrator concerning the school's financial circumstances,
 2.12 educational performance, a conflict of interest, or other violation of law or school policy.
 2.13 Reasonable attorney fees must be awarded to a substantially prevailing employee if action
 2.14 is taken that violates this paragraph.

2.15 ~~(b)~~ (d) A person, without holding a valid administrator's license, may perform
 2.16 administrative, supervisory, or instructional leadership duties. The board of directors shall
 2.17 establish qualifications for persons that hold administrative, supervisory, or instructional
 2.18 leadership roles. The qualifications shall include at least the following areas: instruction
 2.19 and assessment; human resource and personnel management; financial management;
 2.20 legal and compliance management; effective communication; and board, authorizer, and
 2.21 community relationships. The board of directors shall use those qualifications as the basis
 2.22 for job descriptions, hiring, and performance evaluations of those who hold administrative,
 2.23 supervisory, or instructional leadership roles. The board of directors and an individual
 2.24 who does not hold a valid administrative license and who serves in an administrative,
 2.25 supervisory, or instructional leadership position shall develop a professional development
 2.26 plan. Documentation of the implementation of the professional development plan of these
 2.27 persons shall be included in the school's annual report.

2.28 ~~(e)~~ (e) The board of directors also shall decide matters related to the operation of the
 2.29 school, including budgeting, curriculum and operating procedures.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment
 2.31 and applies to all charter school agreements entered into or modified after that date.