

1.1 A bill for an act

1.2 relating to education; creating five-year contract terms for teachers after
1.3 probationary period; amending Minnesota Statutes 2008, sections 122A.40,
1.4 subdivision 7; 122A.41, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2008, section 122A.40, subdivision 7, is amended to
1.7 read:

1.8 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who
1.9 has completed a probationary period in any district, and who has not been discharged or
1.10 advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have
1.11 a ~~continuing~~ five-year contract with such district where contract terms and conditions,
1.12 including salary and salary increases, are established based either on the length of the
1.13 school calendar or an extended school calendar under section 120A.415. Thereafter, the
1.14 teacher's contract must remain in full force and effect for the duration of the contract,
1.15 except as modified by mutual consent of the board and the teacher, until terminated by a
1.16 majority roll call vote of the full membership of the board prior to April 1 upon one of
1.17 the grounds specified in subdivision 9 or July 1 upon one of the grounds specified in
1.18 subdivision 10 or 11, or until the teacher is discharged pursuant to subdivision 13, or by
1.19 the written resignation of the teacher submitted prior to April 1. If an agreement as to the
1.20 terms and conditions of employment for the succeeding school year has not been adopted
1.21 pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's
1.22 right of resignation is extended to the 30th calendar day following the adoption of said
1.23 contract in compliance with section 179A.20, subdivision 5. Such written resignation by

S.F. No. 1573, as introduced - 86th Legislative Session (2009-2010) [09-2069]

2.1 the teacher is effective as of June 30 if submitted prior to that date and the teachers' right
2.2 of resignation for the school year then beginning shall cease on July 15.

2.3 (b) At the conclusion of a contract period, another five-year contract with the
2.4 teacher may or may not be renewed as the school board shall see fit. However, the board
2.5 must give any such teacher whose contract it declines to renew for the next five-year
2.6 period written notice to that effect before July 1. If the teacher requests reasons for any
2.7 nonrenewal of a teaching contract, the board must give the teacher its reason in writing
2.8 within ten days after receiving such request.

2.9 (c) Before a teacher's contract is terminated by the board, the board must notify
2.10 the teacher in writing and state its ground for the proposed termination in reasonable
2.11 detail together with a statement that the teacher may make a written request for a hearing
2.12 before the board within 14 days after receipt of such notification. If the grounds are
2.13 those specified in subdivision 9 or 13, the notice must also state a teacher may request
2.14 arbitration under subdivision 15. Within 14 days after receipt of this notification the
2.15 teacher may make a written request for a hearing before the board or an arbitrator and it
2.16 shall be granted upon reasonable notice to the teacher of the date set for hearing, before
2.17 final action is taken. If no hearing is requested within such period, it shall be deemed
2.18 acquiescence by the teacher to the board's action. Such termination shall take effect at the
2.19 close of the school year in which the contract is terminated in the manner aforesaid. Such
2.20 contract may be terminated at any time by mutual consent of the board and the teacher
2.21 and this section does not affect the powers of a board to suspend, discharge, or demote
2.22 a teacher under and pursuant to other provisions of law.

2.23 ~~(b)~~ (d) A teacher electing to have a continuing five-year contract based on the
2.24 extended school calendar under section 120A.415 must participate in staff development
2.25 training under subdivision 7a and shall receive an increased base salary.

2.26 Sec. 2. Minnesota Statutes 2008, section 122A.41, subdivision 4, is amended to read:

2.27 Subd. 4. **Period of service after probationary period; discharge or demotion.**

2.28 (a) After the completion of such probationary period, without discharge, such teachers
2.29 as are thereupon reemployed shall continue in service and hold their respective position
2.30 during good behavior and efficient and competent service for a period of five years and
2.31 must not be discharged or demoted during that period except for cause after a hearing.

2.32 The terms and conditions of a teacher's employment contract, including salary and salary
2.33 increases, must be based either on the length of the school year or an extended school
2.34 calendar under section 120A.415.

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

3.4 (c) A teacher electing to have an employment contract based on the extended school
3.5 calendar under section 120A.415 must participate in staff development training under
3.6 subdivision 4a and shall receive an increased base salary.

3.7 (d) At the conclusion of a contract period, another five-year contract with the
3.8 teacher may or may not be renewed as the school board shall see fit. However, the board
3.9 must give any such teacher whose contract it declines to renew for the next five-year
3.10 period written notice to that effect before July 1. If the teacher requests reasons for any
3.11 nonrenewal of a teaching contract, the board must give the teacher its reason in writing
3.12 within ten days after receiving such request.

3.13 Sec. 3. **REVISOR'S INSTRUCTION.**

3.14 The revisor of statutes shall change the term "continuing contract" or similar terms
3.15 to "five-year contract" of similar terms wherever they appear in Minnesota Statutes,
3.16 chapters 120A to 129, and Minnesota Rules when referring to contracts regulated under
3.17 Minnesota Statutes, chapters 120A to 129. The revisor shall also make grammatical
3.18 changes related to the change in terms.