

1.1 ..... moves to amend H.F. No. 2397, the delete everything amendment  
1.2 (H2397DE1), as follows:

1.3 Page 73, after line 25, insert:

1.4 "Sec. 13. Minnesota Statutes 2012, section 122A.40, subdivision 13, is amended to read:

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

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

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

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

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

1.15 (5) willful neglect of duty; or

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

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

1.20 Prior to discharging a teacher under this paragraph, the board must notify the teacher  
1.21 in writing and state its ground for the proposed discharge in reasonable detail. Within  
1.22 ten days after receipt of this notification the teacher may make a written request for a  
1.23 hearing before the board and it shall be granted before final action is taken. The board  
1.24 may suspend a teacher with pay pending the conclusion of the hearing and determination  
1.25 of the issues raised in the hearing after charges have been filed which constitute ground for  
1.26 discharge. If a teacher has been charged with a felony and the underlying conduct that  
1.27 is the subject of the felony charge is a ground for a proposed immediate discharge, the

2.1 suspension pending the conclusion of the hearing and determination of the issues may be  
2.2 without pay. If a hearing under this paragraph is held, the board must reimburse the teacher  
2.3 for any salary or compensation withheld if the final decision of the board or the arbitrator  
2.4 does not result in a penalty to or suspension, termination, or discharge of the teacher.

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

2.8 (c) When a teacher is discharged under paragraph (b) or when the commissioner  
2.9 makes a final determination of child maltreatment involving a teacher under section  
2.10 626.556, subdivision 11, the school principal or other person having administrative  
2.11 control of the school must include in the teacher's employment record the information  
2.12 contained in the record of the disciplinary action or the final maltreatment determination,  
2.13 consistent with the definition of public data under section 13.41, subdivision 5, and must  
2.14 provide the Board of Teaching and the licensing division at the department with the  
2.15 necessary and relevant information to enable the Board of Teaching and the department's  
2.16 licensing division to fulfill their statutory and administrative duties related to issuing,  
2.17 renewing, suspending, or revoking a teacher's license. Information received by the Board  
2.18 of Teaching or the licensing division at the department under this paragraph is governed  
2.19 by section 13.41 or other applicable law governing data of the receiving entity. In addition  
2.20 to the background check required under section 123B.03, a school board or other school  
2.21 hiring authority must contact the Board of Teaching and the department to determine  
2.22 whether the teacher's license has been suspended or revoked, consistent with the discharge  
2.23 and final maltreatment determinations identified in this paragraph.

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

2.25 Sec. 14. Minnesota Statutes 2012, section 122A.41, subdivision 6, is amended to read:

2.26 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided  
2.27 in paragraph (b), causes for the discharge or demotion of a teacher either during or after  
2.28 the probationary period must be:

2.29 (1) immoral character, conduct unbecoming a teacher, or insubordination;

2.30 (2) failure without justifiable cause to teach without first securing the written release  
2.31 of the school board having the care, management, or control of the school in which the  
2.32 teacher is employed;

2.33 (3) inefficiency in teaching or in the management of a school, consistent with  
2.34 subdivision 5, paragraph (b);

3.1 (4) affliction with active tuberculosis or other communicable disease must be  
3.2 considered as cause for removal or suspension while the teacher is suffering from such  
3.3 disability; or

3.4 (5) discontinuance of position or lack of pupils.

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

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

3.10 (c) When a teacher is discharged under paragraph (b) or when the commissioner  
3.11 makes a final determination of child maltreatment involving a teacher under section  
3.12 626.556, subdivision 11, the school principal or other person having administrative  
3.13 control of the school must include in the teacher's employment record the information  
3.14 contained in the record of the disciplinary action or the final maltreatment determination,  
3.15 consistent with the definition of public data under section 13.41, subdivision 5, and must  
3.16 provide the Board of Teaching and the licensing division at the department with the  
3.17 necessary and relevant information to enable the Board of Teaching and the department's  
3.18 licensing division to fulfill their statutory and administrative duties related to issuing,  
3.19 renewing, suspending, or revoking a teacher's license. Information received by the Board  
3.20 of Teaching or the licensing division at the department under this paragraph is governed  
3.21 by section 13.41 or other applicable law governing data of the receiving entity. In addition  
3.22 to the background check required under section 123B.03, a school board or other school  
3.23 hiring authority must contact the Board of Teaching and the department to determine  
3.24 whether the teacher's license has been suspended or revoked, consistent with the discharge  
3.25 and final maltreatment determinations identified in this paragraph.

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

3.27 Page 75, delete section 17

3.28 Renumber the sections in sequence and correct the internal references

3.29 Amend the title accordingly