

Overview

The terms “continuing contract rights” and “tenure rights” refer to a set of employment protections that prevent a school district from dismissing a licensed teacher without first demonstrating cause for that dismissal. The terms are often used interchangeably, but they come from two different statutes that apply to different school districts:

- [Minnesota Statutes, section 122A.41](#), is known as the “Teacher Tenure Act” and contains tenure provisions for teachers teaching in the four first-class city school districts of Minneapolis, St. Paul, Rochester, and Duluth.
- [Minnesota Statutes, section 122A.40](#), governs continuing contract rights for teachers in all other districts.

This publication summarizes these statutes, highlighting the differences between the statutes and explains recent legislative changes. More specifically, it discusses eligibility for continuing employment, probationary employment, termination after a probationary period, unrequested leaves of absence, and reporting requirements.

Eligibility for Continuing Employment

To qualify for a continuing contract or tenure, a teacher must hold a teaching license and meet the probationary period requirements under [Minnesota Statutes, section 122A.40](#) or [122A.41](#). A “teacher” in this context includes a principal, supervisor, classroom teacher, and any other professional employee required to hold a license, such as a licensed school nurse or school social worker. A person who holds a license but whose position does not require it is not a “teacher” for purposes of tenure or continuing contract.

Not all teachers are eligible for continuing employment. In 2023, the legislature expanded eligibility to licensed teachers in community education and early childhood and family education programs. A teacher with a Tier 1 or Tier 2¹ teaching license remains ineligible for continuing contract rights.

¹ A teacher may have a Tier 1, Tier 2, Tier 3, or Tier 4 license, depending on the teacher’s training and experience. See [Minnesota Statutes, sections 122A.181](#) to 122A.184.

Probationary Employment

A teacher's probationary period is the first three consecutive years of the teacher's first teaching experience in a single district in Minnesota. After those first three years in the district, if the district does not end the teacher's contract, the teacher receives continuing contract rights that provide procedural protections from dismissal. If the teacher is subsequently employed in a different district, the probationary period is one year. A probationary teacher may interrupt the three-year period of consecutive employment for parental or medical leave.

If a substitute teacher is hired for one school year or more to replace a regular teacher on leave of absence, each school year of employment as a substitute counts towards the teacher's probationary period.

In districts in cities of the first class,² a board and the exclusive representative of school principals³ may negotiate a plan for a probationary period of up to two school years for licensed teachers in the district who are subsequently employed as a licensed principal or assistant principal, and an additional probationary period of up to two years for licensed assistant principals who then become licensed principals.

Nonrenewal and Discharge

During the probationary period, a school district has considerable discretion in deciding whether to renew a probationary teacher's employment contract. Under Minnesota Statutes, section [122A.40](#), a school district may decide not to renew a probationary teacher's contract for the following school year for any reason as long as it gives the teacher notice of the nonrenewal by July 1. If a district does not give a teacher notice of the nonrenewal or termination by July 1, the teacher is deemed to have been reemployed for the next school year. A collective bargaining agreement between the teachers' union and the district may provide an earlier date. Under section [122A.41](#), a school district must provide a probationary teacher at least 30 days' notice of a discharge or demotion. In all districts, a board must immediately discharge a teacher whose license has been revoked due to a conviction for child abuse or sexual abuse.

Recent Legislative Changes

In 2023, the legislature made the following changes to the probationary period requirements:

- Lowered the number of required days of teacher service for each year of the probationary period from 120 to 90 days.
- Allowed a teacher who has taught for three consecutive years in a single charter school in Minnesota, or in a district or charter school in another state, to qualify for the one-year probationary period in a subsequent Minnesota school district.

² Minneapolis, St. Paul, Duluth, and Rochester are the cities of the first class.

³ An exclusive representative is the labor organization that is certified to represent an employee group.

Termination After the Probationary Period

Once a teacher receives continuing employment rights, a school board may only terminate the teacher's contract if it meets the procedural requirements in section [122A.40](#) or [122A.41](#). If a board intends to terminate a teacher, it must provide the teacher with written notice of the grounds for the proposed termination and the teacher's right to request a hearing. The teacher may request a public or private hearing before the school board or an arbitrator. If the teacher requests a hearing before an arbitrator, the arbitrator must decide, based on a preponderance of the evidence, whether to terminate, discharge, or demote the teacher. The arbitrator's decision is final and binding on the parties and may be reversed on limited grounds. Most hearings are held before an arbitrator. The teacher may also appeal a board decision to the state courts, which consider whether there was substantial evidence to support the board's action.

There are two principal differences between the procedures for districts under [Minnesota Statutes, sections 122A.40](#) and [122A.41](#). First, a school board under section [122A.40](#) must, by April 1, provide written notice of a termination that is to be effective at the end of the school year, or else must wait a year to initiate the process. A school board under section [122A.41](#) is not subject to this deadline. Second, while all school boards may suspend a teacher pending a final decision on the termination, not all suspensions must be paid. In a district under section [122A.40](#), the suspension must be paid; in a district under section [122A.41](#), the suspension may be unpaid, but if the teacher is reinstated following a hearing, the teacher must receive full back wages.

Under both statutes, a school board must discharge a teacher immediately upon receiving notice that the teacher's license has been revoked due to convictions of certain offenses, including child abuse or sex trafficking.

Continuing Contract Districts

Under [Minnesota Statutes, section 122A.40](#), a teacher's contract remains in full force and effect unless the school board and the teacher modify the contract, the teacher resigns by April 1,⁴ or the school board:

- terminates the teacher by April 1 effective at the close of the school year for a reason that is remediable,⁵ as long as the board provides the teacher an opportunity to remedy the deficiency;
- places the teacher on an unrequested leave of absence before July 1 (see below);
- temporarily suspends the teacher and places the teacher on a leave of absence for health reasons⁶; or

⁴ A teacher may resign from the contract before April 1 or, if a collective bargaining agreement is not settled, the teacher may resign within 30 days of when an agreement is ratified or July 15, whichever is first.

⁵ [Minn. Stat. § 122A.40](#), subd. 9.

⁶ [Minn. Stat. § 122A.40](#), subd. 12.

- immediately discharges the teacher for conduct that is not remediable.⁷

The board must give a teacher a written statement of the grounds for the proposed termination and notice that the teacher may request a hearing before either the board or an arbitrator. The deadline for requesting a hearing varies depending on the reason for the termination. If the termination is for conduct that is remediable, the teacher has 14 days to request a hearing; if the termination is for conduct that is not remediable, the teacher has ten days to request a hearing.

After the hearing, the board must issue a written decision and order. If the board orders a termination or discharge, the decision must include findings of fact based on the evidence in the record.

Tenure Districts

In districts in cities of the first class, after the probationary period, a school board cannot discharge or demote a teacher except for cause after a hearing. The board may discharge or demote a teacher, probationary or not, for:

- immoral character, conduct unbecoming a teacher, or insubordination;
- failure to teach;
- inefficiency in teaching or in management of a school;
- affliction with a communicable disease; and
- discontinuance of position or lack of pupils.⁸

To terminate a teacher for inefficiency in teaching or management, a school board must provide the teacher notice at least four months before the close of the school sessions in that school year.

Before discharging a teacher, the board must notify the teacher in writing, state the grounds for proposed discharge or demotion, and notify the teacher of the right to request a hearing within ten days. A decision must be rendered in writing within 25 days of the board giving the teacher notice of the intent to terminate.

Unrequested Leave of Absence

A school board may place a teacher on an unrequested leave of absence, without pay or fringe benefits, when the board discontinues the teacher's position, lacks sufficient students, faces financial limitations, or merges classes as a result of consolidating districts. The labor contract between the exclusive representative of teachers and the school district must contain a plan for

⁷ [Minn. Stat. § 122A.40](#), subd. 13.

⁸ [Minn. Stat. § 122A.41](#), subd. 6.

determining how teachers will be selected for unrequested leaves. Many contracts use seniority to determine placement on unrequested leave.

Reporting

A school district must annually report to the Professional Educator Licensing and Standards Board all new teacher hires and terminations, including layoffs, by race and ethnicity; and the reasons for all teacher resignations and requested leaves of absence.



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