

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

Section 1. Minnesota Statutes 1978, Section 525.712, is amended to read:

525.712 **REQUISITES.** ~~Such~~ The appeal may be taken by any person aggrieved within 30 days after service of notice of the filing of the order, judgment, or decree appealed from, or if no ~~such~~ notice be served, within six months after the filing of ~~such~~ the order, judgment, or decree. ~~To render the appeal effective (1), the appellant shall serve a notice of appeal, specifying the order, judgment, or decree appealed from upon the adverse party who appeared or upon his attorney, personally, and upon each adverse party of record who did not appear by mail at his last address as the same appears in the court's file of the case and upon the probate judge or clerk, personally, for the adverse party who did not appear and whose address is unknown and shall file in the probate court such notice, together with proof of service thereof; (2) the appellant shall pay to the probate court an appeal fee of \$3 to apply on the fee for the return; and (3) the appellant, other than the state, the veterans administration, or a representative appealing on behalf of the estate, shall file in the probate court a bond in such amount as that court may direct, conditioned to prosecute the appeal with due diligence to a final determination, to pay all costs and disbursements, and to abide the order of the court therein.~~

~~When a party in good faith gives due notice of appeal and omits through mistake to do any other act necessary to perfect the appeal, the district court may permit an amendment on such terms as may be just. Except as provided in this section, the appeal shall be perfected and determined upon the record as provided in sections 484.63 and 487.39.~~

Sec. 2. **REPEALER.** Minnesota Statutes 1978, Sections 525.713; and 525.72 are repealed.

Approved February 11, 1980

CHAPTER 345—S.F.No. 618

An act relating to education; transferring certain functions of teacher licensing from the state board of education, the department of education and the commissioner of education to the board of teaching; eliminating the requirement that certain rules of the board of teaching be approved by the board of education; reducing the membership of the board of teaching; requiring that the board of teaching adopt certain rules pursuant to chapter 15; eliminating certain requirements for rulemaking; providing that the expense of administering certain sections be paid for solely from appropriations made to the board of teaching; amending Minnesota Statutes 1978, Sections 125.03, by adding a subdivision; 125.05, Subdivisions 1 and 2; 125.06; 125.08; 125.09, Subdivision 1; 125.121, Subdivision 1; 125.182, Subdivision 2; 125.183, Subdivisions 1 and 3; 125.185, Subdivisions 4, 4a, 6 and 9; and 179.63, Subdivisions 13 and 14; repealing Minnesota Statutes 1978, Section 125.182, Subdivision 4.

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

Section 1. Minnesota Statutes 1978, Section 125.03, is amended by adding a subdivision to read:

Subd. 4. "Supervisory and support personnel" for the purpose of licensure means: superintendents; principals; professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel; counselors; school nurses; athletic coaches; and other professional employees who engage primarily in non-classroom activities. The term does not include: librarians; school psychologists; school social workers; audio-visual directors and coordinators; recreation personnel; media generalists; media supervisors; or speech therapists.

Sec. 2. Minnesota Statutes 1978, Section 125.05, Subdivision 1, is amended to read:

125.05 BOARD TO ISSUE LICENSES. Subdivision 1: **QUALIFICATIONS.** The authority to license teachers as defined ~~herein in section 125.03~~ is vested in the board of teaching ~~but based solely on criteria and qualifications approved by the state board of education. except that~~ the authority to license superintendents and principals supervisory and support personnel is vested in the state board of education. Licenses shall be issued to such persons as the board of teaching or the state board of education finds to be physically competent and morally fit to teach for their respective positions. Qualifications of teachers and other professional employees except supervisory and support personnel shall be determined by the board of teaching under the rules which it promulgates. Licenses under the jurisdiction of the board of teaching shall be issued ~~by the commissioner and the commissioner shall issue licenses to any qualified blind graduates of a school of education through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education shall be issued through the licensing section of the department of education.~~

Sec. 3. Minnesota Statutes 1978, Section 125.05, Subdivision 2, is amended to read:

Subd. 2. EXPIRATION AND RENEWAL. Each license issued through the licensing section of the department of education shall bear the date of issue. Licenses shall expire and be renewed in accordance with the respective rules promulgated by the board of teaching or the state board of education. Renewal requirements for the renewal of a license shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or the completion of such additional preparation as the board of teaching shall prescribe. Requirements for the renewal of the licenses of supervisory and support personnel shall be established by the state board of education.

Sec. 4. Minnesota Statutes 1978, Section 125.06, is amended to read:

125.06 APPLICANTS TRAINED IN OTHER STATES. When a license to teach is authorized to be issued to any holder of a diploma or a degree of a

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Minnesota state university, or of the University of Minnesota, or of a liberal arts university, or a technical training institution, such license may also, in the discretion of the board of teaching or the state board of education, whichever has jurisdiction, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota state university or the University of Minnesota or a liberal arts university in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

Sec. 5. Minnesota Statutes 1978, Section 125.08, is amended to read:

125.08 TEACHERS' AND ADMINISTRATORS' LICENSES, FEES. Each application for the issuance, renewal, or extension of a license to teach shall be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for the issuance, renewal or extension of a ~~superintendent's or principal's~~ license as supervisory or support personnel shall be accompanied by a processing fee in an amount set by the state board of education by rule. ~~Except as otherwise provided in this section, these fees~~ The processing fee for a teacher's license shall be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory and support personnel shall be paid to the commissioner, who ~~The executive secretary of the board of teaching and the commissioner shall deposit them~~ the fees with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fees as set by the boards shall be nonrefundable for applicants not qualifying for a license, provided however, that a fee shall be refunded by the state treasurer in any case in which the applicant already holds a valid unexpired license. The boards may waive or reduce fees for applicants who apply at the same time for more than one license, even if the licenses are under the jurisdiction of different boards.

Sec. 6. Minnesota Statutes 1978, Section 125.09, Subdivision 1, is amended to read:

125.09 SUSPENSION OR REVOCATION OF LICENSES. Subdivision 1. **GROUNDS FOR REVOCATION.** The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the board employing a teacher, or of a teacher organization, or of any other interested person, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- (4) Failure to meet licensure requirements; or

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(5) Fraud or misrepresentation in obtaining a license.

Sec. 7. Minnesota Statutes 1978, Section 125.121, Subdivision 1, is amended to read:

125.121 **COACHES, TERMINATION OF DUTIES.** Subdivision 1. Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the ~~board of teaching state~~ board of education, the district shall notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the board. If a hearing is requested, the board shall hold a hearing within 25 days according to the hearing procedures specified in section 125.12, subdivision 9, and the termination shall not be final except upon the order of the board after the hearing.

Sec. 8. Minnesota Statutes 1978, Section 125.182, Subdivision 2, is amended to read:

Subd. 2. "Teacher" means a ~~supervisor,~~ classroom teacher or other similar professional employee required to hold a license from the ~~state department of education~~ board of teaching.

Sec. 9. Minnesota Statutes 1978, Section 125.183, Subdivision 1, is amended to read:

125.183 **MEMBERSHIP.** Subdivision 1. A board of teaching consisting of ~~15~~ 47 members appointed by the governor is hereby established. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. No member shall be reappointed for more than one additional term.

Sec. 10. Minnesota Statutes 1978, Section 125.183, Subdivision 3, is amended to read:

Subd. 3. Except for the representatives of higher education and the public, to be eligible for appointment to the board of teaching a person must be fully licensed for the position he holds and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. The board shall be composed of one teacher whose responsibilities are those either of a ~~counselor,~~ librarian, psychologist, remedial reading teacher, speech therapist, or vocational teacher, ~~or certified school nurse,~~ four three elementary school classroom teachers, four three secondary classroom teachers, three one higher education ~~representatives~~ representative, from a higher education ~~faculties~~ faculty preparing teachers - two of whom shall be representatives of state institutions and one of whom shall be a representative of private institutions; one school administrator and four six members of the public, two of whom shall be present or former members of local school boards. Each nominee other than a public nominee shall be selected on the basis of his professional experience, and knowledge of teacher education, accreditation and licensure.

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Sec. 11. Minnesota Statutes 1978, Section 125.185, Subdivision 4, is amended to read:

Subd. 4. The board shall develop and create rules for the licensure of public school teachers and interns ~~which shall be submitted to the state board of education for approval~~, and from time to time the board of teaching shall revise or supplement the rules for licensure of public school teachers subject to approval by the state board of education the provisions of chapter 15. It shall be the duty of the board of teaching to establish rules for the approval of teacher education programs subject to approval by the board of education. Subject to rules approved by the board of education, provided these rules shall encourage teacher educators to obtain periodic classroom teaching experience. The board of teaching shall also grant licenses to interns and to candidates for original licenses and receive recommendations from local committees as established by the board of teaching for the renewal of teaching licenses, to grant life licenses to those who qualify according to requirements established by the board of teaching, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. With regard to vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board for vocational education.

~~In the event the state board of education disapproves any proposal from the board of teaching, it shall give written notice of such disapproval within 60 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the board of teaching at any time after the expiration of 45 days after the date of disapproval.~~

Sec. 12. Minnesota Statutes 1978, Section 125.185, Subdivision 4a, is amended to read:

Subd. 4a. Prior to the adoption by the board of teaching of any rule which must be submitted to public hearing ~~and to the state board of education for approval~~, a representative of the commissioner shall appear before the board of teaching and at the hearing required pursuant to section 15.0412, subdivision 4, to comment on the cost and educational implications of that proposed rule. ~~If the representative of the commissioner does not carry out the duties required by this subdivision, the state board of education shall not use the cost factor as a reason for disapproval of that rule.~~

Sec. 13. Minnesota Statutes 1978, Section 125.185, Subdivision 6, is amended to read:

Subd. 6. The state board of education shall provide all necessary materials and assistance for the transaction of the business of the board of teaching and all moneys received by the board of teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 125.01 to 125.187 which are incurred by the board of teaching shall be paid for from appropriations made to the state board of education ~~and to the board of teaching.~~

Sec. 14. Minnesota Statutes 1978, Section 125.185, Subdivision 9, is amended to read:

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Subd. 9. The board of teaching may adopt rules subject to the provisions of chapter 15 to implement sections 125.04 to 125.09 and 125.181 to 125.187 ~~after approval by the state board of education~~.

Sec. 15. Minnesota Statutes 1978, Section 179.63, Subdivision 13, is amended to read:

Subd. 13. "Teacher" means any person other than a superintendent or assistant superintendent, employed by a school district in a position for which the person must be ~~certificated~~ licensed by the board of teaching or the state board of education or in a position as a physical therapist or an occupational therapist; and such employment does not come within the exceptions stated in subdivision 7, or defined in subdivisions 8, 9, or 14.

Sec. 16. Minnesota Statutes 1978, Section 179.63, Subdivision 14, is amended to read:

Subd. 14. "Principal" and "assistant principal" means any person so ~~certificated~~ licensed by the state ~~department~~ board of education who devotes more than 50 percent of his time to administrative or supervisory duties.

Sec. 17. Nothing contained in sections 1 to 16 shall be construed as affecting the validity of a permanent license or certificate issued prior to August 1, 1979.

Sec. 18. Minnesota Statutes 1978, Section 125.182, Subdivision 4, is repealed.

Approved February 14, 1980

CHAPTER 346—S.F.No. 285

An act relating to interest rates; increasing permissible finance charges for open end credit sales; providing for calculation of finance charges on open end credit sales; amending Minnesota Statutes 1978, Section 334.16, Subdivision 1.

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

Section 1. Minnesota Statutes 1978, Section 334.16, Subdivision 1, is amended to read:

334.16 **FINANCE CHARGES FOR OPEN END CREDIT SALES.** Subdivision 1. **LIMITATION OF RATES.** The imposition, charge or collection of a finance charge upon an account balance by a seller of goods, services or both shall be lawful, provided that:

(a) The sale is a consumer credit sale pursuant to an open end credit plan, agreement or arrangement between the buyer and seller under which (1) the seller may permit the buyer to make purchases from time to time from the seller

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