

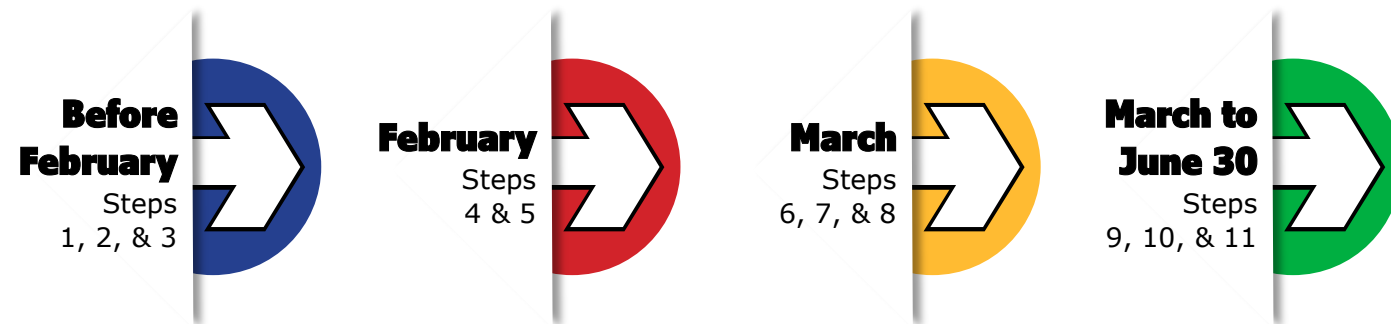
ULA Reminders

- Tier 1 and Tier 2 teachers do not have continuing contract rights. MSBA recommends maintaining a roster of Tier 1 and Tier 2 teachers separate from the seniority list created for Tier 3 and Tier 4 teachers.
- If a continuing contract teacher's position is reduced, the teacher should be placed on ULA for the percentage of the reduction.
- Probationary teachers should not be placed on ULA; they should be non-renewed.
- MSBA recommends school districts negotiate language, such as "qualified" language, to allow consideration of factors other than seniority when placing a teacher on ULA.
- Years of teaching in another state and years of teaching at a Minnesota charter school do not count toward completing the probationary requirement.



Where School Boards Learn to Lead

Suggested ULA Timeline



Q & A on ULA

Stepping Through Unrequested Leave of Absence

Sample documents, including non-renewal and ULA resolutions are available on MSBA's website at:

<https://mnmsba.org/resource-library/#human-resources>



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Procedures to Place a Teacher on Unrequested Leave of Absence:

• STEP 1. Develop and Distribute a Seniority List

- ⇒ Before beginning the ULA process, a seniority list should be adopted by the School Board.
- ⇒ Administration forms tentative seniority list per language in the School District's master agreement.
 - * Note: Statutory definition of "teacher" includes classroom teachers, principals, supervisors, and any other professional employees required to hold a license from the state department. Tier 1 and Tier 2 teaching licenses do not bring individuals within the definition of teacher for the purposes of continuing contract rights; therefore, they should not be included on the seniority list unless required by the School District's master agreement.
- ⇒ Administration distributes tentative seniority list and notice regarding seniority and licensure per language in the School District's master agreement.
- ⇒ Check the School District's master agreement to see if a timeline and procedure were negotiated relative to individual teachers contesting the information about themselves on the tentative seniority list. Absent a negotiated timeline and procedure, MSBA recommends teachers, who disagree with their placement on the seniority list, have 10 days from the date of posting to supply written documentation, proof, and request for a change in seniority to the Superintendent.
- ⇒ Administration addresses any individual challenge a teacher may have raised regarding the tentative seniority list per language in the School District's master agreement.
- ⇒ School Board adopts final seniority list per language in the School District's master agreement.
- ⇒ Administration distributes final seniority list per language in the School District's master agreement.

• STEP 2. Administration Develops a Report on the General Need for Staff Reductions

- ⇒ Report should provide documentation on any sources within or outside the School District used to develop the report, the date of the documentation, and the person(s) responsible for preparing (or supervising the preparation of) the report.
- ⇒ Administration should keep the School Board informed of the School District's financial status throughout the process.

• STEP 3. School Board Adopts a Resolution Directing Administration to Make Recommendations Regarding the Reduction/Discontinuance of Programs and Positions

• STEP 4. Administration Makes Recommendations Regarding the Reduction/Discontinuance of Programs and Positions without Reference to Specific Individuals

- ⇒ Each suggestion should be supported by a chain of reasoning which links the position discontinuance to the general reasoning contained in the School Board's initial resolution.

• STEP 5. School Board Adopts a Resolution Reducing/Discontinuing Programs and Positions without Reference to Specific Individuals

- ⇒ As a best practice, both the Administration's report and the School Board's resolution should indicate priorities in reductions and discontinuances, in the event circumstances change, before individual non-renewals and leave placements are proposed.

• STEP 6. Administration Makes Recommendations for Specific Tier 1, Tier 2, and Probationary Teachers to be Non-renewed or for Specific Teachers with Continuing Contract Rights to be Placed on ULA

- ⇒ Each recommendation should be supported by a chain of reasoning which links the position discontinuance to the general reasoning contained in the School Board's initial resolution.

• STEP 7. School Board Adopts Individual Resolutions of Non-renewal for Specific Tier 1, Tier 2, and Probationary Teachers or Individual Resolutions for the Proposed Placement on ULA for Specific Teachers with Continuing Contract Rights

• STEP 8. Administration Provides Notice of Non-renewal or Proposed Placement on ULA to Corresponding Teachers

- ⇒ Check the School District's master agreement to see if language was negotiated regarding notification and hearing rights for teachers the School District is proposing to be placed on ULA. Absent such language, MSBA recommends: (1) notices be mailed by certified mail or personally served; (2) notices contain language giving the teacher 14 days after receipt of such notice to request a hearing before the teacher is found to have acquiesced to the placement on ULA. Probationary teachers being non-renewed do not have a right to a hearing contesting non-renewal absent language to the contrary in the School District's master agreement.

• STEP 9. If Necessary, Individual Hearings for Teachers are Conducted Concerning Proposed Placement on ULA

- ⇒ Check the School District's master agreement to see if a procedure was negotiated concerning hearings over proposed placement on ULA. Absent such language, MSBA recommends any teacher who wishes to challenge proposed placement on ULA utilize the hearing and review procedures provided in M.S. 122A.40, Subd. 14.

• STEP 10. School Board Adopts Individual Resolutions Placing Specific Teachers on ULA

• STEP 11. Administration Provides Notice to Teachers Placed on ULA

- ⇒ Check the School District's master agreement to see if language was negotiated relative to how and when the final notices are to be delivered. While the teacher must receive final notice prior to July 1, an earlier date may have been negotiated. MSBA recommends notices be delivered by certified mail or served personally upon such teacher.
- ⇒ Be sure to reserve time for additional notices, hearings, and service if necessary.