



**S.F. No. 636, as introduced - 87th Legislative Session (2011-2012) [11-0945]**

2.1 prior achievement. Indicators of achievement and prior achievement must be based on  
2.2 highly reliable statewide or districtwide assessments. Indicators that take into account a  
2.3 student's prior achievement must not be used to disregard a school's low achievement or to  
2.4 exclude a school from a program to improve low achievement levels.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2012 and applies to growth  
2.6 data beginning in the 2012-2013 school year.

2.7 Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 6, is amended to read:

2.8 Subd. 6. **Professional development and mentoring for probationary teachers.**

2.9 (a) A school board and an exclusive representative of the teachers in the district must  
2.10 develop a professional development model for probationary teachers. In conjunction with  
2.11 subdivision 8, the professional development model must coordinate the school district's  
2.12 professional development resources, including but not limited to those resources under  
2.13 sections 122A.414, when applicable, 122A.60, and 122A.61.

2.14 (b) A school board and an exclusive representative of the teachers in the district  
2.15 must develop a probationary teacher peer review process through joint agreement. The  
2.16 process may include having trained observers serve as mentors or coaches or having  
2.17 teachers participate in professional learning communities.

2.18 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
2.19 later.

2.20 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 8, is amended to read:

2.21 Subd. 8. **Professional development and peer coaching for continuing contract**

2.22 **teachers.** (a) A school board and an exclusive representative of the teachers in the district  
2.23 must develop a professional development model for continuing contract teachers. In  
2.24 conjunction with subdivision 6, the professional development model must coordinate the  
2.25 school district's professional development resources, including but not limited to those  
2.26 resources under sections 122A.414, when applicable, 122A.60, and 122A.61.

2.27 (b) A school board and an exclusive representative of the teachers in the district shall  
2.28 develop a peer review process for continuing contract teachers through joint agreement.  
2.29 The process may include having trained observers serve as peer coaches or having  
2.30 teachers participate in professional learning communities.

2.31 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
2.32 later.

3.1 Sec. 4. Minnesota Statutes 2010, section 122A.41, subdivision 3, is amended to read:

3.2 Subd. 3. **Professional development and mentoring for probationary teachers.**

3.3 (a) A school board and an exclusive representative of the teachers in the district must  
3.4 develop a professional development model for probationary teachers. In conjunction with  
3.5 subdivision 5, the professional development model must coordinate the school district's  
3.6 professional development resources, including but not limited to those resources under  
3.7 sections 122A.414, when applicable, 122A.60, and 122A.61.

3.8 (b) A board and an exclusive representative of the teachers in the district must  
3.9 develop a probationary teacher peer review process through joint agreement. The process  
3.10 may include having trained observers serve as mentors or coaches or having teachers  
3.11 participate in professional learning communities.

3.12 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
3.13 later.

3.14 Sec. 5. Minnesota Statutes 2010, section 122A.41, subdivision 5, is amended to read:

3.15 Subd. 5. **Professional development and peer coaching for continuing contract**  
3.16 **teachers.** (a) A school board and an exclusive representative of the teachers in the district  
3.17 must develop a professional development model for probationary teachers. In conjunction  
3.18 with subdivision 3, the professional development model must coordinate the school  
3.19 district's professional development resources, including but not limited to those resources  
3.20 under sections 122A.414, when applicable, 122A.60, and 122A.61.

3.21 (b) A school board and an exclusive representative of the teachers in the district must  
3.22 develop a peer review process for nonprobationary teachers through joint agreement. The  
3.23 process may include having trained observers serve as peer coaches or having teachers  
3.24 participate in professional learning communities.

3.25 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
3.26 later.

3.27 Sec. 6. **[122A.411] MINNESOTA TEACHER APPRAISAL SYSTEM.**

3.28 **Subdivision 1. District framework.** (a) Each school district and charter school must  
3.29 establish a teacher appraisal framework. The framework must include five performance  
3.30 ratings, with "5" being the highest and "1" being the lowest. The Department of Education  
3.31 must make available appraisal frameworks and other materials from evidence-based  
3.32 sources to assist districts and charter schools in adopting or developing an appraisal

4.1 framework. Upon adopting a framework, a district or charter school must submit a copy  
4.2 to the department.

4.3 (b) At least 50 percent of the total appraisal must consist of student achievement  
4.4 growth.

4.5 (1) If the results of a statewide assessment are available under section 120B.35, these  
4.6 results must be the basis for this portion of the appraisal.

4.7 (2) If the results of a statewide assessment are not available, then 40 percent of  
4.8 the total appraisal must consist of the results of a districtwide assessment testing state  
4.9 and local standards with an additional ten percent of the total consisting of results from  
4.10 teacher-developed assessments.

4.11 (3) If there are no available results from districtwide assessments, 50 percent of the  
4.12 total appraisal must consist of teacher-developed assessments that test state and local  
4.13 standards and have been reviewed and approved by a school administrator. Each year,  
4.14 a school administrator shall meet with teachers under this paragraph to review, modify  
4.15 as necessary, and approve course or grade level expectations for student achievement  
4.16 and growth.

4.17 (c) Up to 50 percent of the appraisal may be determined by a charter school or by  
4.18 mutual agreement by the school district and the exclusive representative of teachers. The  
4.19 appraisal must include at least two annual evaluations by a school administrator and parent  
4.20 surveys. Other measures may include student surveys, peer observations and review,  
4.21 teacher performance portfolios, video classroom observations with teacher reflection after  
4.22 viewing videos, measures approved through participation in the alternative compensation  
4.23 revenue program under section 122A.415, and other evidence-based measures.

4.24 Subd. 2. **Application of ratings.** (a) Beginning the 2012-2013 school year, a school  
4.25 district or charter school must annually apply an effectiveness rating to each teacher who  
4.26 teaches a subject for which statewide student academic achievement measures exist under  
4.27 section 120B.35, based on the following scale:

4.28 (1) a teacher is considered "highly effective" if the teacher's appraisal shows  
4.29 evidence that the teacher's students, on average, experienced one and a half or more years  
4.30 of growth on the statewide student academic achievement measures defined in section  
4.31 120B.35 and the teacher received a performance rating of "5" under the district or charter  
4.32 school's framework;

4.33 (2) a teacher is considered "effective" if the teacher's appraisal shows evidence  
4.34 that the teacher's students, on average, experienced at least one year of growth on the  
4.35 statewide student academic achievement measures defined in section 120B.35 and the

5.1 teacher received a performance rating of "4" or better under the district or charter school's  
5.2 framework;

5.3 (3) a teacher is considered "average" if the teacher's appraisal shows evidence  
5.4 that the teacher's students, on average, experienced at least .9 years of growth on the  
5.5 statewide student academic achievement measures defined in section 120B.35 and the  
5.6 teacher received a performance rating of "3" or better under the district or charter school's  
5.7 framework;

5.8 (4) a teacher is considered in "needs improvement" if the teacher's appraisal shows  
5.9 evidence that the teacher's students, on average, experienced less than .9 years of growth  
5.10 on the statewide student academic achievement measures defined in section 120B.35 but  
5.11 more than one-half year of growth or the teacher received a performance rating of "2" or  
5.12 worse under the district or charter school's framework; and

5.13 (5) a teacher is considered "ineffective" if the teacher's appraisal shows evidence  
5.14 that the teacher's students, on average, experienced less than one-half year of growth on  
5.15 the statewide student academic achievement measures defined in section 120B.35 and  
5.16 the teacher received a performance rating of "1" under the district or charter school's  
5.17 framework.

5.18 (b) Beginning the 2012-2013 school year, a school district or charter school must  
5.19 annually apply an effectiveness rating to each teacher who teaches no subjects for which  
5.20 statewide student academic achievement measures exist under section 120B.35, based on  
5.21 the following scale:

5.22 (1) a teacher is considered "highly effective" if the teacher received a performance  
5.23 rating of "5" under the district or charter school's framework;

5.24 (2) a teacher is considered "effective" if the teacher received a performance rating of  
5.25 "4" under the district or charter school's framework;

5.26 (3) a teacher is considered "average" if the teacher received a performance rating of  
5.27 "3" under the district or charter school's framework;

5.28 (4) a teacher is considered "needs improvement" if the teacher received a  
5.29 performance rating of "2" under the district or charter school's framework; and

5.30 (5) a teacher is considered "ineffective" if the teacher received a performance rating  
5.31 of "1" under the district or charter school's framework.

5.32 Subd. 3. **Data aggregation.** During the 2012-2013 school year, the Department of  
5.33 Education shall assist a school district or charter school to aggregate student achievement  
5.34 and growth data for teachers as necessary to implement subdivisions 1 and 2. If the  
5.35 school district or charter school and the Department of Education determine that there is  
5.36 an ongoing need for the department to provide assistance, the district or charter school

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6.1 shall enter into a data sharing agreement. The results of any aggregation is not public  
6.2 data under chapter 13.

6.3 Subd. 4. **Reports.** (a) Beginning the 2012-2013 school year, each school district  
6.4 and charter school shall report to the Department of Education by August 31 following  
6.5 each school year:

6.6 (1) each teacher's effectiveness rating under subdivision 2;

6.7 (2) each teacher's performance rating under the framework established in paragraph  
6.8 (a);

6.9 (3) each teacher's statewide student achievement growth, if applicable;

6.10 (4) each teacher's preparation program;

6.11 (5) the district or charter school's evaluation framework; and

6.12 (6) the district or charter school's graduation rate.

6.13 (b) Beginning in 2014, each year by February 1, the Department of Education shall  
6.14 report to the committees of the legislature with primary jurisdiction over kindergarten  
6.15 through grade 12 education policy and finance, a report aggregating the reports required  
6.16 under paragraph (a).

6.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
6.18 and applies to the 2011-2012 school year and later.

6.19 Sec. 7. Minnesota Statutes 2010, section 122A.60, is amended to read:

6.20 **122A.60 STAFF DEVELOPMENT PROGRAM.**

6.21 Subdivision 1. **Staff development committee.** A school board must use the revenue  
6.22 authorized in section 122A.61 for ~~in-service~~ education ~~for~~ programs under section  
6.23 120B.22, subdivision 2, or for staff development and teacher training plans under this  
6.24 section. The board must establish an advisory staff development committee to develop the  
6.25 plan, assist site professional development teams in developing a site plan consistent with  
6.26 the goals of the plan, and evaluate staff development efforts at the site level. A majority  
6.27 of the advisory committee and the site professional development team must be teachers  
6.28 representing various grade levels, subject areas, and special education. The advisory  
6.29 committee must also include nonteaching staff, parents, and administrators.

6.30 Subd. 1a. **Effective staff development activities.** (a) Staff development activities  
6.31 must be aligned with the district and school site staff development plans, based on student  
6.32 achievement data, focused on student learning goals, and used in the classroom setting.  
6.33 Activities must:

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7.1 (1) focus on the school classroom and ~~research-based~~ scientifically based research  
7.2 strategies that improve student learning;

7.3 (2) provide opportunities for teachers to practice and improve their instructional  
7.4 skills over time and receive instructional-based observations using objective  
7.5 standards-based assessments to assist in the professional growth process;

7.6 (3) provide regular opportunities for teachers to use student data as part of their  
7.7 daily work to increase student achievement;

7.8 (4) enhance teacher content knowledge and instructional skills;

7.9 (5) align with state and local academic standards;

7.10 (6) provide job-embedded or integrated professional development opportunities  
7.11 during teacher contract day to build professional relationships, foster collaboration  
7.12 among principals and staff ~~who provide instruction~~ to identify instructional strategies to  
7.13 meet student learning goals, plan instruction, practice new teaching strategies, review  
7.14 the results of implementing strategies, and provide opportunities for teacher-to-teacher  
7.15 coaching and mentoring; and

7.16 (7) align with the plan of the district or site for those participating in an alternative  
7.17 ~~teacher~~ professional pay system under section 122A.414.

7.18 Staff development activities may also include curriculum development and curriculum  
7.19 training programs, and activities that provide teachers and other members of site-based  
7.20 teams training to enhance team performance. The school district also may implement other  
7.21 staff development activities required by law and activities associated with professional  
7.22 teacher compensation models.

7.23 (b) Release time provided for teachers to supervise students on field trips and school  
7.24 activities, or independent tasks not associated with enhancing the teacher's knowledge  
7.25 and instructional skills, such as preparing report cards, calculating grades, or organizing  
7.26 classroom materials, may not be counted as staff development time that is financed with  
7.27 staff development reserved revenue under section 122A.61.

7.28 Subd. 2. **Contents of plan.** The plan must be based on student achievement and  
7.29 include student learning goals, the staff development outcomes under subdivision 3, the  
7.30 means to achieve the outcomes, and procedures for evaluating progress at each school  
7.31 site toward meeting education outcomes, consistent with relicensure requirements under  
7.32 section 122A.18, subdivision 4. The plan also must:

7.33 (1) support stable and productive professional communities achieved through  
7.34 ongoing and schoolwide progress and growth in teaching practice;

7.35 (2) emphasize coaching, professional learning communities, classroom action  
7.36 research, and other job-embedded models;

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8.1 (3) maintain a strong subject matter focus premised on students' learning goals;

8.2 (4) ensure specialized preparation and learning about issues related to teaching  
8.3 students with special needs and limited English proficiency; and

8.4 (5) reinforce national and state standards of effective teaching practice.

8.5 Subd. 3. **Staff development outcomes.** The advisory staff development committee  
8.6 must adopt a staff development plan increasing teacher effectiveness and for improving  
8.7 student achievement. The plan must be consistent with education outcomes that the  
8.8 school board determines. The plan must include ongoing staff development activities that  
8.9 contribute toward continuous improvement in achievement of the following goals:

8.10 (1) improve student achievement of state and local education standards in all areas  
8.11 of the curriculum by using best practices methods and scientifically based research;

8.12 (2) effectively meet the needs of a diverse student population, including at-risk  
8.13 children, children with disabilities, and gifted children, within the regular classroom  
8.14 and other settings;

8.15 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse  
8.16 student population that is consistent with the state education diversity rule and the district's  
8.17 education diversity plan;

8.18 (4) improve staff collaboration and develop mentoring and peer coaching programs  
8.19 for teachers ~~new to the school or district~~ in their first five years of teaching;

8.20 (5) effectively teach and model violence prevention policy and curriculum that  
8.21 address early intervention alternatives, issues of harassment, and teach nonviolent  
8.22 alternatives for conflict resolution; and

8.23 (6) provide teachers and other members of site-based management teams with  
8.24 appropriate management and financial management skills.

8.25 Subd. 4. **Staff development report.** (a) By October ~~15~~ 1 of each year, the district  
8.26 and site staff development committees shall write and submit a report of staff development  
8.27 activities and expenditures for the previous year, in the form and manner determined by  
8.28 the commissioner. The report, signed by the district superintendent and staff development  
8.29 chair, must include assessment and evaluation data indicating progress toward district and  
8.30 site staff development goals based on teaching and learning outcomes, including the  
8.31 percentage of teachers and other staff involved in instruction who participate in effective  
8.32 staff development activities under subdivision 3.

8.33 (b) The report must break down expenditures for:

8.34 (1) curriculum development and curriculum training programs; and

8.35 (2) staff development training models, workshops, and conferences, and the cost of  
8.36 releasing teachers or providing substitute teachers for staff development purposes.

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9.1 The report also must indicate whether the expenditures were incurred at the district  
9.2 level or the school site level, and whether the school site expenditures were made possible  
9.3 by grants to school sites that demonstrate exemplary use of allocated staff development  
9.4 revenue. These expenditures must be reported using the uniform financial and accounting  
9.5 and reporting standards.

9.6 (c) The commissioner shall report the staff development progress and expenditure  
9.7 data to the house of representatives and senate committees having jurisdiction over  
9.8 education by February 15 each year.

9.9 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
9.10 later.

9.11 Sec. 8. Minnesota Statutes 2010, section 122A.61, subdivision 1, is amended to read:

9.12 Subdivision 1. **Staff development revenue.** A district is required to reserve  
9.13 an amount equal to at least two percent of the basic revenue under section 126C.10,  
9.14 subdivision 2, for ~~in-service education for~~ programs under section 120B.22, subdivision 2,  
9.15 ~~for~~ with the primary purpose of creating and implementing district and school site staff  
9.16 development plans, including. Funds may also be used to support plans for challenging  
9.17 instructional activities and experiences under section 122A.60, ~~and for curriculum~~  
9.18 ~~development and programs, other in-service education, teachers' workshops, teacher~~  
9.19 ~~conferences, the cost of substitute teachers staff development purposes,~~ preservice and  
9.20 in-service education for special education professionals and paraprofessionals, and other  
9.21 related costs for staff development efforts. A district may annually waive the requirement  
9.22 to reserve their basic revenue under this section if a majority vote of the licensed teachers  
9.23 in the district and a majority vote of the school board agree to a resolution to waive the  
9.24 requirement. A district in statutory operating debt is exempt from reserving basic revenue  
9.25 according to this section. Districts may expend an additional amount of unreserved  
9.26 revenue for staff development based on their needs. With the exception of amounts  
9.27 reserved for staff development from revenues allocated directly to school sites, the board  
9.28 must initially allocate 50 percent of the reserved revenue to each school site in the district  
9.29 on a per teacher basis, which must be retained by the school site until used. The board may  
9.30 retain 25 percent to be used for district wide staff development efforts. The remaining  
9.31 25 percent of the revenue must be used to make grants to school sites for best practices  
9.32 methods. A grant may be used for any purpose authorized under section 120B.22,  
9.33 subdivision 2, 122A.60, ~~or for the costs of curriculum development and programs, other~~  
9.34 ~~in-service education, teachers' workshops, teacher conferences, substitute teachers for~~  
9.35 ~~staff development purposes, and other staff development efforts, and determined by~~

10.1 ~~the site professional development team.~~ The site professional development team must  
10.2 demonstrate to the school board the extent to which staff at the site have met the outcomes  
10.3 of the program. The board may withhold a portion of initial allocation of revenue if the  
10.4 staff development outcomes are not being met.

10.5 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
10.6 later.

10.7 Sec. 9. **[122A.73] SCHOOL ADMINISTRATOR DEVELOPMENT.**

10.8 A school board and the school administrators in the district must develop a  
10.9 professional development model for school administrators. The professional development  
10.10 model must coordinate the school district's professional development resources, including  
10.11 but not limited to those resources under sections 122A.414, when applicable, 122A.60,  
10.12 and 122A.61. The professional development model must, at a minimum:

10.13 (1) provide professional development to accurately and effectively evaluate teachers  
10.14 under section 122A.411;

10.15 (2) provide professional development to better recommend appropriate professional  
10.16 development strategies for teachers;

10.17 (3) make appropriate recommendations for principals to attend development  
10.18 opportunities, including the Principals' Leadership Institute under section 122A.74 or  
10.19 other statewide development programs; and

10.20 (4) provide professional development opportunities targeted to identifying  
10.21 systematic strengths and weaknesses within a school.

10.22 **EFFECTIVE DATE.** This section is effective July 1, 2012.

10.23 Sec. 10. **APPRAISAL IMPLEMENTATION.**

10.24 As required under Minnesota Statutes, section 122A.411, districts and charter  
10.25 schools shall implement the appraisal system with the 2011-2012 school year serving as  
10.26 an evaluation framework development and data collection year, the 2012-2013 school year  
10.27 serving as a pilot year, and the 2013-2014 school year serving as the first year of full  
10.28 implementation of the appraisal system. Any appraisal rating from the 2012-2013 school  
10.29 year may not be used to determine licensure under Minnesota Statutes, section 122A.18,  
10.30 subdivision 10, unless the teacher approves of the usage.

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

ARTICLE 2

TEACHER LICENSURE AND EMPLOYMENT

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Section 1. Minnesota Statutes 2010, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance report cards.** (a) The commissioner shall report student academic performance under section 120B.35, subdivision 2; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3, paragraph (c); two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; the number of teachers in each effectiveness category under section 122A.411; student enrollment demographics; district mobility; and extracurricular activities. The report also must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available performance report cards by the beginning of each school year.

(d) A school or district may appeal its adequate yearly progress status in writing to the commissioner within 30 days of receiving the notice of its status. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report card data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

**EFFECTIVE DATE.** This section is effective July 1, 2014.

Sec. 2. Minnesota Statutes 2010, section 122A.18, is amended by adding a subdivision to read:

**Subd. 10. Tiered licensure.** (a) The Board of Teaching shall establish requirements for issuance of probationary, standard, distinguished, and exemplary teacher licenses. In adopting requirements, the board shall only include criteria that are directly linked to evidence of teacher effectiveness in student mastery of state and legal standards.

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12.1 (b) A probationary license must be issued prior to issuance of a standard license. For  
12.2 teachers who have not held another teaching license in the state, a probationary license  
12.3 must be issued for a duration of three years and may be renewed annually thereafter. For  
12.4 a teacher who has previously held a standard, distinguished, or exemplary license, a  
12.5 probationary license shall be issued for a duration of one year.

12.6 (c) The requirements for obtaining a teacher's first standard license must include  
12.7 successfully being employed for at least three years in the area of initial licensure,  
12.8 achieving at least one "average," "effective," or "highly effective" rating for teacher  
12.9 performance as measured by section 122A.411, and completing continuous improvement  
12.10 under this section. The requirement for three years of employment may be satisfied by  
12.11 teaching any portion of those years in an essentially equivalent licensure area in another  
12.12 state. Requirements for a standard license after a teacher's first standard license must  
12.13 include achieving an "average," "effective," or "highly effective" rating in four of the  
12.14 five previous rated years.

12.15 (d) The requirements for a distinguished license must include achieving a "highly  
12.16 effective" rating under section 122A.411 in three of the five previous rated years and  
12.17 completing continuous improvement under this section.

12.18 (e) The requirements for an exemplary license must include achieving a "highly  
12.19 effective" rating under section 122A.411 in seven of the ten previous rated years and  
12.20 completing continuous improvement under this section.

12.21 (f) Standard, distinguished, and exemplary licenses shall be issued for a duration  
12.22 of five years.

12.23 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
12.24 later.

12.25 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 2, is amended to read:

12.26 Subd. 2. ~~Nonprovisional license~~ Licenses defined. For purposes of this section,  
12.27 with respect to a teacher, "license" means a probationary, standard, distinguished, or  
12.28 exemplary license as defined in section 122A.18. For purposes of this section with respect  
12.29 to principals, "nonprovisional license" means an entrance, continuing, or life license.

12.30 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
12.31 later.

12.32 Sec. 4. Minnesota Statutes 2010, section 122A.40, subdivision 5, is amended to read:

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13.1           Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
13.2 first teaching experience in Minnesota in a single district is deemed to be a probationary  
13.3 period of employment, and after completion thereof, the probationary period in each  
13.4 district in which the teacher is thereafter employed shall be one year. The school board  
13.5 must adopt a plan for written evaluation of teachers during the probationary period that  
13.6 complies with section 122A.411. Evaluation must occur at least three times each year for a  
13.7 teacher performing services on 120 or more school days, at least two times each year for a  
13.8 teacher performing services on 60 to 119 school days, and at least one time each year for a  
13.9 teacher performing services on fewer than 60 school days. Days devoted to parent-teacher  
13.10 conferences, teachers' workshops, and other staff development opportunities and days on  
13.11 which a teacher is absent from school must not be included in determining the number  
13.12 of school days on which a teacher performs services. Except as otherwise provided in  
13.13 paragraph (b), during the probationary period any annual contract with any teacher may  
13.14 or may not be renewed as the school board shall see fit. However, the board must give  
13.15 any such teacher whose contract it declines to renew for the following school year written  
13.16 notice to that effect before July 1. If the teacher requests reasons for any nonrenewal  
13.17 of a teaching contract, the board must give the teacher its reason in writing, including  
13.18 a statement that appropriate supervision was furnished describing the nature and the  
13.19 extent of such supervision furnished the teacher during the employment by the board,  
13.20 within ten days after receiving such request. The school board may, after a hearing held  
13.21 upon due notice, discharge a teacher during the probationary period for cause, effective  
13.22 immediately, under section 122A.44.

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

13.26           (c) A probationary teacher whose first three years of consecutive employment are  
13.27 interrupted for active military service and who promptly resumes teaching consistent with  
13.28 federal reemployment timelines for uniformed service personnel under United States  
13.29 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
13.30 for purposes of paragraph (a).

13.31           (d) A probationary teacher must complete at least 60 days of teaching service each  
13.32 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
13.33 workshops, and other staff development opportunities and days on which a teacher is  
13.34 absent from school do not count as days of teaching service under this paragraph.

13.35           (e) The district's determination to issue a contract to a classroom teacher at the end  
13.36 of the probationary period must be based on the following factors:

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14.1 (1) the teacher's professional growth plan based on standards of professional practice  
14.2 and student learning;

14.3 (2) the teacher's appraisal results under section 122A.411; and

14.4 (3) other locally selected criteria aligned to best instructional practices in teaching  
14.5 and learning.

14.6 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
14.7 later.

14.8 Sec. 5. Minnesota Statutes 2010, section 122A.40, subdivision 7, is amended to read:

14.9 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who  
14.10 has completed a probationary period in any district, and who has not been discharged  
14.11 or advised of a refusal to renew the teacher's contract under subdivision 5, shall elect  
14.12 to have a continuing contract for periods of three years with ~~such~~ the district where  
14.13 contract terms and conditions, including salary and salary increases, are established based  
14.14 either on the length of the school calendar or an extended school calendar under section  
14.15 120A.415. ~~Thereafter,~~ The teacher's contract must remain in full force and effect, except  
14.16 as modified by mutual consent of the board and the teacher, until terminated by a majority  
14.17 roll call vote of the full membership of the board prior to April 1 upon one of the grounds  
14.18 specified in subdivision 9 or July 1 upon one of the grounds specified in subdivision 10  
14.19 or 11, or until the teacher is discharged pursuant to subdivision 13, or by the written  
14.20 resignation of the teacher submitted prior to April 1. If an agreement as to the terms and  
14.21 conditions of employment for the succeeding school year has not been adopted pursuant  
14.22 to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of  
14.23 resignation is extended to the 30th calendar day following the adoption of ~~said~~ the contract  
14.24 ~~in compliance with~~ under section 179A.20, subdivision 5. ~~Such~~ Written resignation by  
14.25 the teacher is effective ~~as of~~ on June 30 if submitted prior to that date and the ~~teachers'~~  
14.26 teacher's right of resignation for the next school year ~~then beginning~~ shall cease on July 15.

14.27 (b) Before a teacher's contract is terminated by the board, the board must notify  
14.28 the teacher in writing and state its ground for the proposed termination in reasonable  
14.29 detail together with a statement that the teacher may make a written request for a hearing  
14.30 before the board within 14 days after receipt of such notification. If the grounds are  
14.31 those specified in subdivision 9 or 13, the notice must also state a teacher may request  
14.32 arbitration under subdivision 15. Within 14 days after receipt of this notification the  
14.33 teacher may make a written request for a hearing before the board or an arbitrator and it  
14.34 shall be granted upon reasonable notice to the teacher of the date set for hearing, before  
14.35 final action is taken. If no hearing is requested within such period, it shall be deemed

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15.1 acquiescence by the teacher to the board's action. ~~Such~~ The teacher's termination shall  
15.2 ~~take effect at the close of the school year in which the contract is terminated in the manner~~  
15.3 ~~aforsaid~~ is effective as permitted under subdivision 9 or 13. ~~Such~~ A contract may be  
15.4 terminated at any time by mutual consent of the board and the teacher and this section  
15.5 does not affect the powers of a board to suspend, discharge, or demote a teacher under  
15.6 and pursuant to other provisions of law.

15.7 ~~(b)~~ (c) A teacher electing to have a continuing contract based on the extended school  
15.8 calendar under section 120A.415 must participate in staff development training under  
15.9 subdivision 7a and shall receive an increased base salary.

15.10 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
15.11 later.

15.12 Sec. 6. Minnesota Statutes 2010, section 122A.40, is amended by adding a subdivision  
15.13 to read:

15.14 **Subd. 7b. Teacher continuing tenure system.** (a) The teacher continuing tenure  
15.15 system is established:

15.16 (1) to require that teacher employment and continuation of that employment be  
15.17 based on evidence of satisfactory academic achievement growth of students aligned to the  
15.18 requirements under section 122A.411; and

15.19 (2) to support teachers' professional growth and responsibility in improving the  
15.20 academic achievement growth of students.

15.21 (b) After the completion of the initial three-year probationary period, without  
15.22 discharge, a teacher who is thereupon reemployed shall continue in service and hold that  
15.23 position during good behavior and efficient and competent service for periods of three  
15.24 years. The terms and conditions of a teacher's employment contract, including salary and  
15.25 salary increases, must be based either on the length of the school year or an extended  
15.26 school calendar under section 120A.415.

15.27 (c) At the end of every three years of a classroom teacher's service, the school  
15.28 district must either continue or terminate a teacher's service to the district. The district's  
15.29 continuing tenure determination must be based on the following factors:

15.30 (1) a portfolio of the teacher's three-year professional growth plan based on standards  
15.31 of professional practice, student learning, and successful teacher evaluations that comply  
15.32 with section 122A.411, conducted at least twice per year;

15.33 (2) the teacher's appraisal results under section 122A.411; and

15.34 (3) other locally selected criteria aligned to best instructional practices in teaching  
15.35 and learning.

16.1            (d) The school board shall give teachers notice in writing before April 1 of renewal  
16.2 or termination of employment.

16.3            **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
16.4 later.

16.5            Sec. 7. Minnesota Statutes 2010, section 122A.40, subdivision 9, is amended to read:

16.6            Subd. 9. **Grounds for termination.** (a) A continuing contract may be terminated,  
16.7 effective at the close of the school year, upon any of the following grounds:

16.8            ~~(a)~~ (1) inefficiency;

16.9            ~~(b)~~ (2) neglect of duty, or persistent violation of school laws, rules, regulations,  
16.10 or directives;

16.11            ~~(c)~~ (3) conduct unbecoming a teacher which materially impairs the teacher's  
16.12 educational effectiveness;

16.13            ~~(d)~~ (4) other good and sufficient grounds rendering the teacher unfit to perform the  
16.14 teacher's duties; or

16.15            (5) the teacher is not recommended by the district for continuing tenure pursuant  
16.16 to this section.

16.17            (b) A contract must not be terminated upon one of the grounds specified in ~~clause~~  
16.18 paragraph (a), (b), (c), or (d), unless the teacher fails to correct the deficiency after being  
16.19 given written notice of the specific items of complaint and ~~reasonable time within which~~  
16.20 180 days after receiving the notice to remedy them.

16.21            **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
16.22 later.

16.23            Sec. 8. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

16.24            Subd. 10. **Negotiated unrequested leave of absence.** The school board and the  
16.25 exclusive bargaining representative of the teachers may negotiate a plan providing for  
16.26 unrequested leave of absence without pay or fringe benefits for as many teachers as may  
16.27 be necessary because of discontinuance of position, lack of pupils, financial limitations, or  
16.28 merger of classes caused by consolidation of districts. Failing to successfully negotiate  
16.29 such a plan, the provisions of subdivision 11 shall apply. ~~The negotiated plan must not~~  
16.30 ~~include provisions which would result in the exercise of seniority by a teacher holding a~~  
16.31 ~~provisional license, other than a vocational education license, contrary to the provisions of~~  
16.32 ~~subdivision 11, clause (c), or the reinstatement of a teacher holding a provisional license,~~  
16.33 ~~other than a vocational education license, contrary to the provisions of subdivision 11,~~

17.1 ~~clause (e)~~. The provisions of section 179A.16 do not apply for the purposes of this  
17.2 subdivision.

17.3 EFFECTIVE DATE. This section is effective for the 2014-2015 school year and  
17.4 later.

17.5 Sec. 9. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

17.6 Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested  
17.7 leave of absence, without pay or fringe benefits, as many teachers as may be necessary  
17.8 because of discontinuance of position, lack of pupils, financial limitations, or merger of  
17.9 classes caused by consolidation of districts. The unrequested leave is effective at the close  
17.10 of the school year. In placing teachers on unrequested leave, the superintendent may  
17.11 exempt from the effects of paragraphs (b) to (g) those teachers who, in the superintendent's  
17.12 judgment, are able to provide instruction that similarly licensed teachers cannot provide.

17.13 The board is governed by ~~the following provisions:~~ paragraphs (b) to (k).

17.14 ~~(a) The board may place probationary teachers on unrequested leave first in the~~  
17.15 ~~inverse order of their employment. A teacher who has acquired continuing contract rights~~  
17.16 ~~must not be placed on unrequested leave of absence while probationary teachers are~~  
17.17 ~~retained in positions for which the teacher who has acquired continuing contract rights is~~  
17.18 ~~licensed;~~

17.19 (b) Teachers ~~who have acquired continuing contract rights~~ shall be placed on  
17.20 unrequested leave of absence in fields in which they are licensed in the following order:

17.21 (1) teachers with a provisional license in the inverse order in which they were  
17.22 employed by the school district;

17.23 (2) teachers with a probationary license who have four or more years of teaching  
17.24 experience in the inverse order in which they were employed by the school district;

17.25 (3) teachers with a probationary license who have less than four years of teaching  
17.26 experience in the inverse order in which they were employed by the school district;

17.27 (4) teachers with a standard license in the inverse order in which they were employed  
17.28 by the school district;

17.29 (5) teachers with a distinguished license in the inverse order in which they were  
17.30 employed by the school district; and

17.31 (6) teachers with an exemplary license in the inverse order in which they were  
17.32 employed by the school district.

17.33 (c) In the case of equal seniority within a clause of paragraph (b), the order in which  
17.34 teachers who have acquired continuing contract rights shall be placed on unrequested  
17.35 leave of absence in fields in which they are licensed is negotiable;

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18.1 ~~(c) Notwithstanding the provisions of clause (b), a teacher is not entitled to exercise~~  
18.2 ~~any seniority when that exercise results in that teacher being retained by the district in a~~  
18.3 ~~field for which the teacher holds only a provisional license, as defined by the board of~~  
18.4 ~~teaching, unless that exercise of seniority results in the placement on unrequested leave of~~  
18.5 ~~absence of another teacher who also holds a provisional license in the same field. The~~  
18.6 ~~provisions of this clause do not apply to vocational education licenses;~~

18.7 ~~(d) Notwithstanding clauses (a), paragraphs (b) and (c), if the placing of a~~  
18.8 ~~probationary teacher on unrequested leave before a teacher who has acquired continuing~~  
18.9 ~~rights, the placing of a teacher who has acquired continuing contract rights on unrequested~~  
18.10 ~~leave before another teacher who has acquired continuing contract rights but who has~~  
18.11 ~~greater seniority, or the restriction restrictions imposed by the provisions of clause~~  
18.12 ~~paragraph (b) or (c) would place the district in violation of its affirmative action program,~~  
18.13 ~~the district may retain the probationary lower licensed or less senior teacher, the teacher~~  
18.14 ~~with less seniority, or the provisionally licensed teacher;~~

18.15 (e) Teachers placed on unrequested leave of absence must be reinstated to the  
18.16 positions from which they have been given leaves of absence or, if not available, to  
18.17 other available positions in the school district in fields in which they are licensed.  
18.18 Reinstatement must be in the inverse order of placement on leave of absence. ~~A teacher~~  
18.19 ~~must not be reinstated to a position in a field in which the teacher holds only a provisional~~  
18.20 ~~license, other than a vocational education license, while another teacher who holds a~~  
18.21 ~~nonprovisional license in the same field remains on unrequested leave.~~ The order of  
18.22 reinstatement of teachers who have equal seniority and who are placed on unrequested  
18.23 leave in the same school year is negotiable;

18.24 (f) Appointment of a new teacher must not be made while there is available, on  
18.25 unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the  
18.26 teacher fails to advise the school board within 30 days of the date of notification that a  
18.27 position is available to that teacher who may return to employment and assume the duties  
18.28 of the position to which appointed on a future date determined by the board;

18.29 (g) A teacher placed on unrequested leave of absence may engage in teaching or any  
18.30 other occupation during the period of this leave;

18.31 (h) The unrequested leave of absence must not ~~impair the continuing contract rights~~  
18.32 ~~of a teacher or~~ result in a loss of credit for previous years of service;

18.33 (i) The unrequested leave of absence of a teacher who is placed on unrequested leave  
18.34 of absence and who is not reinstated shall continue ~~for a period of five years~~ until that  
18.35 teacher's contract expires under subdivision 9, after which the right to reinstatement shall

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19.1 terminate. The teacher's right to reinstatement shall also terminate if the teacher fails to  
19.2 file with the board by April 1 of any year a written statement requesting reinstatement.

19.3 (j) The same provisions applicable to terminations of probationary or continuing  
19.4 contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of  
19.5 absence.

19.6 (k) Nothing in this subdivision shall be construed to impair the rights of teachers  
19.7 placed on unrequested leave of absence to receive unemployment benefits if otherwise  
19.8 eligible.

19.9 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
19.10 later.

19.11 Sec. 10. Minnesota Statutes 2010, section 122A.41, subdivision 1, is amended to read:

19.12 Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly  
19.13 indicates that a different meaning is intended, the following words, terms, and phrases, for  
19.14 the purposes of the following subdivisions in this section shall be defined as follows:

19.15 (a) **Teachers.** The term "teacher" includes every person regularly employed, as a  
19.16 principal, or to give instruction in a classroom, or to superintend or supervise classroom  
19.17 instruction, or as placement teacher and visiting teacher. Persons regularly employed as  
19.18 counselors and school librarians shall be covered by these sections as teachers if licensed  
19.19 as teachers or as school librarians.

19.20 (b) **School board.** The term "school board" includes a majority in membership  
19.21 of any and all boards or official bodies having the care, management, or control over  
19.22 public schools.

19.23 (c) **Demote.** The word "demote" means to reduce in rank or to transfer to a lower  
19.24 branch of the service or to a position carrying a lower salary or compensation.

19.25 (d) **Nonprovisional license.** For purposes of this section with respect to principals,  
19.26 "nonprovisional license" shall mean an entrance, continuing, or life license.

19.27 (e) **License.** For purposes of this section with respect to teachers, "license" means a  
19.28 probationary, standard, distinguished, or exemplary license as defined in section 122A.18.

19.29 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
19.30 later.

19.31 Sec. 11. Minnesota Statutes 2010, section 122A.41, subdivision 2, is amended to read:

19.32 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
19.33 the public schools in cities of the first class during the first three years of consecutive

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20.1 employment shall be deemed to be in a probationary period of employment during which  
20.2 period any annual contract with any teacher may, or may not, be renewed as the school  
20.3 board, after consulting with the peer review committee charged with evaluating the  
20.4 probationary teachers under subdivision 3, shall see fit. The school site management team  
20.5 or the school board if there is no school site management team, shall adopt a plan for a  
20.6 written evaluation of teachers during the probationary period ~~according to subdivision 3~~  
20.7 that complies with section 122A.411. Evaluation by the peer review committee charged  
20.8 with evaluating probationary teachers under subdivision 3 shall occur at least three  
20.9 times each year for a teacher performing services on 120 or more school days, at least  
20.10 two times each year for a teacher performing services on 60 to 119 school days, and  
20.11 at least one time each year for a teacher performing services on fewer than 60 school  
20.12 days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff  
20.13 development opportunities and days on which a teacher is absent from school shall not be  
20.14 included in determining the number of school days on which a teacher performs services.  
20.15 The school board may, during such probationary period, discharge or demote a teacher  
20.16 for any of the causes as specified in this code. A written statement of the cause of such  
20.17 discharge or demotion shall be given to the teacher by the school board at least 30 days  
20.18 before such removal or demotion shall become effective, and the teacher so notified shall  
20.19 have no right of appeal therefrom.

20.20 (b) A probationary teacher whose first three years of consecutive employment are  
20.21 interrupted for active military service and who promptly resumes teaching consistent with  
20.22 federal reemployment timelines for uniformed service personnel under United States  
20.23 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
20.24 for purposes of paragraph (a).

20.25 (c) A probationary teacher must complete at least 60 days of teaching service each  
20.26 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
20.27 workshops, and other staff development opportunities and days on which a teacher is  
20.28 absent from school do not count as days of teaching service under this paragraph.

20.29 (d) The district's determination to issue a contract to a classroom teacher at the end  
20.30 of the probationary period must be based on the following factors:

20.31 (1) a portfolio of the teacher's professional growth plan based on standards of  
20.32 professional practice, student learning, and successful teacher evaluations that comply  
20.33 with section 122A.411, conducted according to the evaluation schedule in paragraph (a);

20.34 (2) the teacher's appraisal results under section 122A.411; and

20.35 (3) other locally selected criteria aligned to best instructional practices in teaching  
20.36 and learning.

21.1 (e) The school board shall give teachers notice in writing before April 1 of renewal  
21.2 or termination of employment.

21.3 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
21.4 later.

21.5 Sec. 12. Minnesota Statutes 2010, section 122A.41, subdivision 4, is amended to read:

21.6 Subd. 4. ~~Period of service after probationary period; discharge or demotion~~  
21.7 **Teacher continuing tenure system.** (a) The teacher continuing tenure system is  
21.8 established:

21.9 (1) to require teacher employment and continuation of that employment at least  
21.10 every three years based on evidence of satisfactory academic achievement growth of  
21.11 students aligned to the requirements under section 122A.411; and

21.12 (2) to support teachers' professional growth and responsibility in improving the  
21.13 academic achievement growth of students.

21.14 (b) After the completion of such the initial three-year probationary period, without  
21.15 discharge, such teachers as are a teacher who is thereupon reemployed shall continue in  
21.16 service and hold their respective that position during good behavior and efficient and  
21.17 competent service and must not be discharged or demoted except for cause after a hearing  
21.18 for periods of three years. The terms and conditions of a teacher's employment contract,  
21.19 including salary and salary increases, must be based either on the length of the school year  
21.20 or an extended school calendar under section 120A.415.

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

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

21.27 (d) At the end of every three years of a classroom teacher's service, the school  
21.28 district must either continue or terminate a teacher's service to the district. The district's  
21.29 continuing tenure determination must be based on the following factors:

21.30 (1) a portfolio of the teacher's three-year professional growth plan based on standards  
21.31 of professional practice, student learning, and successful teacher evaluations that comply  
21.32 with section 122A.411, conducted at least twice per year;

21.33 (2) the teacher's appraisal results under section 122A.411; and

21.34 (3) other locally selected criteria aligned to best instructional practices in teaching  
21.35 and learning.

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22.1 (e) The school board shall give teachers notice in writing before July 1 of renewal  
22.2 or termination of employment.

22.3 (f) A teacher not recommended for continuing tenure by the district shall have the  
22.4 right to request a hearing pursuant to this section.

22.5 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
22.6 later.

22.7 Sec. 13. Minnesota Statutes 2010, section 122A.41, subdivision 6, is amended to read:

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

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

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

22.15 (3) inefficiency in teaching or in the management of a school;

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

22.19 (5) discontinuance of position or lack of pupils; or

22.20 (6) the teacher is not recommended by the district for continuing tenure pursuant  
22.21 to this section.

22.22 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
22.23 discriminatory practice described in section 363A.13. A contract must not be terminated  
22.24 upon the grounds specified in clause (6) unless the teacher fails to correct the deficiency  
22.25 after being given written notice of the specific items of complaint and 180 days within  
22.26 which to remedy them.

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

22.30 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
22.31 later.

22.32 Sec. 14. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

23.1 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**  
23.2 **given.** ~~(a)~~ A teacher whose services are terminated on account of discontinuance of  
23.3 position or lack of pupils must receive first consideration for other positions in the district  
23.4 for which that teacher is qualified. Unless a board and the exclusive representative of  
23.5 teachers in the district negotiate a plan otherwise, in the event it becomes necessary to  
23.6 discontinue one or more positions, in making such discontinuance, teachers must be  
23.7 discontinued in any department in the following order:

23.8 (1) teachers with a provisional license in the inverse order in which they were  
23.9 employed, ~~unless a board and the exclusive representative of teachers in the district~~  
23.10 ~~negotiate a plan providing otherwise;~~

23.11 (2) teachers with a probationary license who have four or more years of teaching  
23.12 experience in the inverse order in which they were employed by the school district;

23.13 (3) teachers with a probationary license who have less than four years of teaching  
23.14 experience in the inverse order in which they were employed by the school district;

23.15 (4) teachers with a standard license in the inverse order in which they were employed  
23.16 by the school district;

23.17 (5) teachers with a distinguished license in the inverse order in which they were  
23.18 employed by the school district; and

23.19 (6) teachers with an exemplary license in the inverse order in which they were  
23.20 employed by the school district.

23.21 ~~(b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise~~  
23.22 ~~any seniority when that exercise results in that teacher being retained by the district in~~  
23.23 ~~a field for which the teacher holds only a provisional license, as defined by the Board~~  
23.24 ~~of Teaching, unless that exercise of seniority results in the termination of services, on~~  
23.25 ~~account of discontinuance of position or lack of pupils, of another teacher who also~~  
23.26 ~~holds a provisional license in the same field. The provisions of this clause do not apply~~  
23.27 ~~to vocational education licenses.~~

23.28 ~~(c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated~~  
23.29 ~~to a position in a field in which the teacher holds only a provisional license, other than a~~  
23.30 ~~vocational education license, while another teacher who holds a nonprovisional license in~~  
23.31 ~~the same field is available for reinstatement.~~

23.32 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
23.33 later.

23.34 Sec. 15. **[122A.418] LICENSURE-BASED BONUSES.**

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24.1           (a) A teacher with a distinguished teacher license under section 122A.18 shall  
24.2 receive an annual bonus equal to ten percent of the teacher's base salary until the teacher  
24.3 no longer holds a distinguished license.

24.4           (b) A teacher with an exemplary license under section 122A.18 shall receive an  
24.5 annual bonus equal to 20 percent of the teacher's base salary until the teacher no longer  
24.6 holds an exemplary license.

24.7           **EFFECTIVE DATE.** This section is effective July 1, 2019.

24.8           Sec. 16. Minnesota Statutes 2010, section 123B.09, subdivision 8, is amended to read:

24.9           Subd. 8. **Duties.** The board must superintend and manage the schools of the  
24.10 district; adopt rules for their organization, government, and instruction; keep registers; and  
24.11 prescribe textbooks and courses of study. The board may enter into an agreement with  
24.12 a postsecondary institution for secondary or postsecondary nonsectarian courses to be  
24.13 taught at a secondary school, nonsectarian postsecondary institution, or another location.  
24.14 The board must not enter into an agreement that limits a district superintendent's duty to  
24.15 assign and reassign teachers or administrators to the schools in which the teachers will  
24.16 teach or the administrator will administer.

24.17           Sec. 17. Minnesota Statutes 2010, section 123B.143, subdivision 1, is amended to read:

24.18           Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary  
24.19 school must employ a superintendent who shall be an ex officio nonvoting member of the  
24.20 school board. The authority for selection and employment of a superintendent must be  
24.21 vested in the board in all cases. An individual employed by a board as a superintendent  
24.22 shall have an initial employment contract for a period of time no longer than three years  
24.23 from the date of employment. Any subsequent employment contract must not exceed a  
24.24 period of three years. A board, at its discretion, may or may not renew an employment  
24.25 contract. A board must not, by action or inaction, extend the duration of an existing  
24.26 employment contract. Beginning 365 days prior to the expiration date of an existing  
24.27 employment contract, a board may negotiate and enter into a subsequent employment  
24.28 contract to take effect upon the expiration of the existing contract. A subsequent contract  
24.29 must be contingent upon the employee completing the terms of an existing contract. If a  
24.30 contract between a board and a superintendent is terminated prior to the date specified in  
24.31 the contract, the board may not enter into another superintendent contract with that same  
24.32 individual that has a term that extends beyond the date specified in the terminated contract.  
24.33 A board may terminate a superintendent during the term of an employment contract for any  
24.34 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall

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25.1 not rely upon an employment contract with a board to assert any other continuing contract  
25.2 rights in the position of superintendent under section 122A.40. Notwithstanding the  
25.3 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law  
25.4 to the contrary, no individual shall have a right to employment as a superintendent based  
25.5 on order of employment in any district. If two or more districts enter into an agreement for  
25.6 the purchase or sharing of the services of a superintendent, the contracting districts have  
25.7 the absolute right to select one of the individuals employed to serve as superintendent  
25.8 in one of the contracting districts and no individual has a right to employment as the  
25.9 superintendent to provide all or part of the services based on order of employment in a  
25.10 contracting district. The superintendent of a district shall perform the following:

25.11 (1) visit and supervise the schools in the district, report and make recommendations  
25.12 about their condition when advisable or on request by the board;

25.13 (2) recommend to the board employment and dismissal of teachers;

25.14 (3) before the start of the school year, and at other times as needed, assign highly  
25.15 effective teachers and administrators, as defined in section 122A.411, to schools to best  
25.16 meet student and school needs as determined by the superintendent;

25.17 (4) superintend school grading practices and examinations for promotions;

25.18 ~~(4)~~ (5) make reports required by the commissioner; and

25.19 ~~(5)~~ (6) perform other duties prescribed by the board.

25.20 For purposes of this section, "school" includes a public school as defined under  
25.21 section 120A.22, subdivision 4, or a nonpublic school as defined under section 120A.22,  
25.22 subdivision 4, that elects to comply with this section, and charter schools under section  
25.23 124D.10

25.24 Sec. 18. **RACIALLY DIVERSE TEACHER STUDIES.**

25.25 (a) The commissioner of education shall develop a request for proposals for a study  
25.26 measuring the impact of having a racially diverse teacher in a class of predominantly  
25.27 nonwhite students has on student achievement. The study must control for the  
25.28 effectiveness level of the teacher.

25.29 (b) The commissioner of education shall develop a request for proposals for a study  
25.30 evaluating school district practices for recruiting racially diverse teachers.

25.31 **EFFECTIVE DATE.** This section is effective July 1, 2013. The study in paragraph  
25.32 (a) may not be commenced until after the 2013-2014 school year.

APPENDIX  
Article locations in 11-0945

ARTICLE 1	TEACHER EVALUATION AND PROFESSIONAL DEVELOPMENT .....	Page.Ln 1.10
ARTICLE 2	TEACHER LICENSURE AND EMPLOYMENT .....	Page.Ln 11.1