

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2459**

(SENATE AUTHORS: CLAUSEN)

DATE	D-PG	OFFICIAL STATUS
03/10/2014	6068	Introduction and first reading Referred to Education
03/27/2014		Comm report: To pass as amended and re-refer to Judiciary

1.1 A bill for an act  
 1.2 relating to education; aligning teacher evaluation programs; amending Minnesota  
 1.3 Statutes 2012, section 122A.414, subdivision 2; Minnesota Statutes 2013  
 1.4 Supplement, sections 122A.40, subdivision 8; 122A.41, subdivision 5; 124D.10,  
 1.5 subdivision 8.

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

1.7 Section 1. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8,  
 1.8 is amended to read:

1.9 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
 1.10 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 1.11 representative of the teachers in the district, consistent with paragraph (b), may develop  
 1.12 a teacher evaluation and peer review process for probationary and continuing contract  
 1.13 teachers through joint agreement. If a school board and the exclusive representative of the  
 1.14 teachers do not agree to an annual teacher evaluation and peer review process, then the  
 1.15 school board and the exclusive representative of the teachers must implement the state  
 1.16 teacher evaluation plan for evaluation and review under paragraph (c). The process must  
 1.17 include having trained observers serve as peer coaches ~~or having teachers participate in~~  
 1.18 ~~professional learning communities~~, consistent with paragraph (b).

1.19 (b) To develop, improve, and support qualified teachers and effective teaching  
 1.20 practices and improve student learning and success, the annual evaluation process for  
 1.21 teachers:

1.22 (1) must, for probationary teachers, provide for all evaluations required under  
 1.23 subdivision 5;

1.24 (2) must establish a three-year professional review cycle for each teacher that  
 1.25 includes an individual growth and development plan, a peer review process, the

2.1 ~~opportunity to participate in a professional learning community under paragraph (a); and~~  
 2.2 at least one summative evaluation performed by a qualified and trained evaluator such as a  
 2.3 school administrator. For the years when a tenured teacher is not evaluated by a qualified  
 2.4 and trained evaluator, the teacher must be evaluated by a peer review;

2.5 (3) must be based on professional teaching standards established in rule;

2.6 (4) must coordinate staff development activities under sections 122A.60 and  
 2.7 122A.61 with this evaluation process and teachers' evaluation outcomes;

2.8 (5) may provide time during the school day and school year for peer coaching and  
 2.9 teacher collaboration;

2.10 (6) may include job-embedded learning opportunities such as professional learning  
 2.11 communities;

2.12 (7) may include mentoring and induction programs;

2.13 ~~(7)~~ (8) must include an option for teachers to develop and present a portfolio  
 2.14 demonstrating evidence of reflection and professional growth, consistent with section  
 2.15 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
 2.16 based on student work samples and examples of teachers' work, which may include video  
 2.17 among other activities for the summative evaluation;

2.18 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local  
 2.19 academic standards and must use state and local measures of student growth that may  
 2.20 include value-added models or student learning goals to determine 35 percent of teacher  
 2.21 evaluation results;

2.22 ~~(9)~~ (10) must use longitudinal data on student engagement and connection, and  
 2.23 other student outcome measures explicitly aligned with the elements of curriculum for  
 2.24 which teachers are responsible;

2.25 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators  
 2.26 to perform summative evaluations and ensure evaluator training is specific to teacher  
 2.27 development and evaluation and regularly renewed;

2.28 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under  
 2.29 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process  
 2.30 that includes established goals and timelines; and

2.31 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher  
 2.32 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,  
 2.33 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or  
 2.34 other discipline a school administrator determines is appropriate.

2.35 Data on individual teachers generated under this subdivision are personnel data  
 2.36 under section 13.43. However, records of peer coaches that (i) are in the sole possession of

3.1 the peer coach, (ii) are not accessible or revealed to any individual except the teacher being  
 3.2 coached, and (iii) are destroyed at the end of the school year, are not government data.

3.3 (c) The department, in consultation with parents who may represent parent  
 3.4 organizations and teacher and administrator representatives appointed by their respective  
 3.5 organizations, representing the Board of Teaching, the Minnesota Association of School  
 3.6 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
 3.7 and Secondary Principals Associations, Education Minnesota, and representatives of  
 3.8 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
 3.9 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
 3.10 in teacher evaluation, must create and publish a teacher evaluation process that complies  
 3.11 with the requirements in paragraph (b) and applies to all teachers under this section and  
 3.12 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher  
 3.13 evaluation and peer review process. The teacher evaluation process created under this  
 3.14 subdivision does not create additional due process rights for probationary teachers under  
 3.15 subdivision 5.

3.16 (d) Teacher development and evaluation revenue for a school district or charter  
 3.17 school that does not have an alternative professional pay system agreement under section  
 3.18 122A.414, subdivision 2, equals \$169 times the number of pupils enrolled at the district or  
 3.19 charter school on October 1 of the previous school year. A school district, intermediate  
 3.20 school district, and charter school must reserve and expend this teacher development and  
 3.21 evaluation revenue consistent with this subdivision.

3.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 3.23 and later.

3.24 Sec. 2. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is  
 3.25 amended to read:

3.26 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
 3.27 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 3.28 representative of the teachers in the district, consistent with paragraph (b), may develop an  
 3.29 annual teacher evaluation and peer review process for probationary and nonprobationary  
 3.30 teachers through joint agreement. If a school board and the exclusive representative of the  
 3.31 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
 3.32 then the school board and the exclusive representative of the teachers must implement  
 3.33 the state teacher evaluation plan for evaluation and review developed under paragraph  
 3.34 (c). The process must include having trained observers serve as peer coaches or having  
 3.35 teachers participate in professional learning communities, consistent with paragraph (b).

4.1 (b) To develop, improve, and support qualified teachers and effective teaching  
4.2 practices and improve student learning and success, the annual evaluation process for  
4.3 teachers:

4.4 (1) must, for probationary teachers, provide for all evaluations required under  
4.5 subdivision 2;

4.6 (2) must establish a three-year professional review cycle for each teacher that  
4.7 includes an individual growth and development plan, a peer review process, ~~the~~  
4.8 ~~opportunity to participate in a professional learning community under paragraph (a);~~ and  
4.9 at least one summative evaluation performed by a qualified and trained evaluator such as a  
4.10 school administrator. For the years when a tenured teacher is not evaluated by a qualified  
4.11 and trained evaluator, the teacher must be evaluated by a peer review;

4.12 (3) must be based on professional teaching standards established in rule;

4.13 (4) must coordinate staff development activities under sections 122A.60 and  
4.14 122A.61 with this evaluation process and teachers' evaluation outcomes;

4.15 (5) may provide time during the school day and school year for peer coaching and  
4.16 teacher collaboration;

4.17 (6) may include job-embedded learning opportunities such as professional learning  
4.18 communities;

4.19 (7) may include mentoring and induction programs;

4.20 ~~(7)~~ (8) must include an option for teachers to develop and present a portfolio  
4.21 demonstrating evidence of reflection and professional growth, consistent with section  
4.22 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
4.23 based on student work samples and examples of teachers' work, which may include video  
4.24 among other activities for the summative evaluation;

4.25 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local  
4.26 academic standards and must use state and local measures of student growth that may  
4.27 include value-added models or student learning goals to determine 35 percent of teacher  
4.28 evaluation results;

4.29 ~~(9)~~ (10) must use longitudinal data on student engagement and connection and  
4.30 other student outcome measures explicitly aligned with the elements of curriculum for  
4.31 which teachers are responsible;

4.32 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators  
4.33 to perform summative evaluations and ensure evaluator training is specific to teacher  
4.34 development and evaluation and regularly renewed;

5.1 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under  
5.2 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process  
5.3 that includes established goals and timelines; and

5.4 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher  
5.5 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,  
5.6 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or  
5.7 other discipline a school administrator determines is appropriate.

5.8 Data on individual teachers generated under this subdivision are personnel data  
5.9 under section 13.43. However, records of peer coaches that (i) are in the sole possession of  
5.10 the peer coach, (ii) are not accessible or revealed to any individual except the teacher being  
5.11 coached, and (iii) are destroyed at the end of the school year, are not government data.

5.12 (c) The department, in consultation with parents who may represent parent  
5.13 organizations and teacher and administrator representatives appointed by their respective  
5.14 organizations, representing the Board of Teaching, the Minnesota Association of School  
5.15 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
5.16 and Secondary Principals Associations, Education Minnesota, and representatives of  
5.17 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
5.18 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
5.19 in teacher evaluation, must create and publish a teacher evaluation process that complies  
5.20 with the requirements in paragraph (b) and applies to all teachers under this section and  
5.21 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher  
5.22 evaluation and peer review process. The teacher evaluation process created under this  
5.23 subdivision does not create additional due process rights for probationary teachers under  
5.24 subdivision 2.

5.25 (d) Teacher development and evaluation revenue for a school district or charter  
5.26 school that does not have an alternative professional pay system agreement under section  
5.27 122A.414, subdivision 2, equals \$169 times the number of pupils enrolled at the district or  
5.28 charter school on October 1 of the previous school year. A school district, intermediate  
5.29 school district, and charter school must reserve and expend this teacher development and  
5.30 evaluation revenue consistent with this subdivision.

5.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
5.32 and later.

5.33 Sec. 3. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

5.34 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this  
5.35 program, a school district, intermediate school district, school site, or charter school must

6.1 have an educational improvement plan under section 122A.413 and an alternative teacher  
 6.2 professional pay system agreement under paragraph (b). A charter school participant also  
 6.3 must comply with subdivision 2a.

6.4 (b) The alternative teacher professional pay system agreement must:

6.5 (1) describe how teachers can achieve career advancement and additional  
 6.6 compensation;

6.7 (2) describe how the school district, intermediate school district, school site, or  
 6.8 charter school will provide teachers with career advancement options that allow teachers  
 6.9 to retain primary roles in student instruction and facilitate site-focused professional  
 6.10 development that helps other teachers improve their skills;

6.11 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation  
 6.12 paid before implementing the pay system from being reduced as a result of participating  
 6.13 in this system, and base at least 60 percent of any compensation increase on teacher  
 6.14 performance using individual teacher evaluations developed under the criteria in section  
 6.15 122A.40, subdivision 8, or 122A.41, subdivision 5, and provide performance pay based on:

6.16 (i) schoolwide student achievement gains under section 120B.35 or locally selected  
 6.17 standardized assessment outcomes, or both;

6.18 (ii) measures of student achievement growth that may include value-added models  
 6.19 or student learning goals to determine 35 percent of teacher evaluation results, consistent  
 6.20 with section 122A.40, subdivision 8, clause (9), or 122A.41, subdivision 5, clause (9); and

6.21 ~~(iii) an objective evaluation program that includes:~~

6.22 ~~(A) individual teacher evaluations aligned with the educational improvement plan~~  
 6.23 ~~under section 122A.413 and the staff development plan under section 122A.60; and~~

6.24 ~~(B) objective evaluations using multiple criteria conducted by a locally selected~~  
 6.25 ~~and periodically trained evaluation team that understands teaching and learning (iii)~~  
 6.26 ~~participation in job-embedded learning opportunities such as professional learning~~  
 6.27 ~~communities; and~~

6.28 (iv) peer observations in section 122A.40, subdivision 8, paragraph (b), clause (2),  
 6.29 or 122A.41, subdivision 5, paragraph (b), clause (2);

6.30 (4) provide integrated ongoing site-based professional development activities to  
 6.31 improve instructional skills and learning that are aligned with student needs under section  
 6.32 122A.413, consistent with the staff development plan under section 122A.60 and led  
 6.33 during the school day by trained teacher leaders such as master or mentor teachers;

6.34 (5) allow any teacher in a participating school district, intermediate school district,  
 6.35 school site, or charter school that implements an alternative pay system to participate in  
 6.36 that system without any quota or other limit; and

7.1 (6) encourage collaboration rather than competition among teachers.

7.2 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015 and  
7.3 later. Paragraph (b), clause (3), item (ii), is effective for agreements under this section  
7.4 approved after August 1, 2015.

7.5 Sec. 4. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 8, is  
7.6 amended to read:

7.7 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
7.8 federal, state, and local health and safety requirements applicable to school districts.

7.9 (b) A school must comply with statewide accountability requirements governing  
7.10 standards and assessments in chapter 120B.

7.11 (c) A school authorized by a school board may be located in any district, unless the  
7.12 school board of the district of the proposed location disapproves by written resolution.

7.13 (d) A charter school must be nonsectarian in its programs, admission policies,  
7.14 employment practices, and all other operations. An authorizer may not authorize a charter  
7.15 school or program that is affiliated with a nonpublic sectarian school or a religious  
7.16 institution. A charter school student must be released for religious instruction, consistent  
7.17 with section 120A.22, subdivision 12, clause (3).

7.18 (e) Charter schools must not be used as a method of providing education or  
7.19 generating revenue for students who are being home-schooled. This paragraph does not  
7.20 apply to shared time aid under section 126C.19.

7.21 (f) The primary focus of a charter school must be to provide a comprehensive  
7.22 program of instruction for at least one grade or age group from five through 18 years  
7.23 of age. Instruction may be provided to people younger than five years and older than  
7.24 18 years of age.

7.25 (g) A charter school may not charge tuition.

7.26 (h) A charter school is subject to and must comply with chapter 363A and section  
7.27 121A.04.

7.28 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
7.29 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
7.30 123B.34 to 123B.39.

7.31 (j) A charter school is subject to the same financial audits, audit procedures, and  
7.32 audit requirements as a district, except as required under subdivision 6a. Audits must be  
7.33 conducted in compliance with generally accepted governmental auditing standards, the  
7.34 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
7.35 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;

8.1 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
8.2 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
8.3 necessary because of the program at the school. Deviations must be approved by the  
8.4 commissioner and authorizer. The Department of Education, state auditor, legislative  
8.5 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
8.6 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
8.7 must submit a plan under section 123B.81, subdivision 4.

8.8 (k) A charter school is a district for the purposes of tort liability under chapter 466.

8.9 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,  
8.10 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

8.11 (m) A charter school is subject to the Pledge of Allegiance requirement under  
8.12 section 121A.11, subdivision 3.

8.13 (n) A charter school offering online courses or programs must comply with section  
8.14 124D.095.

8.15 (o) A charter school and charter school board of directors are subject to chapter 181.

8.16 (p) A charter school must comply with section 120A.22, subdivision 7, governing  
8.17 the transfer of students' educational records and sections 138.163 and 138.17 governing  
8.18 the management of local records.

8.19 (q) A charter school that provides early childhood health and developmental  
8.20 screening must comply with sections 121A.16 to 121A.19.

8.21 (r) A charter school that provides school-sponsored youth athletic activities must  
8.22 comply with section 121A.38.

8.23 (s) A charter school is subject to and must comply with continuing truant notification  
8.24 under section 260A.03.

8.25 (t) A charter school must develop and implement a teacher evaluation and peer review  
8.26 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to ~~(12)~~ (13), and  
8.27 is eligible to receive teacher development and evaluation revenue under section 122A.40,  
8.28 subdivision 8, paragraph (d), or 122A.41, subdivision 5, paragraph (d), for this purpose.

8.29 (u) A charter school must adopt a policy, plan, budget, and process, consistent with  
8.30 section 120B.11, to review curriculum, instruction, and student achievement and strive  
8.31 for the world's best workforce.

8.32 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
8.33 and later.