

A bill for an act

relating to education; modifying teacher and principal licensure provisions; granting commissioner authority in low-achieving schools; requiring a report; authorizing rulemaking; amending Minnesota Statutes 2008, sections 122A.14, by adding subdivisions; 122A.18, subdivisions 1, 2, by adding a subdivision; 122A.23, subdivision 2; 122A.40, subdivisions 2, 5, 9, 10, 11, by adding a subdivision; 122A.41, subdivisions 1, 2, 4, 6, 14; 122A.413, as amended; 122A.414, as amended; 122A.60, as amended; 122A.61, subdivision 1; 123B.09, subdivision 8; 127A.05, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 120B.02; 122A.09, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 123B.143, subdivision 1; 124D.10, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2008, section 122A.24.

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

Section 1. Minnesota Statutes 2009 Supplement, section 120B.02, is amended to read:

120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S STUDENTS.

(a) The legislature is committed to establishing rigorous academic standards for Minnesota's public school students. To that end, the commissioner shall adopt in rule statewide academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites must use. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site for funding purposes.

(b) All commissioner actions regarding the rule must be premised on the following:

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the Department of Education, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) When fully implemented, the requirements for high school graduation in Minnesota must require students to satisfactorily complete, as determined by the school district, the course credit requirements under section 120B.024, all state academic standards or local academic standards where state standards do not apply, and successfully pass graduation examinations as required under section 120B.30.

(d) The commissioner shall periodically review and report on the state's assessment process.

(e) School districts are not required to adopt specific provisions of the federal School-to-Work programs.

(f) The commissioner of education and the chairs of the house of representatives and senate committees having jurisdiction over kindergarten through grade 12 education shall have the authority to provisionally approve for adoption the kindergarten through grade 12 standards developed by the common core state standards initiative supplemented with up to 15 percent additional standards recommended by the commissioner. Following such provisional approval for adoption, the supplemented kindergarten through grade 12 common core standards shall be adopted by rule in accordance with this section and sections 120B.021 and 120B.023 on or before December 31, 2010, using an expedited process in accordance with section 14.389.

Sec. 2. Minnesota Statutes 2009 Supplement, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to ~~successfully complete~~ pass a skills examination in reading, writing, and mathematics as a requirement for ~~initial teacher licensure~~ entrance into a board-approved teacher preparation program. Such rules must require college and universities offering a board-approved teacher preparation program to ~~provide~~ offer remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. Persons

3.1 needing remedial assistance must be successfully remediated prior to entrance into a
3.2 board-approved teacher preparation program.

3.3 (c) The board must adopt rules to approve teacher preparation programs. The board,
3.4 upon the request of a postsecondary student preparing for teacher licensure or a licensed
3.5 graduate of a teacher preparation program, shall assist in resolving a dispute between the
3.6 person and a postsecondary institution providing a teacher preparation program when the
3.7 dispute involves an institution's recommendation for licensure affecting the person or the
3.8 person's credentials. At the board's discretion, assistance may include the application
3.9 of chapter 14.

3.10 (d) The board must provide the leadership and shall adopt rules for the redesign of
3.11 teacher education programs to implement a research based, results-oriented curriculum
3.12 that focuses on the skills teachers need in order to be effective. The board shall implement
3.13 new systems of teacher preparation program evaluation to assure program effectiveness
3.14 based on proficiency of graduates in demonstrating attainment of program outcomes.

3.15 (e) The board must adopt rules requiring candidates for initial licenses to
3.16 ~~successfully complete~~ pass an examination of general pedagogical knowledge and
3.17 examinations of licensure-specific teaching skills. The rules shall be effective by
3.18 September 1, 2001. The rules under this paragraph also must require candidates for initial
3.19 licenses to teach prekindergarten or elementary students to ~~successfully complete~~ pass,
3.20 as part of the examination of licensure-specific teaching skills, test items assessing the
3.21 candidates' knowledge, skill, and ability in comprehensive, scientifically based reading
3.22 instruction under section 122A.06, subdivision 4, and their knowledge and understanding
3.23 of the foundations of reading development, the development of reading comprehension,
3.24 and reading assessment and instruction, and their ability to integrate that knowledge
3.25 and understanding. The rules under this paragraph also must require general education
3.26 candidates for initial licenses to teach prekindergarten or elementary students to pass,
3.27 as part of the examination of licensure-specific teaching skills, test items assessing the
3.28 candidates' knowledge, skill, and ability in mathematics.

3.29 (f) The board must adopt rules requiring teacher educators to work directly with
3.30 elementary or secondary school teachers in elementary or secondary schools to obtain
3.31 periodic exposure to the elementary or secondary teaching environment.

3.32 (g) The board must grant licenses to interns and to candidates for initial licenses.

3.33 (h) The board must design and implement an assessment system which requires a
3.34 candidate for an initial license and first continuing license to demonstrate the abilities
3.35 necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

EFFECTIVE DATE. This section is effective September 1, 2011.

Sec. 3. Minnesota Statutes 2008, section 122A.14, is amended by adding a subdivision to read:

Subd. 10. Rules incorporating national standards. The Board of School Administrators must engage in rulemaking to incorporate national standards into the licensing standards for principals. The rules must address national standards for effective school leadership.

Sec. 4. Minnesota Statutes 2008, section 122A.14, is amended by adding a subdivision to read:

Subd. 11. **Tiered licensure.** (a) The Board of School Administrators shall establish requirements for issuance of initial, standard, and master principal licenses. Requirements for earning each differentiated license must be based, at a minimum, on principal performance as measured by section 122A.411.

(b) "Initial principal license" means a license granted after successfully completing the requirements for licensure as set forth by the Board of School Administrators. An initial license must be issued prior to the issuance of a standard license and cannot be issued for a duration of less than three years.

(c) "Standard principal license" means a license obtained after successfully being employed for at least three years in the area of initial licensure, completing an induction program, and achieving the minimum expectation for principal performance as measured by section 122A.411.

(d) "Master principal license" means a license obtained after having met the requirements for a standard license, meeting the definition of "highly effective" under section 122A.411, and demonstrating instructional leadership at the local, state, or national level according to the criteria established by the Board of School Administrators.

Sec. 5. Minnesota Statutes 2008, section 122A.18, subdivision 1, is amended to read:

Subdivision 1. **Authority to license.** (a) The Board of Teaching must license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2.

(b) The Board of School Administrators must license supervisory personnel as defined in section 122A.15, subdivision 2, except for athletic coaches.

(c) Licenses under the jurisdiction of the Board of Teaching, the Board of School Administrators, and the commissioner of education must be issued through the licensing section of the department.

(d) The Board of Teaching and the Department of Education must enter into a data sharing agreement to share educational data at the kindergarten through grade 12 level for the limited purpose of program approval and improvement for teacher education programs. The program approval process must include targeted redesign of teacher preparation programs to address identified kindergarten through grade 12 student areas of concern. The Board of Teaching must ensure that this information remains confidential and shall only be used for this purpose. Any unauthorized disclosure shall be subject to a penalty.

(e) The Board of School Administrators and the Department of Education must enter into a data sharing agreement to share educational data at the kindergarten through grade 12 level for the limited purpose of program approval and improvement for education

administration programs. The program approval process must include targeted redesign of education administration preparation programs to address identified kindergarten through grade 12 student areas of concern. The Board of School Administrators must ensure that this information remains confidential and shall only be used for this purpose. Any unauthorized disclosure shall be subject to a penalty.

Sec. 6. Minnesota Statutes 2008, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board must require a person to ~~successfully complete~~ pass an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board must require colleges and universities offering a board approved teacher preparation program to ~~provide~~ offer remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The colleges and universities must ~~provide~~ offer assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance that includes a formal diagnostic component and mentoring to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language. The Board of Teaching shall report annually to the education committees of the legislature on the total number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

~~(c) A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:~~

~~(1) providing evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and~~

~~(2) attempting to successfully complete the skills examination during the period of each one-year license.~~

~~(d)~~ (c) The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes ~~successfully completing~~ passing the skills examination in reading, writing, and mathematics.

~~(e)~~ (d) All colleges and universities approved by the Board of Teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The Board of Teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.

(e) All colleges and universities approved by the Board of Teaching to prepare persons for teacher licensure must require completion of a course designed to teach online pedagogy and completion of at least one content course delivered online by all persons recommended for teacher licensure.

(f) The Board of Teaching must ensure the kindergarten through grade 12 teacher licensing standards maintain a high level of alignment with the kindergarten through grade 12 student standards. The Board of Teaching must adopt a review cycle that mirrors the kindergarten through grade 12 student standards review cycle under section 120B.023, subdivision 2. The teacher standards must be reviewed and aligned with the kindergarten through grade 12 student standards within one year of the final review and adoption of the kindergarten through grade 12 student standards.

EFFECTIVE DATE. This section is effective September 1, 2011.

Sec. 7. Minnesota Statutes 2008, 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 initial licenses, standard licenses, and master teacher licenses.

Requirements for earning each differentiated license must be based at a minimum on teacher performance as measured by section 122A.411.

(b) "Initial teacher license" means a license granted after successfully completing the requirements for licensure as set forth by the Board of Teaching. An initial license must be issued prior to the issuance of a standard license and cannot be issued for a duration of less than three years.

(c) "Standard teacher license" means a license obtained after successfully being employed for at least three years in the area of initial licensure, completing an induction program and the probationary period requirements set forth in section 122A.40, subdivision 5, or 122A.41, subdivision 2, achieving the minimum expectations for teacher performance as measured by section 122A.411, and completing continuous improvement including reflective practice under this section.

(d) "Master teacher license" means having met the requirements for a standard license, meeting the definition of "highly effective" under section 122A.411, and either be certified by the National Board for Professional Teaching Standards or demonstrate instructional leadership at the local level according to Board of Teaching established criteria. Licensed teachers who hold current certification from the National Board for Professional Teaching Standards shall be granted a master teacher license.

Sec. 8. Minnesota Statutes 2008, section 122A.23, subdivision 2, is amended to read:

Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds at least a baccalaureate degree from a regionally accredited college or university and holds or held a similar out-of-state teaching license that requires the applicant to successfully complete a teacher preparation program approved by the issuing state, which includes field-specific teaching methods and student teaching or essentially equivalent experience.

(b) The Board of Teaching must issue a teaching license to an applicant who:

(1) ~~successfully completed~~ passed all exams and ~~successfully completed~~ human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license to teach the same content field and grade levels if the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license.

(c) The Board of Teaching, consistent with board rules, must issue up to three one-year temporary teaching licenses to an applicant who holds or held an out-of-state

teaching license to teach the same content field and grade levels, where the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license, but has not ~~successfully completed~~ passed all exams and successfully completed human relations preparation components required by the Board of Teaching.

(d) The Board of Teaching, consistent with board rules, must issue up to three one-year temporary teaching licenses to an applicant who:

(1) ~~successfully completed~~ passed all exams and successfully completed human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license to teach the same content field and grade levels, where the scope of the out-of-state license is no more than one grade level less than a similar Minnesota license, but has not completed field-specific teaching methods or student teaching or equivalent experience.

The applicant may complete field-specific teaching methods and student teaching or equivalent experience by successfully participating in a one-year school district mentorship program consistent with board-adopted standards of effective practice and Minnesota graduation requirements.

(e) The Board of Teaching must issue a temporary teaching license for a term of up to three years only in the content field or grade levels specified in the out-of-state license to an applicant who:

(1) ~~successfully completed~~ passed all exams and successfully completed human relations preparation components required by the Board of Teaching; and

(2) holds or held an out-of-state teaching license where the out-of-state license is more limited in the content field or grade levels than a similar Minnesota license.

(f) The Board of Teaching must not issue to an applicant more than three one-year temporary teaching licenses under this subdivision.

(g) The Board of Teaching must not issue a license under this subdivision if the applicant has not attained the additional degrees, credentials, or licenses required in a particular licensure field.

EFFECTIVE DATE. This section is effective September 1, 2011.

Sec. 9. [122A.245] ALTERNATIVE TEACHER PREPARATION PROGRAM AND LIMITED-TERM TEACHER LICENSE.

Subdivision 1. Requirements. (a) The Board of Teaching must approve qualified teacher preparation programs under this section that are a means to acquire a two-year

limited-term license and to prepare for acquiring an initial license. Programs are partnerships composed of school districts or charter schools and either:

(1) a college or university with an alternative teacher preparation program approved by the Board of Teaching;

(2) a nonprofit corporation formed for an education-related purpose and subject to chapter 317A with a teacher preparation program approved by the Board of Teaching; or

(3) a teacher preparation program within a district approved by the Board of Teaching.

(b) Prior to participation in this program, a candidate must:

(1) have a bachelor's degree with a minimum 3.0 grade point average, or have a bachelor's degree and meet other criteria approved by the Board of Teaching;

(2) pass the reading, writing, and mathematics skills examination under section 122A.18; and

(3) obtain qualifying scores on content area and pedagogy tests approved by the Board of Teaching.

Subd. 2. **Characteristics.** An alternative teacher preparation program under this section must include:

(1) a minimum 200-hour instructional phase that provides intensive preparation before that person assumes classroom responsibilities;

(2) a research-based and results-oriented approach focused on best teaching practices to increase student proficiency and growth measured against state academic standards;

(3) strategies to combine pedagogy and best teaching practices to better inform a teacher's classroom instruction;

(4) assessment, supervision, and evaluation of the program participant to determine the participant's specific needs throughout the program and to support the participant in successfully completing the program;

(5) intensive, ongoing, and multiyear professional learning opportunities that can accelerate an initial educator's professional growth and that include developing dispositions and practices that support student learning, orientations to the workplace, a network of peer support, seminars and workshops, and mentoring focused on standards of professional practice and continual professional growth; and

(6) a requirement that program participants demonstrate to the local site team under subdivision 5 that they are making satisfactory progress toward acquiring an initial license from the Board of Teaching.

Subd. 3. **Program approval.** The Board of Teaching must approve alternative teacher preparation programs under this section based on board-adopted criteria that reflect

best practices for alternative teacher preparation programs consistent with this section.
The board must permit licensure candidates to demonstrate licensure competencies in school-based settings and through other nontraditional means.

Subd. 4. **Employment conditions.** Where applicable, teachers with a limited-term license under this section are members of and subject to the terms of the local collective bargaining agreement between the local representative of the teachers and the school board.

Subd. 5. **Approval for initial license.** A local site team that may include teachers, school administrators, postsecondary faculty, and nonprofit staff must evaluate the performance of a teacher candidate using the Minnesota state standards of effective practice for teachers established by rule and submit to the board an evaluation report recommending whether or not to issue an initial license to a teacher candidate.

Subd. 6. **Initial license.** The Board of Teaching must issue an initial license to a teacher candidate under this section who successfully performs throughout the program and is recommended for licensure under subdivision 5.

Subd. 7. **Qualified teacher.** A person with a valid limited-term license under this section is the teacher of record and a qualified teacher within the meaning of section 122A.16.

Sec. 10. Minnesota Statutes 2008, section 122A.40, subdivision 2, is amended to read:

Subd. 2. ~~Nonprovisional license~~ **Licenses defined.** For purposes of this section, with respect to a teacher, "nonprovisional license" means an entrance, continuing, or life license initial, standard, or master teacher license as defined in section 122A.18. With respect to a principal, "license" means an initial, standard, or master principal license as defined in section 122A.14.

Sec. 11. Minnesota Statutes 2008, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that complies with section 122A.411. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher

conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

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

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

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

(e) The district's determination to issue a contract to a probationary teacher must be based on the following factors:

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

(2) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

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

Sec. 12. Minnesota Statutes 2009 Supplement, section 122A.40, subdivision 6, is amended to read:

Subd. 6. **Mentoring for probationary teachers.** (a) A school board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process ~~may~~ shall include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

(b) Districts shall provide support to teachers throughout their probationary period to ensure new teachers are successfully building their portfolio to meet continuing tenure requirements. The support to new teachers shall include:

(1) professional learning driven by standards of professional practice to improve teaching and reflection on practice, including an orientation process introducing the new teacher to the district, school, and teaching assignment;

(2) training to promote professional growth and differentiation based on teacher and student needs;

(3) trained mentors provided with opportunities to meet with the new teacher for coaching, collaboration, and reflection on practice; to assist in implementation of professional growth plans; and to conduct formative assessments and observations to measure new teachers' development and to be utilized in improvement of teaching; and

(4) development of the new teacher's professional growth plan based on standards of professional practice, student learning, and teacher evaluations conducted at least three times per year pursuant to the objective evaluation program described in subdivision 5, paragraph (a).

Sec. 13. Minnesota Statutes 2008, section 122A.40, is amended by adding a subdivision to read:

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

(1) to require teacher employment and continuation of that employment at least every five years based on evidence of satisfactory academic achievement growth of students aligned to the requirements under section 124D.411;

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

(3) to encourage teachers to undertake challenging assignments.

(b) After the completion of the initial three-year probationary period, without discharge, teachers who are thereupon reemployed shall continue in service and hold their

respective position during good behavior and efficient and competent service for periods of five years. The terms and conditions of a teacher's employment contract, including salary and salary increases, must be based either on the length of the school year or an extended school calendar under section 120A.415.

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

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

(2) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

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

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

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

Sec. 14. Minnesota Statutes 2009 Supplement, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **Peer coaching for continuing contract teachers.** (a) A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers through joint agreement. The process may include having trained observers serve as peer coaches or having teachers participate in professional learning communities.

(b) Districts shall provide support to teachers to ensure teachers' professional growth through:

(1) professional learning driven by standards of professional practice to improve teaching and reflection on practice;

(2) training to promote professional growth and differentiation based on teacher and student needs; and

(3) a five-year professional growth plan focused on teachers' growth linked to standards of professional practice, student learning, and successful teacher evaluations that comply with section 122A.411, conducted at least three times per year.

15.1 Sec. 15. Minnesota Statutes 2008, section 122A.40, subdivision 9, is amended to read:

15.2 Subd. 9. **Grounds for termination.** A continuing contract may be terminated,
15.3 effective at the close of the school year, upon any of the following grounds:

15.4 (a) Inefficiency;

15.5 (b) Neglect of duty, or persistent violation of school laws, rules, regulations, or
15.6 directives;

15.7 (c) Conduct unbecoming a teacher which materially impairs the teacher's educational
15.8 effectiveness;

15.9 (d) Other good and sufficient grounds rendering the teacher unfit to perform the
15.10 teacher's duties; and

15.11 (e) The teacher is not recommended by the district for continuing tenure pursuant
15.12 to this section.

15.13 A contract must not be terminated upon one of the grounds specified in clause (a),
15.14 (b), (c), ~~or~~ (d), or (e) unless the teacher fails to correct the deficiency after being given
15.15 written notice of the specific items of complaint and reasonable time within which to
15.16 remedy them.

15.17 Sec. 16. Minnesota Statutes 2008, section 122A.40, subdivision 10, is amended to read:

15.18 Subd. 10. **Negotiated unrequested leave of absence.** The school board and the
15.19 exclusive bargaining representative of the teachers may negotiate a plan providing for
15.20 unrequested leave of absence without pay or fringe benefits for as many teachers as may
15.21 be necessary because of discontinuance of position, lack of pupils, financial limitations, or
15.22 merger of classes caused by consolidation of districts. Failing to successfully negotiate
15.23 such a plan, the provisions of subdivision 11 shall apply. The negotiated plan must not
15.24 include provisions which would result in the exercise of seniority by a teacher holding
15.25 ~~a provisional~~ an initial license, other than a vocational education license, contrary to
15.26 the provisions of subdivision 11, clause (c), or the reinstatement of a teacher holding ~~a~~
15.27 ~~provisional~~ an initial license, other than a vocational education license, contrary to the
15.28 provisions of subdivision 11, clause (e). The provisions of section 179A.16 do not apply
15.29 for the purposes of this subdivision.

15.30 Sec. 17. Minnesota Statutes 2008, section 122A.40, subdivision 11, is amended to read:

15.31 Subd. 11. **Unrequested leave of absence.** The board may place on unrequested
15.32 leave of absence, without pay or fringe benefits, as many teachers as may be necessary
15.33 because of discontinuance of position, lack of pupils, financial limitations, or merger of
15.34 classes caused by consolidation of districts. The unrequested leave is effective at the close

of the school year. In placing teachers on unrequested leave, the board is governed by the following provisions:

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

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed is negotiable;

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

(d) Notwithstanding clauses (a), (b) and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the ~~provisionally~~ initial licensed teacher;

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

(f) Appointment of a new teacher must not be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the

teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;

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

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

(i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate. The teacher's right to reinstatement shall also terminate if the teacher fails to file with the board by April 1 of any year a written statement requesting reinstatement;

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

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

Sec. 18. Minnesota Statutes 2008, section 122A.41, subdivision 1, is amended to read:

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

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

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

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

(d) ~~Nonprovisional license~~ **Licenses defined.** For purposes of this section, with respect to a teacher, "nonprovisional license" shall mean an entrance, continuing, or life license means an initial, standard, or master teacher license as defined in section 122A.18.

18.1 With respect to a principal, "license" means an initial, standard, or master principal license
18.2 as defined in section 122A.14.

18.3 Sec. 19. Minnesota Statutes 2008, section 122A.41, subdivision 2, is amended to read:

18.4 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in
18.5 the public schools in cities of the first class during the first three years of consecutive
18.6 employment shall be deemed to be in a probationary period of employment during which
18.7 period any annual contract with any teacher may, or may not, be renewed as the school
18.8 board, after consulting with the peer review committee charged with evaluating the
18.9 probationary teachers under subdivision 3, shall see fit. The school site management team
18.10 or the school board if there is no school site management team, shall adopt a plan for a
18.11 written evaluation of teachers during the probationary period ~~according to subdivision 3~~
18.12 that complies with section 122A.411. Evaluation by the peer review committee charged
18.13 with evaluating probationary teachers under subdivision 3 shall occur at least three
18.14 times each year for a teacher performing services on 120 or more school days, at least
18.15 two times each year for a teacher performing services on 60 to 119 school days, and
18.16 at least one time each year for a teacher performing services on fewer than 60 school
18.17 days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff
18.18 development opportunities and days on which a teacher is absent from school shall not be
18.19 included in determining the number of school days on which a teacher performs services.
18.20 The school board may, during such probationary period, discharge or demote a teacher
18.21 for any of the causes as specified in this code. A written statement of the cause of such
18.22 discharge or demotion shall be given to the teacher by the school board at least 30 days
18.23 before such removal or demotion shall become effective, and the teacher so notified shall
18.24 have no right of appeal therefrom.

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

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

18.34 (d) The district's determination to issue a contract to a probationary teacher must be
18.35 based on the following factors:

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

(2) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

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

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

Sec. 20. Minnesota Statutes 2009 Supplement, section 122A.41, subdivision 3, is amended to read:

Subd. 3. **Mentoring for probationary teachers.** (a) A board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

(b) Districts shall provide support to teachers throughout their probationary period to ensure new teachers are successfully building their portfolio to meet continuing tenure requirements. The support to new teachers shall include:

(1) professional learning driven by standards of professional practice to improve teaching and reflection on practice, including an orientation process introducing the new teacher to the district, school, and teaching assignment;

(2) training to promote professional growth and differentiation based on teacher and student needs;

(3) trained mentors provided with opportunities to meet with the new teacher for coaching, collaboration, and reflection on practice; to assist in implementation of professional growth plans; and to conduct formative assessments and observations to measure new teachers' development and to be utilized in improvement of teaching; and

(4) development of the new teacher's professional growth plan based on standards of professional practice, student learning, and teacher evaluations, conducted at least three times per year pursuant to the objective evaluation program described in subdivision 2, paragraph (a).

Sec. 21. Minnesota Statutes 2008, section 122A.41, subdivision 4, is amended to read:

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

(1) to require teacher employment and continuation of that employment at least every five years based on evidence of satisfactory academic achievement growth of students aligned to the requirements under section 124D.411;

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

(3) to encourage teachers to undertake challenging assignments.

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

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

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

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

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

(2) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

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

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

21.1 (e) A teacher not recommended for continuing tenure by the district shall have the
21.2 right to request a hearing pursuant to this section.

21.3 Sec. 22. Minnesota Statutes 2009 Supplement, section 122A.41, subdivision 5, is
21.4 amended to read:

21.5 Subd. 5. **Peer coaching for continuing contract teachers.** (a) A school board
21.6 and an exclusive representative of the teachers in the district must develop a peer
21.7 review process for nonprobationary teachers through joint agreement. The process may
21.8 include having trained observers serve as peer coaches or having teachers participate in
21.9 professional learning communities.

21.10 (b) Districts shall provide support to teachers to ensure teachers' professional growth
21.11 through:

21.12 (1) professional learning driven by standards of professional practice to improve
21.13 teaching and reflection on practice;

21.14 (2) training to promote professional growth and differentiation based on teacher and
21.15 student needs; and

21.16 (3) a five-year professional growth plan focused on teachers' growth linked to
21.17 standards of professional practice, student learning, and successful teacher evaluations
21.18 that comply with section 122A.411, conducted at least three times per year.

21.19 Sec. 23. Minnesota Statutes 2008, section 122A.41, subdivision 6, is amended to read:

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

21.23 (1) Immoral character, conduct unbecoming a teacher, or insubordination;

21.24 (2) Failure without justifiable cause to teach without first securing the written release
21.25 of the school board having the care, management, or control of the school in which the
21.26 teacher is employed;

21.27 (3) Inefficiency in teaching or in the management of a school;

21.28 (4) Affliction with active tuberculosis or other communicable disease must be
21.29 considered as cause for removal or suspension while the teacher is suffering from such
21.30 disability; ~~or~~

21.31 (5) Discontinuance of position or lack of pupils; or

21.32 (6) The teacher is not recommended by the district for continuing tenure pursuant
21.33 to this section.

22.1 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
22.2 discriminatory practice described in section 363A.13. A contract must not be terminated
22.3 upon the grounds specified in clause (6) unless the teacher fails to correct the deficiency
22.4 after being given written notice of the specific items of complaint and reasonable time
22.5 within which to remedy them.

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

22.9 Sec. 24. Minnesota Statutes 2008, section 122A.41, subdivision 14, is amended to read:

22.10 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**
22.11 **given.** (a) A teacher whose services are terminated on account of discontinuance of
22.12 position or lack of pupils must receive first consideration for other positions in the district
22.13 for which that teacher is qualified. In the event it becomes necessary to discontinue one
22.14 or more positions, in making such discontinuance, teachers must be discontinued in any
22.15 department in the inverse order in which they were employed, unless a board and the
22.16 exclusive representative of teachers in the district negotiate a plan providing otherwise.

22.17 (b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise
22.18 any seniority when that exercise results in that teacher being retained by the district in a
22.19 field for which the teacher holds only ~~a provisional~~ an initial license, as defined by the
22.20 Board of Teaching, unless that exercise of seniority results in the termination of services,
22.21 on account of discontinuance of position or lack of pupils, of another teacher who also
22.22 holds ~~a provisional~~ an initial license in the same field. The provisions of this clause do
22.23 not apply to vocational education licenses.

22.24 (c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated to a
22.25 position in a field in which the teacher holds only ~~a provisional~~ an initial license, other
22.26 than a vocational education license, while another teacher who holds a ~~nonprovisional~~
22.27 standard or master license in the same field is available for reinstatement.

22.28 Sec. 25. **[122A.411] STATEWIDE TEACHER AND PRINCIPAL EVALUATION.**

22.29 Subdivision 1. **Minnesota annual teacher appraisal system.** (a) The commissioner
22.30 of education, in conjunction with the Minnesota annual teacher appraisal system task force,
22.31 shall develop an annual review and appraisal process for probationary and continuing
22.32 contract teachers holding any and all teaching licenses, including initial, standard, and
22.33 master teaching licenses. The annual review and appraisal process is required of all

teachers employed by school districts and charter schools. The annual review and appraisal process must be aligned to the best instructional practices in teaching and learning.

(b) The annual review and appraisal process must include, at a minimum:

(1) a written individual teacher appraisal aligned with the educational improvement plan under section 122A.413 and the staff development plan under section 122A.60;

(2) objective evaluations using multiple criteria conducted by a locally selected and periodically trained evaluation team that understands teaching and learning;

(3) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

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

(c) The commissioner of education, in conjunction with the Minnesota annual teacher appraisal system task force, shall apply ratings to teachers annually, based on at least the following minimum scale:

(1) a teacher is considered "highly effective" if the teacher's portfolio shows evidence that the teacher's students, on average, experienced more than one year of growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized student assessment approved by the commissioner and the teacher received a performance rating of "5" on the Minnesota annual teacher appraisal system evaluation rubric;

(2) a teacher is considered "effective" if the teacher's portfolio shows evidence that the teacher's students, on average, experienced at least one year of growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized student assessment approved by the commissioner and the teacher received a performance rating of "3" or better on the Minnesota annual teacher appraisal system evaluation rubric;

(3) a teacher is considered in "needs improvement" if the teacher's portfolio shows evidence that the teacher's students, on average, experienced less than one year of growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized assessment approved by the commissioner or the teacher received a performance rating of "2" or worse on the Minnesota annual teacher appraisal system evaluation rubric; and

(4) a teacher is considered "ineffective" if the teacher's portfolio shows evidence that the teacher's students, on average, experienced low growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized

student assessment approved by the commissioner and the teacher received a performance rating of "1" on the Minnesota annual teacher appraisal system rubric.

(d) The commissioner of education, in conjunction with the Minnesota annual teacher appraisal system task force, shall develop, through joint agreement, a peer review and assistance system to provide support for the full spectrum of teaching, including support for teachers deemed both highly effective and ineffective, through the evaluation process under this section. Teachers receiving an "ineffective" rating as defined in paragraph (c) shall be referred to peer assistance and review.

(e) The commissioner of education shall convene a task force of educators and stakeholders to develop a performance evaluation rubric based on standards of professional practice. The Minnesota annual teacher appraisal system evaluation rubric shall have five performance ratings. The task force shall submit a report to the commissioner of education and to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over kindergarten through grade 12 education policy and finance summarizing aggregated teacher appraisal data by state, district, school, subject, and level wherever there are sufficient individuals within a cohort to prevent violation of federal privacy law. The task force shall submit the report to the commissioner and legislative committees and divisions with jurisdiction over kindergarten through grade 12 education policy and finance no later than December 15, 2010.

Subd. 2. **Minnesota annual principal appraisal system.** (a) The commissioner of education, in conjunction with the Minnesota annual principal appraisal system task force, shall develop an annual review and appraisal process for probationary and continuing contract principals holding any and all principal licenses. The annual review and appraisal process must be aligned to the best instructional practices in school and instructional leadership.

(b) The annual review and appraisal process must include, at a minimum:

(1) a written individual principal appraisal aligned with the educational improvement plan under section 122A.413 and the staff development plan under section 122A.60;

(2) objective evaluations using multiple criteria conducted by a locally selected and periodically trained evaluation team that understands school and instructional leadership;

(3) evidence that, for reading and mathematics separately, the three-year average percentage of the principal's school's students making medium and high growth is equal to or greater than the percentage of students in the state making medium and high growth as defined in section 120B.299; and

(4) other locally selected criteria aligned to best instructional practices in instructional leadership, teaching, and learning.

(c) The commissioner of education, in conjunction with the Minnesota annual principal appraisal system task force, shall apply ratings to principals annually, based on at least the following minimum scale:

(1) a principal is considered "highly effective" if the principal's portfolio shows evidence that the school that the principal is leading is making at least one year of growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized student assessment approved by the commissioner and the principal received a performance rating of "5" on the Minnesota annual principal appraisal system evaluation rubric;

(2) a principal is considered "effective" if the principal's portfolio shows evidence that the school that the principal is leading is making at least one year of growth at the rate of the state average, on the statewide student academic achievement measures defined in section 120B.35 or another standardized student assessment approved by the commissioner and the principal received a performance rating of "3" or better on the Minnesota annual principal appraisal system evaluation rubric;

(3) a principal is considered in "needs improvement" if the principal's portfolio shows evidence that the school that the principal is leading is making growth that is less than the state average on the statewide student academic achievement measures defined in section 120B.35 or another standardized assessment approved by the commissioner or the principal received a performance rating of "2" or worse on the Minnesota annual principal appraisal system evaluation rubric; and

(4) a principal is considered "ineffective" if the principal's portfolio shows evidence of no growth on the statewide student academic achievement measures defined in section 120B.35 or another standardized student assessment approved by the commissioner and the principal received a performance rating of "1" on the Minnesota annual principal appraisal system rubric.

A principal cannot be rated as effective or better unless the principal has demonstrated satisfactory levels of student growth for the school that the principal leads.

(d) Principals receiving an "ineffective" rating as defined in paragraph (c) shall be referred to the Minnesota principals academy for remediation.

(e) The commissioner of education shall convene a task force of administrators and stakeholders to develop an evaluation rubric based on standards of professional practice. The Minnesota annual principal appraisal system evaluation rubric shall have five performance ratings. The task force shall submit a report to the commissioner of education and to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over kindergarten through grade 12 education policy and

26.1 finance summarizing aggregated principal appraisal data by state, district, school, subject,
26.2 and level wherever there are sufficient individuals within a cohort to prevent violation
26.3 of federal privacy law. The task force shall submit the report to the commissioner and
26.4 legislative committees and divisions with jurisdiction over kindergarten through grade 12
26.5 education policy and finance no later than December 15, 2010.

26.6 Sec. 26. Minnesota Statutes 2008, section 122A.413, as amended by Laws 2009,
26.7 chapter 96, article 2, section 25, is amended to read:

26.8 **122A.413 EDUCATIONAL IMPROVEMENT PLAN.**

26.9 Subdivision 1. **Qualifying plan.** A district or intermediate school district may
26.10 develop an educational improvement plan for the purpose of qualifying for the alternative
26.11 teacher and principal professional pay system under section 122A.414. The plan must
26.12 include measures for improving school district, intermediate school district, school site,
26.13 teacher, principal, and individual student performance.

26.14 Subd. 2. **Plan components.** The educational improvement plan must be approved
26.15 by the school board and have at least these elements:

26.16 (1) assessment and evaluation tools to measure student performance and progress;

26.17 (2) performance goals and benchmarks for improvement;

26.18 (3) measures of student attendance and completion rates;

26.19 (4) a rigorous research and practice-based professional development system, based
26.20 on national and state standards of effective teaching and principal practice and consistent
26.21 with section 122A.60, that is aligned with educational improvement and designed to
26.22 achieve ongoing and schoolwide progress and growth in teaching and principal practice;

26.23 (5) measures of student, family, and community involvement and satisfaction;

26.24 (6) a data system about students and their academic progress that provides parents
26.25 and the public with understandable information;

26.26 (7) ~~a teacher~~ an induction and mentoring program for probationary teachers and
26.27 principals that provides continuous learning and sustained teacher or principal support; and

26.28 (8) substantial participation by the exclusive representative of the teachers and
26.29 principals in developing the plan.

26.30 Subd. 3. **School site accountability.** A district or intermediate school district that
26.31 develops a plan under subdivisions 1 and 2 must ensure that each school site develops a
26.32 board-approved educational improvement plan that is aligned with the district educational
26.33 improvement plan under subdivision 2 and developed with the exclusive representative
26.34 of the teachers and principals. While a site plan must be consistent with the district

27.1 educational improvement plan, it may establish performance goals and benchmarks that
27.2 meet or exceed those of the district.

27.3 Sec. 27. Minnesota Statutes 2008, section 122A.414, as amended by Laws 2009,
27.4 chapter 96, article 2, section 26, is amended to read:

27.5 **122A.414 ALTERNATIVE TEACHER PAY.**

27.6 Subdivision 1. **Restructured pay system.** A restructured alternative teacher and
27.7 principal professional pay system is established under subdivision 2 to provide incentives
27.8 to encourage teachers and principals to improve their knowledge and instructional skills in
27.9 order to improve student learning and for school districts, intermediate school districts,
27.10 and charter schools to recruit and retain highly qualified teachers and principals, encourage
27.11 highly qualified teachers and principals to undertake challenging assignments, and support
27.12 teachers' and principals' roles in improving students' educational achievement.

27.13 Subd. 1a. **Transitional planning year.** (a) To be eligible to participate in an
27.14 alternative teacher and principal professional pay system, a school district, intermediate
27.15 school district, or site, at least one school year before it expects to fully implement
27.16 an alternative pay system, must:

27.17 (1) submit to the department a letter of intent executed by the school district or
27.18 intermediate school district and the exclusive representative of the teachers and principals
27.19 to complete a plan preparing for full implementation, consistent with subdivision 2,
27.20 that may include, among other activities, training to evaluate teacher and principal
27.21 performance, a restructured school day to develop integrated ongoing site-based
27.22 professional development activities, release time to develop an alternative pay system
27.23 agreement, and teacher, principal, and staff training on using multiple data sources; and

27.24 (2) agree to use up to two percent of basic revenue for staff development purposes,
27.25 consistent with sections 122A.60 and 122A.61, to develop the alternative teacher and
27.26 principal professional pay system agreement under this section.

27.27 (b) To be eligible to participate in an alternative teacher and principal professional
27.28 pay system, a charter school, at least one school year before it expects to fully implement
27.29 an alternative pay system, must:

27.30 (1) submit to the department a letter of intent executed by the charter school and the
27.31 charter school board of directors;

27.32 (2) submit the record of a formal vote by the teachers employed at the charter
27.33 school indicating at least 70 percent of all teachers agree to implement the alternative
27.34 pay system; and

(3) agree to use up to two percent of basic revenue for staff development purposes, consistent with sections 122A.60 and 122A.61, to develop the alternative teacher and principal professional pay system.

(c) The commissioner may waive the planning year if the commissioner determines, based on the criteria under subdivision 2, that the school district, intermediate school district, site or charter school is ready to fully implement an alternative pay system.

Subd. 2. **Alternative teacher and principal professional pay system.** (a) To participate in this program, a school district, intermediate school district, school site, or charter school must have an educational improvement plan under section 122A.413 and an alternative teacher and principal professional pay system agreement under paragraph (b). A charter school participant also must comply with subdivision 2a.

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

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

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

(3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of participating in this system, and base at least 60 percent of any compensation increase on teacher performance using:

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

(ii) measures of student achievement, including at least 35 percent linked to student achievement growth under section 120B.35 or another standardized student assessment approved by the commissioner; and

(iii) an objective evaluation program aligned with section 122A.411 that includes:

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

(B) objective evaluations using multiple criteria conducted by a locally or regionally selected and periodically trained evaluation team that understands teaching and learning;

(4) prevent any principal's compensation paid before implementing the pay system from being reduced as a result of participating in this system, and base at least 60 percent of any compensation increase on performance using:

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

(ii) measures of student achievement; and

(iii) an objective evaluation program aligned with section 122A.411 that includes:

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

(B) objective evaluations using multiple criteria conducted by a locally or regionally selected and periodically trained evaluation team that understands teaching and learning; and

(C) a peer review and assistance system to provide support for the full spectrum of teaching, including support for teachers and principals deemed both effective and ineffective, through the evaluation process under section 122A.411;

~~(4)~~ (5) provide integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under section 122A.413, consistent with the staff development plan under section 122A.60 and led during the school day by trained teacher leaders such as master or mentor teachers;

~~(5)~~ (6) allow any teacher in a participating school district, intermediate school district, school site, or charter school that implements an alternative pay system to participate in that system without any quota or other limit; and

~~(6)~~ (7) encourage collaboration rather than competition among teachers and principals.

Subd. 2a. **Charter school applications.** For charter school applications, the board of directors of a charter school that satisfies the conditions under subdivisions 2 and 2b must submit to the commissioner an application that contains:

(1) an agreement to implement an alternative teacher and principal professional pay system under this section;

(2) a resolution by the charter school board of directors adopting the agreement; and

(3) the record of a formal vote by the teachers employed at the charter school indicating that at least 70 percent of all teachers agree to implement the alternative teacher and principal professional pay system, unless the charter school submits an alternative teacher and principal professional pay system agreement under this section before the first year of operation.

Alternative compensation revenue for a qualifying charter school must be calculated under section 126C.10, subdivision 34, paragraphs (a) and (b).

Subd. 2b. **Approval process.** (a) Consistent with the requirements of this section and sections 122A.413 and 122A.415, the department must prepare and transmit to

interested school districts, intermediate school districts, school sites, and charter schools a standard form for applying to participate in the alternative teacher and principal professional pay system. The commissioner annually must establish three dates as deadlines by which interested applicants must submit an application to the commissioner under this section. An interested school district, intermediate school district, school site, or charter school must submit to the commissioner a completed application executed by the district superintendent and the exclusive bargaining representative of the teachers and principals if the applicant is a school district, intermediate school district, or school site, or executed by the charter school board of directors if the applicant is a charter school. The application must include the proposed alternative teacher and principal professional pay system agreement under subdivision 2. The department must review a completed application within 30 days of the most recent application deadline and recommend to the commissioner whether to approve or disapprove the application. The commissioner must approve applications on a first-come, first-served basis. The applicant's alternative teacher and principal professional pay system agreement must be legally binding on the applicant and the collective bargaining ~~representative~~ representatives before the applicant receives alternative compensation revenue. The commissioner must approve or disapprove an application based on the requirements under subdivisions 2 and 2a.

(b) If the commissioner disapproves an application, the commissioner must give the applicant timely notice of the specific reasons in detail for disapproving the application. The applicant may revise and resubmit its application and related documents to the commissioner within 30 days of receiving notice of the commissioner's disapproval and the commissioner must approve or disapprove the revised application, consistent with this subdivision. Applications that are revised and then approved are considered submitted on the date the applicant initially submitted the application.

Subd. 3. **Report; continued funding.** (a) Participating districts, intermediate school districts, school sites, and charter schools must report on the implementation and effectiveness of the alternative teacher and principal professional pay system, particularly addressing each requirement under subdivision 2 and make annual recommendations by June 15 to their school boards. The school board or board of directors shall transmit a copy of the report with a summary of the findings and recommendations of the district, intermediate school district, school site, or charter school to the commissioner.

(b) If the commissioner determines that a school district, intermediate school district, school site, or charter school that receives alternative teacher and principal compensation revenue is not complying with the requirements of this section, the commissioner may withhold funding from that participant. Before making the determination, the

31.1 commissioner must notify the participant of any deficiencies and provide the participant
31.2 an opportunity to comply.

31.3 Subd. 4. **Planning and staff development.** A school district that qualifies to
31.4 participate in the alternative teacher and principal professional pay system transitional
31.5 planning year under subdivision 1a may use up to two percent of basic revenue that would
31.6 otherwise be reserved under section 122A.61 for complying with the planning and staff
31.7 development activities under this section.

31.8 Sec. 28. Minnesota Statutes 2008, section 122A.60, as amended by Laws 2009, chapter
31.9 96, article 2, section 28, is amended to read:

31.10 **122A.60 STAFF DEVELOPMENT PROGRAM.**

31.11 Subdivision 1. **Staff development committee.** A school board must use the revenue
31.12 authorized in section 122A.61 for ~~in-service~~ education ~~for~~ programs under section
31.13 120B.22, subdivision 2, or for staff development and teacher and principal training plans
31.14 under this section. The board must establish an advisory staff development committee
31.15 to develop the plan, assist site professional development teams in developing a site plan
31.16 consistent with the goals of the plan, and evaluate staff development efforts at the site
31.17 level. A majority of the advisory committee and the site professional development team
31.18 must be teachers and principals representing various grade levels, subject areas, and
31.19 special education. The advisory committee must also include nonteaching staff, parents,
31.20 and administrators.

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

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

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

31.30 (3) provide regular and ongoing opportunities for teachers and principals to use
31.31 student data as part of their daily work to increase student achievement;

31.32 (4) enhance teacher and principal content knowledge and instructional skills;

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

31.34 (6) provide job-embedded, integrated professional development opportunities during
31.35 teacher and principal contract day to build professional relationships, foster collaboration

among principals and staff ~~who provide instruction~~ to identify instructional strategies to meet student learning goals, plan for instruction, practice new teaching strategies, review the results of implementing strategies, and provide opportunities for teacher-to-teacher and principal-to-principal coaching and mentoring; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The report must break down expenditures for:

(1) curriculum development and curriculum training programs; and

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

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

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

H.F. No. 3799, as introduced - 86th Legislative Session (2009-2010) [10-6325]

Sec. 29. Minnesota Statutes 2008, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for ~~in-service education for programs under section 120B.22, subdivision 2, for~~ with the primary purpose of creating and implementing district and school site staff development plans, including. Funds may also be used to support plans for challenging instructional activities and experiences under section 122A.60, ~~and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes,~~ preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, ~~or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team.~~ The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

Sec. 30. Minnesota Statutes 2008, section 123B.09, subdivision 8, is amended to read:

Subd. 8. **Duties.** The board must superintend and manage the schools of the district; adopt rules for their organization, government, and instruction; keep registers; and prescribe textbooks and courses of study. The board may enter into an agreement with a postsecondary institution for secondary or postsecondary nonsectarian courses to be taught at a secondary school, nonsectarian postsecondary institution, or another location. The

35.1 board must not enter into an agreement which limits a district superintendent's duty to
35.2 assign and reassign teachers or administrators to the schools in which the teachers will
35.3 teach or the administrators will administer.

35.4 Sec. 31. Minnesota Statutes 2009 Supplement, section 123B.143, subdivision 1,
35.5 is amended to read:

35.6 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary
35.7 school must employ a superintendent who shall be an ex officio nonvoting member of the
35.8 school board. The authority for selection and employment of a superintendent must be
35.9 vested in the board in all cases. An individual employed by a board as a superintendent
35.10 shall have an initial employment contract for a period of time no longer than three years
35.11 from the date of employment. Any subsequent employment contract must not exceed a
35.12 period of three years. A board, at its discretion, may or may not renew an employment
35.13 contract. A board must not, by action or inaction, extend the duration of an existing
35.14 employment contract. Beginning 365 days prior to the expiration date of an existing
35.15 employment contract, a board may negotiate and enter into a subsequent employment
35.16 contract to take effect upon the expiration of the existing contract. A subsequent contract
35.17 must be contingent upon the employee completing the terms of an existing contract. If a
35.18 contract between a board and a superintendent is terminated prior to the date specified in
35.19 the contract, the board may not enter into another superintendent contract with that same
35.20 individual that has a term that extends beyond the date specified in the terminated contract.
35.21 A board may terminate a superintendent during the term of an employment contract for any
35.22 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall
35.23 not rely upon an employment contract with a board to assert any other continuing contract
35.24 rights in the position of superintendent under section 122A.40. Notwithstanding the
35.25 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law
35.26 to the contrary, no individual shall have a right to employment as a superintendent based
35.27 on order of employment in any district. If two or more districts enter into an agreement for
35.28 the purchase or sharing of the services of a superintendent, the contracting districts have
35.29 the absolute right to select one of the individuals employed to serve as superintendent
35.30 in one of the contracting districts and no individual has a right to employment as the
35.31 superintendent to provide all or part of the services based on order of employment in a
35.32 contracting district. The superintendent of a district shall perform the following:

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

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

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

~~(3)~~ (4) superintend school grading practices and examinations for promotions;

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

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

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

Sec. 32. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from a school developer, may charter a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under paragraph (b). The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section.

Notwithstanding sections 465.717 and 465.719, a school district, subject to this section and section 124D.11, may create a corporation for the purpose of establishing a charter school.

(b) Before the operators may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. The affidavit must state the terms and conditions under which the authorizer would charter a school and how the authorizer intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the authorizer and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain

commissioner approval precludes an authorizer from chartering the school that is the subject of this affidavit.

(c) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this section or does not meet the ready-to-open standards that are part of the authorizer's oversight and evaluation process or are stipulated in the charter school contract.

(d) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members who are not related parties until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under paragraph (f). A charter school board of directors must be composed of at least five members who are not related parties. Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election. Board of director meetings must comply with chapter 13D.

(e) Upon the request of an individual, the charter school must make available in a timely fashion the minutes of meetings of the board of directors, and of members and committees having any board-delegated authority; financial statements showing all operations and transactions affecting income, surplus, and deficit during the school's last annual accounting period; and a balance sheet summarizing assets and liabilities on the closing date of the accounting period. A charter school also must post on its official Web site information identifying its authorizer and indicate how to contact that authorizer and include that same information about its authorizer in other school materials that it makes available to the public.

(f) Every charter school board member shall attend department-approved training on board governance, the board's role and responsibilities, employment policies and practices, and financial management. A board member who does not begin the required training within six months of being seated and complete the required training within 12 months of being seated on the board is ineligible to continue to serve as a board member.

(g) The ongoing board must be elected before the school completes its third year of operation. Board elections must be held during a time when school is in session. The charter school board of directors shall be composed of at least five nonrelated members

and include: (i) at least one licensed teacher employed at the school or a licensed teacher providing instruction under a contract between the charter school and a cooperative; (ii) the parent or legal guardian of a student enrolled in the charter school; and (iii) an interested community member who is not employed by the charter school and does not have a child enrolled in the school. The board may be a teacher majority board composed of teachers described in this paragraph. The chief financial officer and the chief administrator are ex-officio nonvoting board members. Board bylaws shall outline the process and procedures for changing the board's governance model, consistent with chapter 317A. A board may change its governance model only:

(1) by a majority vote of the board of directors and the licensed teachers employed by the school, including licensed teachers providing instruction under a contract between the school and a cooperative; and

(2) with the authorizer's approval.

Any change in board governance must conform with the board structure established under this paragraph.

(h) The granting or renewal of a charter by an authorizer must not be conditioned upon the bargaining unit status of the employees of the school.

(i) The granting or renewal of a charter school by an authorizer must not be contingent on the charter school being required to contract, lease, or purchase services from the authorizer. Any potential contract, lease, or purchase of service from an authorizer must be disclosed to the commissioner, accepted through an open bidding process, and be a separate contract from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services for a school that it authorizes, unless the school documents that it received at least two competitive bids.

(j) An authorizer may permit the board of directors of a charter school to expand the operation of the charter school to ~~additional sites or to add additional grades~~ locations or grades at the school beyond those described in the authorizer's original affidavit as approved by the commissioner only after submitting a supplemental affidavit for approval to the commissioner in a form and manner prescribed by the commissioner. The supplemental affidavit must show that:

(1) the expansion proposed by the charter school is supported by need and projected enrollment;

(2) the charter school expansion is warranted, at a minimum, by longitudinal data demonstrating students' improved academic performance and growth on statewide assessments under chapter 120B;

(3) the charter school is fiscally sound and has the financial capacity to implement the proposed expansion; and

(4) the authorizer finds that the charter school has the management capacity to carry out its expansion.

(k) Notwithstanding paragraph (j), an authorizer may permit the board of directors of a high-performing charter school to expand the existing charter to include a new separate school beyond that described in the authorizer's original affidavit as approved by the commissioner only after submitting a supplemental affidavit for approval to the commissioner in a form and manner prescribed by the commissioner. A new separate school must conduct a separate lottery and enrollment process. A supplemental affidavit must be submitted for each new separate school and show that:

(1) the new separate school proposed by the authorizer is supported by need and projected enrollment;

(2) the new separate school is warranted, at a minimum, by longitudinal data demonstrating the existing charter school's students' improved academic performance and growth on statewide assessments under chapter 120B;

(3) the existing charter school is fiscally sound and the charter school board has the capacity to implement and govern the new separate school; and

(4) the authorizer finds that the charter school board has capacity to carry out and oversee the new separate school.

~~(k)~~ (l) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in the supplemental affidavit and the authorizer then has 30 business days to address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school may not expand grades ~~or~~, add sites, or start a new separate school until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 33. Minnesota Statutes 2008, section 127A.05, is amended by adding a subdivision to read:

Subd. 7. **Authority to intervene.** The commissioner of education shall have the authority to intervene directly in the state's persistently lowest achieving schools and charter schools and in school districts and charter schools that are in improvement or corrective action status under the Elementary and Secondary Education Act.

Sec. 34. **ALTERNATIVE TEACHER PREPARATION REPORTS.**

40.1 The Board of Teaching must submit an interim report on the effectiveness of the
40.2 alternative teacher preparation program under Minnesota Statutes, section 122A.245, to
40.3 the house of representatives and senate committees having jurisdiction over kindergarten
40.4 through grade 12 education by February 15, 2012, and a final report by February 15, 2014.

40.5 Sec. 35. **RULEMAKING AUTHORITY.**

40.6 The commissioner of education shall adopt rules consistent with chapter 14 which
40.7 provide English language proficiency standards for instruction of students identified
40.8 as limited English proficient under Minnesota Statutes, sections 124D.58 to 124D.64.
40.9 The English language proficiency standards must encompass the language domains of
40.10 listening, speaking, reading, and writing. The English language proficiency standards must
40.11 reflect social and academic dimensions of acquiring a second language that are accepted
40.12 of English language learners in prekindergarten through grade 12. The English language
40.13 proficiency standards must address the specific contexts for language acquisition in the
40.14 areas of social and instructional settings as well as academic language encountered in
40.15 language arts, mathematics, science, and social studies. The English language proficiency
40.16 standards must express the progression of language development through language
40.17 proficiency levels. The English language proficiency standards must be implemented
40.18 for all limited English proficient students beginning in the 2011-2012 school year and
40.19 assessed beginning in the 2012-2013 school year.

40.20 Sec. 36. **REPEALER.**

40.21 Minnesota Statutes 2008, section 122A.24, is repealed.