

A bill for an act
relating to education; modifying teacher evaluations and tenure; requiring
reports; amending Minnesota Statutes 2010, sections 120B.35, subdivision 1;
120B.36, subdivision 1; 122A.40, subdivisions 5, 6, 7, 8, 9, 10, 11, by adding
a subdivision; 122A.41, subdivisions 2, 3, 4, 5, 6, 14; 122A.60; 122A.61,
subdivision 1; 123B.09, subdivision 8; 123B.143, subdivision 1; proposing
coding for new law in Minnesota Statutes, chapter 122A.

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

ARTICLE 1

TEACHER EVALUATION AND PROFESSIONAL DEVELOPMENT

Section 1. Minnesota Statutes 2010, section 120B.35, subdivision 1, is amended to read:

Subdivision 1. **School and student indicators of growth and achievement.**

The commissioner must develop and implement a system for measuring and reporting
academic achievement and individual student growth, consistent with the statewide
educational accountability and reporting system. The system components must measure
and separately report the adequate yearly progress of schools and the growth of individual
students: students' current achievement in schools under subdivision 2; and individual
students' educational growth over time under subdivision 3. The commissioner annually
must report a student's growth and progress toward grade-level proficiency under section
120B.299 as it relates to applicable state academic standards and the statewide assessments
aligned with those standards. The system also must include statewide measures of student
academic growth that identify schools with high levels of growth, and also schools with
low levels of growth that need improvement. When determining a school's effect, the data
must include both statewide measures of student achievement and, to the extent annual
tests are administered, indicators of achievement growth that take into account a student's

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

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

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

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

(a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 8, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) 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 include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

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

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

Subd. 8. **Professional development and peer coaching for continuing contract teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for continuing contract teachers, consistent with subdivision 6, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) 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.

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

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

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

(a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 5, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

(b) 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.

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

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

Subd. 5. **Professional development and peer coaching for continuing contract teachers.** (a) A school board and the exclusive representative of the teachers in the district must collaborate in establishing a professional development model for probationary teachers, consistent with subdivision 3, that uses a district's professional development resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to improve teaching and learning.

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

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

Sec. 6. **[122A.411] TEACHER EVALUATIONS.**

Subdivision 1. **Evaluation structure.** A teacher evaluation structure is established to provide information about teacher effectiveness for teachers, districts, and charter schools to use in developing and improving teacher performance and student learning. The three-part structure contains:

(1) a teacher appraisal framework that identifies performance measures for determining teacher effectiveness;

(2) a mechanism for translating the performance data into a five-part teacher effectiveness rating scale; and

(3) a four-tier status designation that identifies teachers as standard, advanced, distinguished, or exemplary based on a teacher's effectiveness rating over time.

Subd. 2. **Teacher appraisal framework.** (a) Each school district and charter school must create and implement a teacher appraisal framework. The framework must translate performance measures and scores under this subdivision into five performance effectiveness rating scores where "5" is the highest rating and "1" is the lowest rating. The department, in collaboration with the Board of Teaching, must make available to districts and charter schools appraisal frameworks and other materials from evidence-based sources to assist districts and charter schools in implementing an appraisal framework, consistent with this section.

(b) If statewide assessment results are available under section 120B.35, these results are the basis for 50 percent of a teacher's total appraisal.

(c) If statewide assessment results are unavailable, 40 percent of a teacher's total appraisal must consist of results from districtwide assessments of state and local standards and another ten percent of the teacher's total appraisal must consist of results from teacher-developed assessments.

(d) If no districtwide assessment results are available, 50 percent of a teacher's total appraisal must consist of teacher-developed and administrator-approved assessments of state and local standards. A school administrator shall meet with teachers at least annually under this paragraph to review, modify if needed, and approve local course and grade-level expectations for student achievement and growth.

(e) A charter school or a school board, in consultation with its teachers, must identify the performance measures used as a basis for the other 50 percent of a teacher's total appraisal under this subdivision. The appraisal must include data from parent surveys and at least two annual evaluations performed by a trained school administrator. Other performance measures may include student surveys, peer observations and review, teacher performance portfolios, video classroom observations with teacher reflection after viewing videos, measures approved as part of an educational improvement plan under section 122A.413, and other highly reliable research-based measures.

Subd. 3. **Teacher performance effectiveness ratings.** (a) Beginning in the 2012-2013 school year and consistent with subdivision 2, a school district or charter school annually must use the following scale to determine a teacher performance effectiveness rating and corresponding status designation under subdivision 4 for each

teacher who teaches a subject for which statewide assessment results are available under section 120B.35:

(1) a teacher is "highly effective" if the teacher's appraisal shows that the teacher's students, on average, achieved one and one-half or more years of growth on statewide assessments and the teacher received a "5" performance rating under the district or charter school appraisal framework;

(2) a teacher is "effective" if the teacher's appraisal shows that the teacher's students, on average, achieved at least one year of growth on statewide assessments and the teacher received a "4" performance rating under the district or charter school appraisal framework;

(3) a teacher is "average" if the teacher's appraisal shows that the teacher's students, on average, achieved at least 0.9 years of growth on statewide student assessments and the teacher received a "3" performance rating under the district or charter school appraisal framework;

(4) a teacher "needs improvement" if the teacher's appraisal shows that the teacher's students, on average, achieved between 0.5 and 0.9 years of growth on statewide assessments or the teacher received a "2" or lower performance rating under the district or charter school appraisal framework; and

(5) a teacher is "ineffective" if the teacher's appraisal shows that the teacher's students, on average, achieved less than one-half year of growth on statewide assessments and the teacher received a "1" performance rating under the district or charter school appraisal framework.

(b) Beginning in the 2012-2013 school year and consistent with subdivision 2, a school district or charter school annually must use the following teacher performance effectiveness rating scale and corresponding status designation under subdivision 4 for each teacher who teaches a subject for which no statewide assessment data exist:

(1) a teacher is "highly effective" if the teacher receives a "5" performance rating under the district or charter school appraisal framework;

(2) a teacher is "effective" if the teacher receives a "4" performance rating under the district or charter school appraisal framework;

(3) a teacher is "average" if the teacher receives a "3" performance rating under the district or charter school appraisal framework;

(4) a teacher "needs improvement" if the teacher receives a "2" performance rating under the district or charter school appraisal framework; and

(5) a teacher is "ineffective" if the teacher receives a "1" performance rating under the district or charter school appraisal framework.

Subd. 4. **Teacher status designations.** (a) Beginning no later than the 2012-2013 school year, a school district or charter school shall establish a four-tier status designation for identifying teachers' effectiveness, consistent with this section, using measures of teacher performance and student learning as they relate to meeting state and local education standards.

(b) To receive a "standard" designation, a probationary teacher during the three-year probationary period must receive at least one rating of "average," "effective," or "highly effective" under the district or charter school appraisal framework and meet applicable professional development requirements.

(c) A licensed teacher who has a "standard" designation must receive a rating of "average," "effective," or "highly effective" in four years out of each five-year employment period and meet applicable professional development requirements to receive an "advanced" status designation.

(d) A teacher who receives a "highly effective" rating in three years out of a five-year employment period and meets applicable professional development requirements receives a "distinguished" status designation.

(e) A teacher who receives a "highly effective" rating in seven years during two consecutive five-year employment periods and meets applicable professional development requirements receives an "exemplary" status designation.

(f) A teacher who receives a "distinguished" or "exemplary" status designation keeps that designation for the remainder of the five-year employment period in which the teacher received the designation.

Subd. 5. **Data gathering and analysis.** Beginning in the 2012-2013 school year, the department, in consultation with the Board of Teaching, shall assist a school district or charter school in collecting and aggregating student data needed to implement subdivisions 2, 3, and 4. If the school district or charter school and the department agree that an ongoing need exists for department assistance, the district or charter school and the department shall enter into a data-sharing agreement. Any data on individual students or teachers received, collected, or created that are used to generate summary data under this section are nonpublic data under chapter 13.

Subd. 6. **Reports.** (a) Beginning in the 2012-2013 school year, each school district and charter school annually shall report to the department by August 31 the following information about the school year just completed:

(1) each teacher's performance effectiveness rating determined under subdivision 2, paragraph (b), (c), or (d);

(2) each teacher's performance effectiveness rating determined under subdivision 2, paragraph (e);

(3) each teacher's status designation under subdivision 4;

(4) each teacher's professional preparation program;

(5) its appraisal framework; and

(6) its graduation rate.

(b) Beginning in 2014, the department annually by February 15 shall submit a report to the committees of the legislature with primary jurisdiction over kindergarten through grade 12 education policy and finance that analyzes and evaluates summary data generated under paragraph (a) to determine the effectiveness of teacher appraisal systems in improving teaching and learning.

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

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

122A.60 STAFF DEVELOPMENT PROGRAM.

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

Subd. 1a. **Effective staff development activities.** (a) Staff development activities must be aligned with district and school site staff development plans, based on student achievement and growth data, and focused on student learning goals. Activities must:

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

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

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

(4) enhance teacher content knowledge and instructional skills;

(5) align with state and local academic standards;

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

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

Staff development activities also may include curriculum development and curriculum training programs, and activities that provide teachers 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 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 growth 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 4. 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 increasing teacher effectiveness and student learning and for 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~~ academic standards in all areas of the curriculum by using best practices methods and benchmark assessments aligned with academic standards;

(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~~ in their first five years of teaching;

(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.

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

Sec. 8. Minnesota Statutes 2010, 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 also may 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, ~~or 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.

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

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

11.4 A school board and the school administrators in a district must collaboratively
11.5 establish a professional development model for school administrators that uses the
11.6 district's professional development resources, including those resources under sections
11.7 122A.414, if applicable, 122A.60, and 122A.61. The professional development model
11.8 must, at a minimum:

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

11.11 (2) provide professional development to better recommend appropriate professional
11.12 development strategies for teachers;

11.13 (3) make appropriate recommendations for principals to participate in development
11.14 opportunities, including the Principals' Leadership Institute under section 122A.74 or
11.15 other statewide development programs; and

11.16 (4) provide professional development opportunities targeted to identifying systemic
11.17 strengths and weaknesses within a school.

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

11.19 Sec. 10. **APPRAISAL IMPLEMENTATION TIMELINE.**

11.20 Consistent with Minnesota Statutes, section 122A.411, districts and charter schools
11.21 shall implement the teacher appraisal framework according to the following timeline:

11.22 (1) in the 2011-2012 school year, develop an appraisal framework and a system
11.23 to collect data;

11.24 (2) in the 2012-2013 school year, implement the teacher appraisal framework and
11.25 data collection system as a pilot program; and

11.26 (3) beginning in the 2013-2014 school year, fully implement the teacher appraisal
11.27 framework and data collection system.

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

11.29 **ARTICLE 2**

11.30 **TEACHER EMPLOYMENT**

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

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2010, section 122A.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 issue an annual employment contract and adopt a plan for written evaluation of teachers during the probationary period that complies with section 122A.411. During the first 60 school days only of a probationary teacher's first year of employment, the board may terminate the teacher at will. 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 probationary 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) A district must decide whether to issue a contract to a probationary classroom teacher at the end of the teacher's probationary period based on:

(1) the teacher's professional growth plan based on standards of effective professional practice, student learning goals, and teacher evaluations under this subdivision that comply with section 122A.411;

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

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

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

14.3 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 7, is amended to read:

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

14.22 (b) Before a teacher's contract is terminated by the board, the board must notify
14.23 the teacher in writing and state its ground for the proposed termination in reasonable
14.24 detail together with a statement that the teacher may make a written request for a hearing
14.25 before the board within 14 days after receipt of such notification. If the grounds are those
14.26 specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration
14.27 under subdivision 15. Within 14 days after receipt of this notification the teacher may
14.28 make a written request for a hearing before the board or an arbitrator and it shall be
14.29 granted upon reasonable notice to the teacher of the date set for hearing, before final action
14.30 is taken. If no hearing is requested within such period, it shall be deemed acquiescence by
14.31 the teacher to the board's action. ~~Such~~ The teacher's termination ~~shall take effect at the~~
14.32 ~~close of the school year in which the contract is terminated in the manner aforesaid~~ must
14.33 comply with subdivision 9 or 13. ~~Such~~ A contract may be terminated at any time by mutual
14.34 consent of the board and the teacher and this section does not affect the powers of a board
14.35 to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

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

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

15.6 Sec. 4. Minnesota Statutes 2010, section 122A.40, is amended by adding a subdivision
15.7 to read:

15.8 Subd. 7b. **Teacher employment.** (a) A school district must use a teacher appraisal
15.9 framework to make informed decisions about teacher development and performance.
15.10 Teachers must participate in ongoing professional development to improve teaching and
15.11 learning throughout a term of employment.

15.12 (b) After completing the initial three-year probationary period without discharge, a
15.13 teacher who is reemployed by a school board continues in service and holds that position
15.14 during good behavior and efficient and competent service for a renewable five-year term.
15.15 The terms and conditions of a teacher's employment contract, including salary and salary
15.16 increases, must be based either on the length of the school year or an extended school
15.17 calendar under section 120A.415.

15.18 (c) At the end of every five-year term, the school board either must continue or
15.19 terminate a teacher's employment based on:

15.20 (1) a portfolio of the teacher's five-year professional growth plan based on standards
15.21 of professional practice, student learning, and successful teacher evaluations, consistent
15.22 with section 122A.411, that are conducted at least twice per year by a trained school
15.23 administrator;

15.24 (2) the teacher's appraisal results and performance effectiveness rating under section
15.25 122A.411; and

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

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

15.30 Sec. 5. Minnesota Statutes 2010, section 122A.40, subdivision 9, is amended to read:

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

15.33 ~~(a)~~ (1) inefficiency;

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

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

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

(5) the teacher is ineffective under section 122A.411 and not recommended by the district for continued employment under this section.

(b) A contract must not be terminated upon one of the grounds specified in clause under paragraph (a), ~~(b), (c), or (d)~~, clause (5), unless the teacher fails to correct the deficiency after being given written notice of the specific items of complaint and reasonable time within which 180 days after receiving the notice to remedy them.

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

Sec. 6. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

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

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

Sec. 7. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of

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 superintendent may exempt from the effects of paragraphs (b) to (f) those teachers who, in the superintendent's judgment, are able to provide instruction that similarly licensed teachers cannot provide or whose subject area license meets unmet district needs for student instruction. The board is governed by ~~the following provisions:~~ paragraphs (b) to (k).

~~(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 following order:

(1) teachers with a "needs improvement" or "ineffective" rating under section 122A.411 in the inverse order in which they were employed by the school district;

(2) teachers with an "average" rating under section 122A.411 with four or more years of teaching experience in the inverse order in which they were employed by the school district;

(3) teachers with an "effective" rating under section 122A.411 with fewer than four years of teaching experience in the inverse order in which they were employed by the school district;

(4) teachers with a "highly effective" rating under section 122A.411 in the inverse order in which they were employed by the school district;

(5) teachers with a "distinguished" rating under section 122A.411 in the inverse order in which they were employed by the school district; and

(6) teachers with an "exemplary" rating under section 122A.411 in the inverse order in which they were employed by the school district.

(c) In the case of equal seniority within a clause of paragraph (b), 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;

~~(e) 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 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 license in the same field. The provisions of this clause do not apply to vocational education licenses;~~

(d) Notwithstanding ~~clauses (a),~~ paragraphs (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~~ restrictions imposed by the provisions of ~~clause paragraph (b) or (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 licensed teacher,~~ with a lower designated status or less seniority.

(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 license, other than a vocational education license, while another teacher who holds a nonprovisional 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~~ until that teacher's contract expires under subdivision 7b, 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.

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

Sec. 8. Minnesota Statutes 2010, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment ~~during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit.~~ The school site management team or the school board if there is no school site management team, shall issue an annual employment contract and adopt a plan for a written evaluation of teachers during the probationary period ~~according to subdivision 3~~ that is consistent with section 122A.411. During the first 60 days only of a probationary teacher's first year of employment, the board may terminate the teacher at will. ~~Evaluation by the peer review committee charged with evaluating of probationary teachers under subdivision 3 shall 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 shall not be included in determining the number of school days on which a teacher performs services.~~ The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

(b) 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).

(c) 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.

(d) A district must decide whether to issue a contract to a probationary classroom teacher at the end of the teacher's probationary period based on:

(1) a portfolio of the teacher's professional growth plan based on standards of effective professional practice, student learning goals, and successful teacher evaluations, consistent with section 122A.411, that are conducted at least twice per year by a trained school administrator;

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

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

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

Sec. 9. Minnesota Statutes 2010, section 122A.41, subdivision 4, is amended to read:

Subd. 4. ~~Period of service after probationary period; discharge or demotion~~
Teacher employment. (a) A school district must use a teacher appraisal framework to make informed decisions about teacher development and performance. Teachers must participate in ongoing professional development to improve teaching and learning throughout a term of employment.

~~(b) After the completion of such~~ completing the initial three-year probationary period; without discharge, ~~such teachers as are thereupon~~ a teacher who is reemployed shall continue in service and hold ~~their respective~~ that position during good behavior and efficient and competent service for a renewable five-year term and must not be discharged or demoted except for cause after a hearing. 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)~~ (c) 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)~~ (d) 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.

21.1 (e) At the end of every five-year term, the school board must either continue or
21.2 terminate a teacher's employment based on:

21.3 (1) a portfolio of the teacher's five-year professional growth plan based on standards
21.4 of professional practice, student learning, and successful teacher evaluations, consistent
21.5 with section 122A.411, that are conducted at least twice per year by a trained school
21.6 administrator;

21.7 (2) the teacher's appraisal results and performance effectiveness rating under section
21.8 122A.411; and

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

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

21.13 Sec. 10. Minnesota Statutes 2010, section 122A.41, subdivision 6, is amended to read:

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

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

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

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

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

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

21.26 (6) the teacher is ineffective under section 122A.411 and not recommended by the
21.27 district for employment under this section.

21.28 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
21.29 discriminatory practice described in section 363A.13. A contract must not be discharged
21.30 on the grounds specified in clause (6) unless the teacher fails to correct the deficiency
21.31 after being given written notice of the specific items of complaint and 180 days within
21.32 which to remedy them.

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

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

22.3 Sec. 11. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

22.4 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**
22.5 **given.** ~~(a)~~ A teacher whose services are terminated on account of discontinuance of
22.6 position or lack of pupils must receive first consideration for other positions in the district
22.7 for which that teacher is qualified. In the event it becomes necessary to discontinue one
22.8 or more positions, in making such discontinuance, teachers must be discontinued in any
22.9 department in the following order:

22.10 (1) teachers with a "needs improvement" or "ineffective" rating under section
22.11 122A.411 in the inverse order in which they were employed;~~unless a board and the~~
22.12 ~~exclusive representative of teachers in the district negotiate a plan providing otherwise;~~

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

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

22.24 (2) teachers with an "average" rating under section 122A.411 with four or more
22.25 years of teaching experience in the inverse order in which they were employed by the
22.26 school district;

22.27 (3) teachers with an "effective" rating under section 122A.411 with fewer than
22.28 four years of teaching experience in the inverse order in which they were employed by
22.29 the school district;

22.30 (4) teachers with a "highly effective" rating under section 122A.411 in the inverse
22.31 order in which they were employed by the school district;

22.32 (5) teachers with a "distinguished" rating under section 122A.411 in the inverse
22.33 order in which they were employed by the school district; and

22.34 (6) teachers with an "exemplary" rating under section 122A.411 in the inverse order
22.35 in which they were employed by the school district.

23.1 The superintendent may exempt from the effects of this subdivision those teachers
23.2 who, in the superintendent's judgment, are able to provide instruction that similarly
23.3 licensed teachers cannot provide or whose subject area license meets unmet district needs
23.4 for student instruction.

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

23.7 Sec. 12. **[122A.418] TEACHER EFFECTIVENESS-BASED BONUSES.**

23.8 (a) A teacher with a "distinguished" rating under section 122A.411 shall receive an
23.9 annual bonus equal to ten percent of the teacher's base salary until the teacher no longer
23.10 has a "distinguished" rating.

23.11 (b) A teacher with an "exemplary" rating under section 122A.411 shall receive an
23.12 annual bonus equal to 20 percent of the teacher's base salary until the teacher no longer
23.13 has an "exemplary" rating.

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

23.15 Sec. 13. Minnesota Statutes 2010, section 123B.09, subdivision 8, is amended to read:

23.16 Subd. 8. **Duties.** The board must superintend and manage the schools of the
23.17 district; adopt rules for their organization, government, and instruction; keep registers;
23.18 and prescribe textbooks and courses of study. The board may enter into an agreement
23.19 with a postsecondary institution for secondary or postsecondary nonsectarian courses
23.20 to be taught at a secondary school, nonsectarian postsecondary institution, or another
23.21 location. Consistent with section 122A.40, subdivision 10, or 122A.41, subdivision 14, as
23.22 applicable, the board must not enter into an agreement that limits a district superintendent's
23.23 ability to assign and reassign teachers or administrators to the schools in which the
23.24 teachers will teach or the administrators will administer to best meet student and school
23.25 needs as determined by the superintendent.

23.26 Sec. 14. Minnesota Statutes 2010, section 123B.143, subdivision 1, is amended to read:

23.27 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary
23.28 school must employ a superintendent who shall be an ex officio nonvoting member of the
23.29 school board. The authority for selection and employment of a superintendent must be
23.30 vested in the board in all cases. An individual employed by a board as a superintendent
23.31 shall have an initial employment contract for a period of time no longer than three years
23.32 from the date of employment. Any subsequent employment contract must not exceed a

period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall ~~perform the following~~:

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

(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, distinguished, and exemplary teachers, as defined in section 122A.411, to schools to best meet student and school needs as determined by the superintendent;

(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.

Sec. 15. EFFECT OF TEACHER DIVERSITY ON STUDENT ACHIEVEMENT.

(a) The commissioner of education shall develop a request for proposal to study and report on the impact that a culturally, racially, and ethnically diverse teaching faculty has on the educational outcomes of minority students, including academic performance,

graduation rates, and participation in postsecondary programs. The study must control for the level of teacher effectiveness.

(b) The commissioner of education also shall develop a request for proposal to evaluate and report on school district practices for recruiting a culturally, racially, and ethnically diverse teaching faculty.

(c) The commissioner must submit the reports under paragraphs (a) and (b) to the education policy and finance committees of the legislature by February 1, 2015.

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

Sec. 16. **ADVISORY TASK FORCE ON IMPLEMENTING TEACHER EVALUATION STRUCTURE.**

Consistent with Minnesota Statutes, section 122A.411, and related sections, the commissioner of education shall convene a nine-member advisory task force to make recommendations related to implementing the state's teacher evaluation structure. Task force members shall include: one representative each from the Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Minnesota Assessment Group, the Minnesota Association of School Administrators, and the Minnesota Elementary and Secondary School Principals Association, appointed by the respective organizations; two representatives from Education Minnesota, one of whom must be a currently licensed classroom teacher teaching in a first class city school district, appointed by Education Minnesota; and two parents of students currently enrolled in Minnesota public schools, one of whom must be a parent of color, appointed by the Minnesota Parent Teacher Organization. The commissioner or the commissioner's designee shall serve as a nonvoting member of the task force and shall provide technical assistance to the task force upon request. The task force must review the statutory sections that compose this act and recommend to the commissioner any changes needed to fully implement the teacher evaluation structure, including statutory changes to accomplish the recommendations. The commissioner must report the task force recommendations to the education policy and finance committees of the legislature by February 15, 2012. The advisory task force expires June 1, 2012.

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

APPENDIX
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