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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2944

03/10/2016 Authored by Mariani, Norton, Bly, Bernardy, Persell and others  
The bill was read for the first time and referred to the Committee on Education Innovation Policy  
03/23/2016 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act  
1.2 relating to education; providing all students, including low-income and minority  
1.3 students, with improved and equitable access to effective and more diverse  
1.4 teachers; amending Minnesota Statutes 2014, sections 120B.11, as amended;  
1.5 120B.35, subdivision 3; 123B.147, subdivision 3; 124D.861, as amended;  
1.6 Minnesota Statutes 2015 Supplement, sections 122A.40, subdivision 8; 122A.41,  
1.7 subdivision 5; 127A.05, subdivision 6.

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

1.9 Section 1. Minnesota Statutes 2014, section 120B.11, as amended by Laws 2015, First  
1.10 Special Session chapter 3, article 3, section 5, is amended to read:

1.11 **120B.11 SCHOOL DISTRICT PROCESS FOR REVIEWING CURRICULUM,**  
1.12 **INSTRUCTION, AND STUDENT ACHIEVEMENT; STRIVING FOR THE**  
1.13 **WORLD'S BEST WORKFORCE.**

1.14 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,  
1.15 the following terms have the meanings given them.

1.16 (a) "Instruction" means methods of providing learning experiences that enable  
1.17 a student to meet state and district academic standards and graduation requirements  
1.18 including applied and experiential learning.

1.19 (b) "Curriculum" means district or school adopted programs and written plans for  
1.20 providing students with learning experiences that lead to expected knowledge and skills  
1.21 and career and college readiness.

1.22 (c) "World's best workforce" means striving to: meet school readiness goals; have  
1.23 all third grade students achieve grade-level literacy; close the academic achievement gap  
1.24 among all racial and ethnic groups of students and between students living in poverty  
1.25 and students not living in poverty; have all students attain career and college readiness

2.1 before graduating from high school; ~~and~~ have all students graduate from high school; and  
2.2 provide all enrolled students with equitable access to effective and more diverse teachers,  
2.3 including teachers who are members of populations underrepresented among the licensed  
2.4 teachers in the district or school, and who reflect the diversity of students under section  
2.5 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in the district or school.

2.6 (d) "Experiential learning" means learning for students that includes career  
2.7 exploration through a specific class or course or through work-based experiences such as  
2.8 job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships,  
2.9 other cooperative work experience, youth apprenticeship, or employment.

2.10 Subd. 1a. **Performance measures.** Measures to determine school district and  
2.11 school site progress in striving to create the world's best workforce must include at least:

2.12 (1) student performance on the National Assessment of Education Progress where  
2.13 applicable;

2.14 (2) the size of the academic achievement gap, rigorous course taking under section  
2.15 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student  
2.16 subgroup;

2.17 (3) student performance on the Minnesota Comprehensive Assessments;

2.18 (4) high school graduation rates; ~~and~~

2.19 (5) career and college readiness under section 120B.30, subdivision 1; and

2.20 (6) the number and percent of teachers who are members of populations  
2.21 underrepresented among the licensed teachers in the district or school and who reflect the  
2.22 diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2),  
2.23 enrolled in the district or school.

2.24 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, shall  
2.25 adopt a comprehensive, long-term strategic plan to support and improve teaching and  
2.26 learning that is aligned with creating the world's best workforce and includes:

2.27 (1) clearly defined district and school site goals and benchmarks for instruction and  
2.28 student achievement for all student subgroups identified in section 120B.35, subdivision 3,  
2.29 paragraph (b), clause (2);

2.30 (2) a process for assessing and evaluating each student's progress toward meeting state  
2.31 and local academic standards and identifying the strengths and weaknesses of instruction  
2.32 in pursuit of student and school success and curriculum affecting students' progress and  
2.33 growth toward career and college readiness and leading to the world's best workforce;

2.34 (3) a system to periodically review and evaluate the effectiveness of all instruction  
2.35 and curriculum, taking into account strategies and best practices, student outcomes, school  
2.36 principal evaluations under section 123B.147, subdivision 3, students' access to effective

3.1 teachers who are members of populations underrepresented among the licensed teachers  
3.2 in the district or school and who reflect the diversity of enrolled students under section  
3.3 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section  
3.4 122A.40, subdivision 8, or 122A.41, subdivision 5;

3.5 (4) strategies for improving instruction, curriculum, and student achievement,  
3.6 including the English and, where practicable, the native language development and the  
3.7 academic achievement of English learners;

3.8 (5) education effectiveness practices that integrate high-quality instruction, rigorous  
3.9 curriculum, technology, and a collaborative professional culture that develops and  
3.10 supports teacher quality, performance, and effectiveness; and

3.11 (6) an annual budget for continuing to implement the district plan.

3.12 Subd. 3. **District advisory committee.** Each school board shall establish an  
3.13 advisory committee to ensure active community participation in all phases of planning  
3.14 and improving the instruction and curriculum affecting state and district academic  
3.15 standards, consistent with subdivision 2. A district advisory committee, to the extent  
3.16 possible, shall reflect the diversity of the district and its school sites, include teachers,  
3.17 parents, support staff, students, and other community residents, and provide translation  
3.18 to the extent appropriate and practicable. The district advisory committee shall pursue  
3.19 community support to accelerate the academic and native literacy and achievement of  
3.20 English learners with varied needs, from young children to adults, consistent with section  
3.21 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees  
3.22 of the district advisory committee under subdivision 4. The district advisory committee  
3.23 shall recommend to the school board rigorous academic standards, student achievement  
3.24 goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a  
3.25 and 1b, and 120B.35, district assessments, means to improve students' equitable access to  
3.26 effective and more diverse teachers, and program evaluations. School sites may expand  
3.27 upon district evaluations of instruction, curriculum, assessments, or programs. Whenever  
3.28 possible, parents and other community residents shall comprise at least two-thirds of  
3.29 advisory committee members.

3.30 Subd. 4. **Site team.** A school may establish a site team to develop and implement  
3.31 strategies and education effectiveness practices to improve instruction, curriculum,  
3.32 cultural fluencies and competencies, including cultural awareness and cross-cultural  
3.33 communication, and student achievement at the school site, consistent with subdivision  
3.34 2. The team advises the board and the advisory committee about developing the  
3.35 annual budget and revising an instruction and curriculum improvement plan that aligns

4.1 curriculum, assessment of student progress, and growth in meeting state and district  
4.2 academic standards and instruction.

4.3 Subd. 5. **Report.** Consistent with requirements for school performance reports  
4.4 under section 120B.36, subdivision 1, the school board shall publish a report in the local  
4.5 newspaper with the largest circulation in the district, by mail, or by electronic means on  
4.6 the district Web site. The school board shall hold an annual public meeting to review, and  
4.7 revise where appropriate, student achievement goals, local assessment outcomes, plans,  
4.8 strategies, and practices for improving curriculum and instruction and cultural competency  
4.9 and all students' increased and equitable access to effective and more diverse teachers, and  
4.10 to review district success in realizing the previously adopted student achievement goals  
4.11 and related benchmarks and the improvement plans leading to the world's best workforce.  
4.12 The school board must transmit an electronic summary of its report to the commissioner in  
4.13 the form and manner the commissioner determines.

4.14 Subd. 7. **Periodic report.** Each school district shall periodically survey affected  
4.15 constituencies, in their native languages where appropriate and practicable, about their  
4.16 connection to and level of satisfaction with school. The district shall include the results of  
4.17 this evaluation in the summary report required under subdivision 5.

4.18 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective  
4.19 strategies, practices, and use of resources by districts and school sites in striving for the  
4.20 world's best workforce. The commissioner must assist districts and sites throughout the  
4.21 state in implementing these effective strategies, practices, and use of resources, and in  
4.22 providing all enrolled students, including low-income students, American Indian students,  
4.23 and students of color with improved and equitable access to effective and more diverse  
4.24 teachers.

4.25 (b) The commissioner must identify those districts in any consecutive three-year  
4.26 period not making sufficient progress toward improving teaching and learning for all  
4.27 students, including English learners with varied needs, consistent with section 124D.59,  
4.28 subdivisions 2 and 2a, and striving for the world's best workforce. The commissioner, in  
4.29 collaboration with the identified district, may require the district to use up to two percent  
4.30 of its basic general education revenue per fiscal year during the proximate three school  
4.31 years to implement commissioner-specified strategies and practices, consistent with  
4.32 paragraph (a), to improve and accelerate its progress in realizing its goals under this  
4.33 section. In implementing this section, the commissioner must consider districts' budget  
4.34 constraints and legal obligations.

4.35 (c) The commissioner shall report by January 25 of each year to the committees of  
4.36 the legislature having jurisdiction over kindergarten through grade 12 education the list of

5.1 school districts that have not submitted their report to the commissioner under subdivision  
5.2 5 and the list of school districts not achieving their performance goals established in  
5.3 their plan under subdivision 2.

5.4 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
5.5 later.

5.6 Sec. 2. Minnesota Statutes 2014, section 120B.35, subdivision 3, is amended to read:

5.7 Subd. 3. **State growth target; other state measures.** (a) The state's educational  
5.8 assessment system measuring individual students' educational growth is based on  
5.9 indicators of achievement growth that show an individual student's prior achievement.  
5.10 Indicators of achievement and prior achievement must be based on highly reliable  
5.11 statewide or districtwide assessments.

5.12 (b) The commissioner, in consultation with a stakeholder group that includes  
5.13 assessment and evaluation directors, district staff, experts in culturally responsive teaching,  
5.14 and researchers, must implement a model that uses a value-added growth indicator ~~and~~  
5.15 ~~includes criteria for identifying schools and school districts that demonstrate medium and~~  
5.16 ~~high growth under section 120B.299, subdivisions 8 and 9,~~ and may recommend other  
5.17 value-added measures under section 120B.299, subdivision 3. The model may be used  
5.18 to advance educators' professional development and replicate programs that succeed in  
5.19 meeting students' diverse learning needs. Data on individual teachers generated under the  
5.20 model are personnel data under section 13.43. The model must allow users to:

5.21 (1) report student growth consistent with this paragraph; and

5.22 (2) for all student categories, report and compare aggregated and disaggregated state  
5.23 growth data using the ~~nine~~ student categories identified under the federal ~~2001 No Child~~  
5.24 ~~Left Behind Act and two student gender categories of male and female, respectively~~  
5.25 Elementary and Secondary Education Act, as most recently reauthorized, following  
5.26 appropriate reporting practices to protect nonpublic student data.

5.27 The commissioner must report measures of student growth, consistent with this  
5.28 paragraph, including the English language development, academic progress, and oral  
5.29 academic development of English learners and their native language development if the  
5.30 native language is used as a language of instruction.

5.31 (c) When reporting student performance under section 120B.36, subdivision 1, the  
5.32 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
5.33 the extent to which current high school graduates are being prepared for postsecondary  
5.34 academic and career opportunities:

6.1 (1) a preparation measure indicating the number and percentage of high school  
6.2 graduates in the most recent school year who completed course work important to  
6.3 preparing them for postsecondary academic and career opportunities, consistent with  
6.4 the core academic subjects required for admission to Minnesota's public colleges and  
6.5 universities as determined by the Office of Higher Education under chapter 136A; and

6.6 (2) a rigorous coursework measure indicating the number and percentage of high  
6.7 school graduates in the most recent school year who successfully completed one or more  
6.8 college-level advanced placement, international baccalaureate, postsecondary enrollment  
6.9 options including concurrent enrollment, other rigorous courses of study under section  
6.10 120B.021, subdivision 1a, or industry certification courses or programs.

6.11 When reporting the core measures under clauses (1) and (2), the commissioner must also  
6.12 analyze and report separate categories of information using the ~~nine~~ student categories  
6.13 identified under the federal ~~2001 No Child Left Behind Act~~ and two student gender  
6.14 ~~categories of male and female, respectively~~ Elementary and Secondary Education Act, as  
6.15 most recently reauthorized, following appropriate reporting practices to protect nonpublic  
6.16 student data.

6.17 (d) When reporting student performance under section 120B.36, subdivision 1, the  
6.18 commissioner annually, beginning July 1, 2014, must report summary data on school  
6.19 safety and students' engagement and connection at school. The summary data under this  
6.20 paragraph are separate from and must not be used for any purpose related to measuring  
6.21 or evaluating the performance of classroom teachers. The commissioner, in consultation  
6.22 with qualified experts on student engagement and connection and classroom teachers,  
6.23 must identify highly reliable variables that generate summary data under this paragraph.  
6.24 The summary data may be used at school, district, and state levels only. Any data on  
6.25 individuals received, collected, or created that are used to generate the summary data  
6.26 under this paragraph are nonpublic data under section 13.02, subdivision 9.

6.27 (e) For purposes of statewide educational accountability, the commissioner must  
6.28 identify and report measures that demonstrate the success of learning year program  
6.29 providers under sections 123A.05 and 124D.68, among other such providers, in improving  
6.30 students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually  
6.31 report summary data on:

6.32 (1) the four- and six-year graduation rates of students under this paragraph;

6.33 (2) the percent of students under this paragraph whose progress and performance  
6.34 levels are meeting career and college readiness benchmarks under section 120B.30,  
6.35 subdivision 1; and

6.36 (3) the success that learning year program providers experience in:

- 7.1 (i) identifying at-risk and off-track student populations by grade;
- 7.2 (ii) providing successful prevention and intervention strategies for at-risk students;
- 7.3 (iii) providing successful recuperative and recovery or reenrollment strategies for
- 7.4 off-track students; and
- 7.5 (iv) improving the graduation outcomes of at-risk and off-track students.

7.6 The commissioner may include in the annual report summary data on other education

7.7 providers serving a majority of students eligible to participate in a learning year program.

- 7.8 (f) The commissioner, in consultation with recognized experts with knowledge and
- 7.9 experience in assessing the language proficiency and academic performance of English
- 7.10 learners, must identify and report appropriate and effective measures to improve current
- 7.11 categories of language difficulty and assessments, and monitor and report data on students'
- 7.12 English proficiency levels, program placement, and academic language development,
- 7.13 including oral academic language.

7.14 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and

7.15 later.

7.16 Sec. 3. Minnesota Statutes 2015 Supplement, section 122A.40, subdivision 8, is

7.17 amended to read:

7.18 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**

7.19 **teachers.** (a) To improve student learning and success, a school board and an exclusive

7.20 representative of the teachers in the district, consistent with paragraph (b), may develop

7.21 a teacher evaluation and peer review process for probationary and continuing contract

7.22 teachers through joint agreement. If a school board and the exclusive representative of the

7.23 teachers do not agree to an annual teacher evaluation and peer review process, then the

7.24 school board and the exclusive representative of the teachers must implement the state

7.25 teacher evaluation plan under paragraph (c). The process must include having trained

7.26 observers serve as peer coaches or having teachers participate in professional learning

7.27 communities, consistent with paragraph (b).

7.28 (b) To develop, improve, and support qualified teachers and effective teaching

7.29 practices ~~and~~, improve student learning and success, and provide all enrolled students

7.30 in a district or school, including low-income students, American Indian students, and

7.31 students of color with improved and equitable access to more diverse teachers, the annual

7.32 evaluation process for teachers:

7.33 (1) must, for probationary teachers, provide for all evaluations required under

7.34 subdivision 5;

8.1 (2) must establish a three-year professional review cycle for each teacher that  
8.2 includes an individual growth and development plan, a peer review process, and at least  
8.3 one summative evaluation performed by a qualified and trained evaluator such as a school  
8.4 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
8.5 trained evaluator, the teacher must be evaluated by a peer review;

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

8.7 (4) must coordinate staff development activities that improve cultural fluency  
8.8 and competency under sections 122A.60 and 122A.61 with this evaluation process and  
8.9 teachers' evaluation outcomes;

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

8.12 (6) may include job-embedded learning opportunities such as professional learning  
8.13 communities;

8.14 (7) may include mentoring and induction programs for teachers, including teachers  
8.15 who are members of populations underrepresented among the licensed teachers in  
8.16 the district or school and who reflect the diversity of students under section 120B.35,  
8.17 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

8.18 (8) must include an option for teachers to develop and present a portfolio  
8.19 demonstrating evidence of reflection and professional growth, consistent with section  
8.20 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
8.21 based on student work samples and examples of teachers' work, which may include video  
8.22 among other activities for the summative evaluation;

8.23 (9) must use data from valid and reliable assessments aligned to state and local  
8.24 academic standards and must use state and local measures of student growth and literacy  
8.25 that may include value-added models or student learning goals to determine 35 percent of  
8.26 teacher evaluation results;

8.27 (10) must use longitudinal data on student engagement and connection, and other  
8.28 student outcome measures explicitly aligned with the elements of culturally responsive  
8.29 curriculum for which teachers are responsible, including academic literacy, oral academic  
8.30 language, and achievement of content areas of English learners;

8.31 (11) must require qualified and trained evaluators such as school administrators to  
8.32 perform summative evaluations and ensure school districts and charter schools provide for  
8.33 effective evaluator training specific to teacher development and evaluation;

8.34 (12) must give teachers not meeting professional teaching standards under clauses  
8.35 (3) through (11) support to improve through a teacher improvement process that includes  
8.36 established goals and timelines; and

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

9.5 Data on individual teachers generated under this subdivision are personnel data  
9.6 under section 13.43. The observation and interview notes of peer coaches may only be  
9.7 disclosed to other school officials with the consent of the teacher being coached.

9.8 (c) The department, in consultation with parents who may represent parent  
9.9 organizations and teacher and administrator representatives appointed by their respective  
9.10 organizations, representing the Board of Teaching, the Minnesota Association of School  
9.11 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
9.12 and Secondary Principals Associations, Education Minnesota, and representatives of  
9.13 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
9.14 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
9.15 in teacher evaluation, must create and publish a teacher evaluation process that complies  
9.16 with the requirements in paragraph (b) and applies to all teachers under this section and  
9.17 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher  
9.18 evaluation and peer review process. The teacher evaluation process created under this  
9.19 subdivision does not create additional due process rights for probationary teachers under  
9.20 subdivision 5.

9.21 (d) Consistent with the measures of teacher effectiveness under this subdivision:

9.22 (1) for students in kindergarten through grade 4, a school administrator must not  
9.23 place or approve the placement of a student in the classroom of a teacher who is in the  
9.24 improvement process referenced in paragraph (b), clause (12), or has not had a summative  
9.25 evaluation if, in the prior year, that student was in the classroom of a teacher who received  
9.26 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school  
9.27 teaches that grade; and

9.28 (2) for students in grades 5 through 12, a school administrator must not place  
9.29 or approve the placement of a student in the classroom of a teacher who is in the  
9.30 improvement process referenced in paragraph (b), clause (12), or has not had a summative  
9.31 evaluation if, in the prior year, that student was in the classroom of a teacher who received  
9.32 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school  
9.33 teaches that subject area and grade.

9.34 All data created and used under this paragraph retains its classification under chapter 13.

10.1 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
10.2 later.

10.3 Sec. 4. Minnesota Statutes 2015 Supplement, section 122A.41, subdivision 5, is  
10.4 amended to read:

10.5 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
10.6 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
10.7 representative of the teachers in the district, consistent with paragraph (b), may develop an  
10.8 annual teacher evaluation and peer review process for probationary and nonprobationary  
10.9 teachers through joint agreement. If a school board and the exclusive representative of  
10.10 the teachers in the district do not agree to an annual teacher evaluation and peer review  
10.11 process, then the school board and the exclusive representative of the teachers must  
10.12 implement the state teacher evaluation plan developed under paragraph (c). The process  
10.13 must include having trained observers serve as peer coaches or having teachers participate  
10.14 in professional learning communities, consistent with paragraph (b).

10.15 (b) To develop, improve, and support qualified teachers and effective teaching  
10.16 practices and improve student learning and success, and provide all enrolled students  
10.17 in a district or school, including low-income students, American Indian students, and  
10.18 students of color with improved and equitable access to more diverse teachers, the annual  
10.19 evaluation process for teachers:

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

10.22 (2) must establish a three-year professional review cycle for each teacher that  
10.23 includes an individual growth and development plan, a peer review process, and at least  
10.24 one summative evaluation performed by a qualified and trained evaluator such as a school  
10.25 administrator;

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

10.27 (4) must coordinate staff development activities that improve cultural fluency  
10.28 and competency under sections 122A.60 and 122A.61 with this evaluation process and  
10.29 teachers' evaluation outcomes;

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

10.32 (6) may include job-embedded learning opportunities such as professional learning  
10.33 communities;

10.34 (7) may include mentoring and induction programs for teachers, including teachers  
10.35 who are members of populations underrepresented among the licensed teachers in

11.1 the district or school and who reflect the diversity of students under section 120B.35,  
11.2 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

11.3 (8) must include an option for teachers to develop and present a portfolio  
11.4 demonstrating evidence of reflection and professional growth, consistent with section  
11.5 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
11.6 based on student work samples and examples of teachers' work, which may include video  
11.7 among other activities for the summative evaluation;

11.8 (9) must use data from valid and reliable assessments aligned to state and local  
11.9 academic standards and must use state and local measures of student growth and literacy  
11.10 that may include value-added models or student learning goals to determine 35 percent of  
11.11 teacher evaluation results;

11.12 (10) must use longitudinal data on student engagement and connection and other  
11.13 student outcome measures explicitly aligned with the elements of culturally responsive  
11.14 curriculum for which teachers are responsible, including academic literacy, oral academic  
11.15 language, and achievement of English learners;

11.16 (11) must require qualified and trained evaluators such as school administrators to  
11.17 perform summative evaluations and ensure school districts and charter schools provide for  
11.18 effective evaluator training specific to teacher development and evaluation;

11.19 (12) must give teachers not meeting professional teaching standards under clauses  
11.20 (3) through (11) support to improve through a teacher improvement process that includes  
11.21 established goals and timelines; and

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

11.26 Data on individual teachers generated under this subdivision are personnel data  
11.27 under section 13.43. The observation and interview notes of peer coaches may only be  
11.28 disclosed to other school officials with the consent of the teacher being coached.

11.29 (c) The department, in consultation with parents who may represent parent  
11.30 organizations and teacher and administrator representatives appointed by their respective  
11.31 organizations, representing the Board of Teaching, the Minnesota Association of School  
11.32 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
11.33 and Secondary Principals Associations, Education Minnesota, and representatives of  
11.34 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
11.35 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
11.36 in teacher evaluation, must create and publish a teacher evaluation process that complies

12.1 with the requirements in paragraph (b) and applies to all teachers under this section and  
12.2 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher  
12.3 evaluation and peer review process. The teacher evaluation process created under this  
12.4 subdivision does not create additional due process rights for probationary teachers under  
12.5 subdivision 2.

12.6 (d) Consistent with the measures of teacher effectiveness under this subdivision:

12.7 (1) for students in kindergarten through grade 4, a school administrator must not  
12.8 place or approve the placement of a student in the classroom of a teacher who is in the  
12.9 improvement process referenced in paragraph (b), clause (12), or has not had a summative  
12.10 evaluation if, in the prior year, that student was in the classroom of a teacher who received  
12.11 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school  
12.12 teaches that grade; and

12.13 (2) for students in grades 5 through 12, a school administrator must not place  
12.14 or approve the placement of a student in the classroom of a teacher who is in the  
12.15 improvement process referenced in paragraph (b), clause (12), or has not had a summative  
12.16 evaluation if, in the prior year, that student was in the classroom of a teacher who received  
12.17 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school  
12.18 teaches that subject area and grade.

12.19 All data created and used under this paragraph retains its classification under chapter 13.

12.20 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
12.21 later.

12.22 Sec. 5. Minnesota Statutes 2014, section 123B.147, subdivision 3, is amended to read:

12.23 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative,  
12.24 supervisory, and instructional leadership services, under the supervision of the  
12.25 superintendent of schools of the district and according to the policies, rules, and  
12.26 regulations of the school board, for the planning, management, operation, and evaluation  
12.27 of the education program of the building or buildings to which the principal is assigned.

12.28 (b) To enhance a principal's leadership skills and support and improve teaching  
12.29 practices, school performance, and student achievement for diverse student populations,  
12.30 including at-risk students, children with disabilities, English learners, and gifted students,  
12.31 among others, a district must develop and implement a performance-based system for  
12.32 annually evaluating school principals assigned to supervise a school building within the  
12.33 district. The evaluation must be designed to improve teaching and learning by supporting  
12.34 the principal in shaping the school's professional environment and developing teacher

13.1 quality, performance, ~~and effectiveness~~, and cultural fluency and competency. The annual  
13.2 evaluation must:

13.3 (1) support and improve a principal's instructional leadership, organizational  
13.4 management, and professional development, and strengthen the principal's capacity in the  
13.5 areas of instruction, supervision, evaluation, and teacher development by, among other  
13.6 things, hiring, supporting, and retaining a diverse teaching staff that reflects the diversity  
13.7 of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are  
13.8 enrolled in the district or school;

13.9 (2) include formative and summative evaluations based on multiple measures of  
13.10 student progress toward career and college readiness;

13.11 (3) be consistent with a principal's job description, a district's long-term plans and  
13.12 goals, and the principal's own professional multiyear growth plans and goals, all of which  
13.13 must support the principal's leadership behaviors and practices, rigorous curriculum,  
13.14 school performance, students' improved and equitable access to effective and more diverse  
13.15 teachers, and high-quality instruction;

13.16 (4) include on-the-job observations and previous evaluations;

13.17 (5) allow surveys to help identify a principal's effectiveness, leadership skills and  
13.18 processes, and strengths and weaknesses in exercising leadership in pursuit of school  
13.19 success;

13.20 (6) use longitudinal data on student academic growth as 35 percent of the evaluation  
13.21 and incorporate district achievement goals and targets;

13.22 (7) be linked to professional development that emphasizes improved teaching and  
13.23 learning, curriculum and instruction, student learning, ~~and~~ a collaborative professional  
13.24 culture, and students' increased and equitable access to effective and more diverse  
13.25 teachers, consistent with attaining the world's best workforce under section 120B.11,  
13.26 subdivision 1, paragraph (c); and

13.27 (8) for principals not meeting standards of professional practice or other criteria  
13.28 under this subdivision, implement a plan to improve the principal's performance and  
13.29 specify the procedure and consequence if the principal's performance is not improved.

13.30 The provisions of this paragraph are intended to provide districts with sufficient  
13.31 flexibility to accommodate district needs and goals related to developing, supporting,  
13.32 and evaluating principals.

13.33 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
13.34 later.

14.1 Sec. 6. Minnesota Statutes 2014, section 124D.861, as amended by Laws 2015, chapter  
14.2 21, article 1, section 20, is amended to read:

14.3 **124D.861 ACHIEVEMENT AND INTEGRATION FOR MINNESOTA.**

14.4 Subdivision 1. **Program to close the academic achievement and opportunity gap;**  
14.5 **revenue uses.** (a) The "Achievement and Integration for Minnesota" program is established  
14.6 to pursue racial and economic integration and increase student academic achievement,  
14.7 create equitable educational opportunities, and reduce academic disparities based on  
14.8 students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools.

14.9 (b) For purposes of this section and section 124D.862, "eligible district" means a  
14.10 district required to submit a plan to the commissioner under Minnesota Rules governing  
14.11 school desegregation and integration, or be a member of a multidistrict integration  
14.12 collaborative that files a plan with the commissioner.

14.13 (c) Eligible districts must use the revenue under section 124D.862 to pursue  
14.14 academic achievement and racial and economic integration through:

14.15 (1) integrated learning environments that give students improved and equitable  
14.16 access to effective and more diverse teachers, prepare all students to be effective citizens  
14.17 and enhance social cohesion;

14.18 (2) policies and curricula and trained, culturally fluent and competent instructors,  
14.19 administrators, school counselors, and other advocates to support and enhance integrated  
14.20 learning environments under this section, including through magnet schools, innovative,  
14.21 research-based instruction, differentiated instruction, improved and equitable access to  
14.22 effective and diverse teachers, and targeted interventions to improve achievement; and

14.23 (3) rigorous career and college readiness programs and effective and more diverse  
14.24 instructors for underserved student populations, consistent with section 120B.30,  
14.25 subdivision 1; integrated learning environments to increase student academic achievement;  
14.26 cultural fluency, competency, and interaction; graduation and educational attainment rates;  
14.27 and parent involvement.

14.28 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
14.29 district must formally develop and implement a long-term plan under this section. The plan  
14.30 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
14.31 Plan components may include: innovative and integrated prekindergarten through grade 12  
14.32 learning environments that offer students school enrollment choices; family engagement  
14.33 initiatives that involve families in their students' academic life and success; professional  
14.34 development opportunities for teachers and administrators focused on improving the  
14.35 academic achievement of all students, including teachers and administrators who are  
14.36 members of populations underrepresented among the licensed teachers or administrators

15.1 in the district or school and who reflect the diversity of students under section 120B.35,  
15.2 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;  
15.3 increased programmatic opportunities and effective and more diverse instructors focused  
15.4 on rigor and college and career readiness for underserved students, including students  
15.5 enrolled in alternative learning centers under section 123A.05, public alternative programs  
15.6 under section 126C.05, subdivision 15, and contract alternative programs under section  
15.7 124D.69, among other underserved students; or recruitment and retention of teachers and  
15.8 administrators with diverse racial and ethnic backgrounds. The plan must contain goals for:

15.9 (1) reducing the disparities in academic achievement and in equitable access to  
15.10 effective and more diverse teachers among all students and specific categories of students  
15.11 under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of  
15.12 gender, disability, and English learners; and

15.13 (2) increasing racial and economic diversity and integration in schools and districts.

15.14 (b) Among other requirements, an eligible district must implement effective,  
15.15 research-based interventions that include formative assessment practices to reduce the  
15.16 disparities in student academic performance among the specific categories of students as  
15.17 measured by student progress and growth on state reading and math assessments and  
15.18 as aligned with section 120B.11.

15.19 (c) Eligible districts must create efficiencies and eliminate duplicative programs  
15.20 and services under this section, which may include forming collaborations or a single,  
15.21 seven-county metropolitan areawide partnership of eligible districts for this purpose.

15.22 **Subd. 3. Public engagement; progress report and budget process.** (a) To  
15.23 receive revenue under section 124D.862, the school board of an eligible district must  
15.24 incorporate school and district plan components under section 120B.11 into the district's  
15.25 comprehensive integration plan.

15.26 (b) A school board must hold at least one formal annual hearing to publicly report  
15.27 its progress in realizing the goals identified in its plan. At the hearing, the board must  
15.28 provide the public with longitudinal data demonstrating district and school progress in  
15.29 reducing the disparities in student academic performance among the specified categories  
15.30 of students, in improving students' equitable access to effective and more diverse teachers,  
15.31 and in realizing racial and economic diversity and integration, consistent with the district  
15.32 plan and the measures in paragraph (a). At least 30 days before the formal hearing under  
15.33 this paragraph, the board must post its plan, its preliminary analysis, relevant student  
15.34 performance data, and other longitudinal data on the district's Web site. A district must  
15.35 hold one hearing to meet the hearing requirements of both this section and section 120B.11.

16.1 (c) The district must submit a detailed budget to the commissioner by March 15 in  
16.2 the year before it implements its plan. The commissioner must review, and approve or  
16.3 disapprove the district's budget by June 1 of that year.

16.4 (d) The longitudinal data required under paragraph (b) must be based on student  
16.5 growth and progress in reading and mathematics, as defined under section 120B.30,  
16.6 subdivision 1, and student performance data and achievement reports from fully adaptive  
16.7 reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016  
16.8 school year under section 120B.30, subdivision 1a, and either (i) school enrollment  
16.9 choices, (ii) the number of world language proficiency or high achievement certificates  
16.10 awarded under section 120B.022, subdivision 1a, or the number of state bilingual and  
16.11 multilingual seals issued under section 120B.022, subdivision 1b, or (iii) school safety  
16.12 and students' engagement and connection at school under section 120B.35, subdivision 3,  
16.13 paragraph (d). Additional longitudinal data may be based on: students' progress toward  
16.14 career and college readiness under section 120B.30, subdivision 1; or rigorous coursework  
16.15 completed under section 120B.35, subdivision 3, paragraph (c), clause (2).

16.16 Subd. 4. **Timeline and implementation.** A board must approve its plan and submit  
16.17 it to the department by March 15. If a district that is part of a multidistrict council applies  
16.18 for revenue for a plan, the individual district shall not receive revenue unless it ratifies  
16.19 the plan adopted by the multidistrict council. Each plan has a term of three years. For  
16.20 the 2014-2015 school year, an eligible district under this section must submit its plan to  
16.21 the commissioner for review by March 15, 2014. For the 2013-2014 school year only,  
16.22 an eligible district may continue to implement its current plan until the commissioner  
16.23 approves a new plan under this section.

16.24 Subd. 5. **Evaluation.** The commissioner must evaluate the efficacy of district  
16.25 plans in reducing the disparities in student academic performance among the specified  
16.26 categories of students within the district, improving students' equitable access to effective  
16.27 and diverse teachers, and in realizing racial and economic diversity and integration.  
16.28 The commissioner shall report evaluation results to the kindergarten through grade 12  
16.29 education committees of the legislature by February 1 of every odd-numbered year.

16.30 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
16.31 later.

16.32 Sec. 7. Minnesota Statutes 2015 Supplement, section 127A.05, subdivision 6, is  
16.33 amended to read:

16.34 Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's  
16.35 school districts and teacher preparation programs and report to the education committees

17.1 of the legislature by February 1 of each odd-numbered year on the status of teacher early  
17.2 retirement patterns, access to effective and more diverse teachers who reflect the students  
17.3 under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or  
17.4 school, the teacher shortage, and the substitute teacher shortage, including teacher hiring  
17.5 and retention patterns and shortages in subject areas and regions of the state. The report  
17.6 must also include how districts are making progress in hiring and providing enrolled  
17.7 students with improved and equitable access to effective and more diverse teachers and  
17.8 substitutes in the areas of shortage and a five-year projection of teacher demand for each  
17.9 district, taking into account the students under section 120B.35, subdivision 3, paragraph  
17.10 (b), clause (2), expected to enroll in the district during that five-year period.

17.11 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
17.12 later.

17.13 Sec. 8. **COMMISSIONER OF THE OFFICE OF HIGHER EDUCATION;**  
17.14 **TEACHER DIVERSITY RECOMMENDATIONS AND REPORT.**

17.15 (a) The commissioner of the Office of Higher Education, in consultation with  
17.16 the Board of Teaching, the Office of Educator Licensing at the Minnesota Department  
17.17 of Education, and other interested stakeholders, including councils and other local  
17.18 organizations serving communities of color or American Indian communities, diverse  
17.19 K-12 educator candidates and licensed educators, human resources personnel, parent  
17.20 representatives, urban, suburban, and rural school district and school board associations  
17.21 and organizations, teacher representatives, other organizations focused on teacher diversity  
17.22 in education, public and nonpublic higher education systems and institutions, and local  
17.23 ethnic-focused media, shall prepare and submit a report to the legislature recommending  
17.24 how best to realize the goal of providing all students, including low-income students,  
17.25 American Indian students, and students of color with improved and equitable access to  
17.26 effective, more diverse teachers, consistent with this act. The commissioner must consider  
17.27 the substance of this act and paragraphs (b) and (c) in developing the recommendations  
17.28 in the report.

17.29 (b) The commissioner's recommendations must address at least the following:

17.30 (1) ensuring transparency and accountability by requiring traditional and alternative  
17.31 teacher preparation programs to publicly report enrollment and completion data for  
17.32 diverse teacher licensure candidates and by requiring districts to publicly report data on  
17.33 the demographic disparities between enrolled students and licensed teachers employed in  
17.34 the district and its school;

18.1 (2) expanding pathways to licensure by encouraging districts to develop programs  
18.2 with two- and four-year institutions and with community-based organizations to recruit  
18.3 and support diverse populations of enrolled students, nonlicensed district employees, and  
18.4 local community members in becoming licensed teachers in the district, facilitating the  
18.5 ability of diverse, nontraditional teacher candidates to change careers and pursue licensure  
18.6 through community college pathways, bachelor's degree programs or postbaccalaureate  
18.7 teacher preparation programs, and creating statewide campaigns to encourage diverse  
18.8 candidates to become licensed teachers;

18.9 (3) providing diverse teacher licensure candidates with the preparation and skills  
18.10 needed to become effective teachers, removing inequitable barriers to licensure presented  
18.11 by licensure exams, and for purposes of attaining a full professional license, allowing  
18.12 candidates to demonstrate their skills proficiency through alternatives to teacher skills and  
18.13 college entrance exams;

18.14 (4) providing financial assistance and incentives such as scholarships, student  
18.15 teaching stipends, and loan forgiveness programs to encourage diverse individuals to attain  
18.16 a teaching, counseling, or social work license or advanced degree, otherwise improve their  
18.17 professional practice, or become school administrators, and using a hiring bonus to recruit  
18.18 more diverse teachers into a district or school; and

18.19 (5) supporting induction and retention programs by funding teacher residency and  
18.20 mentoring programs that support the retention and professional development of diverse  
18.21 teachers and focusing teachers' professional development opportunities on cultural fluency  
18.22 and competency.

18.23 (c) The commissioner must include in the report, as appropriate, any  
18.24 recommendations for amendments to the following statutes and any related statutes:

18.25 (1) the world's best work force under Minnesota Statutes, section 120B.11;

18.26 (2) regional centers of excellence under Minnesota Statutes, section 120B.115;

18.27 (3) Board of Teaching duties under Minnesota Statutes, section 122A.09,

18.28 subdivisions 4 and 4a;

18.29 (4) teacher continuing or employment contracts and peer review and mentorship  
18.30 under Minnesota Statutes, sections 122A.40 and 122A.41;

18.31 (5) the alternative teacher professional pay system agreement under Minnesota  
18.32 Statutes, section 122A.414, subdivision 2;

18.33 (6) staff development programs under Minnesota Statutes, section 122A.60;

18.34 (7) American Indian grants, scholarships, and loan programs under Minnesota  
18.35 Statutes, section 122A.63;

18.36 (8) teacher residency programs under Minnesota Statutes, section 122A.68;

19.1 (9) the ability of the Board of Teaching to arrange for student teachers under  
19.2 Minnesota Statutes, section 122A.69;

19.3 (10) the ability of school districts to develop mentoring programs for teachers of  
19.4 color under Minnesota Statutes, section 122A.70;

19.5 (11) the legislature's support of research on the effectiveness of teacher preparation  
19.6 programs under Minnesota Statutes, section 122A.71;

19.7 (12) teacher centers to help teachers learn, experiment, assess, and improve to meet  
19.8 students' needs under Minnesota Statutes, section 122A.72; and

19.9 (13) the teacher shortage loan forgiveness program under Minnesota Statutes,  
19.10 section 136A.1791.

19.11 (d) The commissioner must submit the report to the education committees of the  
19.12 legislature by February 1, 2017. The commissioner must use existing resources for this  
19.13 purpose.

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