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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 640

01/30/2017 Authored by Davnie and Ward
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; establishing a Professional Educator Standards Board;
1.3 providing for rulemaking; appropriating money; amending Minnesota Statutes
1.4 2016, sections 122A.06, subdivisions 2, 3; 122A.18, subdivision 1; 122A.21,
1.5 subdivision 2; 214.01, subdivision 3; 214.045; proposing coding for new law in
1.6 Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2016, sections
1.7 122A.07; 122A.08; 122A.09, subdivision 3.

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

1.9 Section 1. Minnesota Statutes 2016, section 122A.06, subdivision 2, is amended to read:

1.10 Subd. 2. Teacher. "Teacher" means a classroom teacher or other similar professional
1.11 employee required to hold a license from the ~~Board of Teaching~~ Professional Educator
1.12 Standards Board.

1.13 EFFECTIVE DATE. This section is effective January 1, 2018.

1.14 Sec. 2. Minnesota Statutes 2016, section 122A.06, subdivision 3, is amended to read:

1.15 Subd. 3. Board. "Board" means the ~~Board of Teaching~~ Professional Educator Standards
1.16 Board.

1.17 EFFECTIVE DATE. This section is effective January 1, 2018.

1.18 Sec. 3. [122A.075] PROFESSIONAL EDUCATOR STANDARDS BOARD.

1.19 Subdivision 1. Membership. A Professional Educator Standards Board is established
1.20 and must consist of 13 members appointed by the governor with the advice and consent of
1.21 the senate. The board membership must include the following:

2.1 (1) seven teachers licensed to teach and currently teaching in a Minnesota school, one  
 2.2 of whom must be a licensed early childhood education teacher;

2.3 (2) one higher education representative who must be a faculty member preparing teachers;

2.4 (3) one licensed school administrator currently employed by a Minnesota school or  
 2.5 school district;

2.6 (4) one licensed community education director;

2.7 (5) one human resources professional employed by a Minnesota school district;

2.8 (6) one public member who must be a parent of a student enrolled in a Minnesota public  
 2.9 school; and

2.10 (7) one public member who must be a current or former Minnesota public school board  
 2.11 member.

2.12 Subd. 2. **Terms; compensation; removal; administration.** (a) Membership terms,  
 2.13 removal of members, and the filling of membership vacancies are as provided in section  
 2.14 214.09. The terms of the initial board members must be determined by lot as follows:

2.15 (1) five members must be appointed for terms that expire January 1, 2019;

2.16 (2) four members must be appointed for terms that expire January 1, 2020; and

2.17 (3) four members must be appointed for terms that expire January 1, 2021.

2.18 Members shall not receive the daily payment under section 214.09, subdivision 3. The public  
 2.19 employer of a member shall not reduce the member's compensation or benefits for the  
 2.20 member's absence from employment when engaging in the business of the board. The  
 2.21 provision of staff, administrative services, and office space; the review and processing of  
 2.22 complaints; the setting of fees; the selection and duties of an executive secretary to serve  
 2.23 the board; and other provisions relating to board operations are as provided in chapter 214.  
 2.24 Fiscal year and reporting requirements are as provided in sections 214.07 and 214.08.

2.25 (b) The board may reimburse local school districts for the costs of a substitute teacher  
 2.26 employed when a regular teacher is providing professional assistance to the state by serving  
 2.27 on the board or on a committee or task force appointed by the board.

2.28 Subd. 3. **Vacant position.** The position of a member who leaves Minnesota or whose  
 2.29 employment status changes to a category different from that from which appointed shall be  
 2.30 deemed vacant.

3.1 Subd. 4. **Meetings.** The board shall meet regularly at the times and places determined  
3.2 by the board. The board shall nominate and elect a chair and other officers from its  
3.3 membership. Meetings shall be called by the chair or at the written request of any three  
3.4 members.

3.5 Subd. 5. **Executive secretary.** The board must hire an executive secretary and other  
3.6 staff. The executive secretary must be in the unclassified civil service and must not be a  
3.7 member of the board.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment with  
3.9 the initial board members' terms starting on January 1, 2018.

3.10 Sec. 4. Minnesota Statutes 2016, section 122A.18, subdivision 1, is amended to read:

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

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

3.16 (c) Licenses under the jurisdiction of ~~the Board of Teaching~~, the Board of School  
3.17 Administrators, ~~and the commissioner of education~~ must be issued through the licensing  
3.18 section of the department. Licenses under the jurisdiction of the Professional Educator  
3.19 Standards Board must be issued by the board.

3.20 (d) ~~The Board of Teaching~~ Professional Educator Standards Board and the Department  
3.21 of Education must enter into a data sharing agreement to share educational data at the E-12  
3.22 level for the limited purpose of program approval and improvement for teacher education  
3.23 programs. The program approval process must include targeted redesign of teacher  
3.24 preparation programs to address identified E-12 student areas of concern.

3.25 (e) The Board of School Administrators and the Department of Education must enter  
3.26 into a data sharing agreement to share educational data at the E-12 level for the limited  
3.27 purpose of program approval and improvement for education administration programs. The  
3.28 program approval process must include targeted redesign of education administration  
3.29 preparation programs to address identified E-12 student areas of concern.

3.30 (f) For purposes of the data sharing agreements under paragraphs (d) and (e), ~~the Board~~  
3.31 of Teaching Professional Educator Standards Board, Board of School Administrators, and  
3.32 Department of Education may share private data, as defined in section 13.02, subdivision  
3.33 12, on teachers and school administrators. The data sharing agreements must not include

4.1 educational data, as defined in section 13.32, subdivision 1, but may include summary data,  
 4.2 as defined in section 13.02, subdivision 19, derived from educational data.

4.3 **EFFECTIVE DATE.** This section is effective January 1, 2018.

4.4 Sec. 5. Minnesota Statutes 2016, section 122A.21, subdivision 2, is amended to read:

4.5 Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure via portfolio  
 4.6 to obtain a professional five-year teaching license or to add a licensure field, consistent with  
 4.7 applicable ~~Board of Teaching~~ Professional Educator Standards Board licensure rules.

4.8 (b) A candidate for a professional five-year teaching license must submit to the ~~Educator~~  
 4.9 ~~Licensing Division at the department~~ Professional Educator Standards Board one portfolio  
 4.10 demonstrating pedagogical competence and one portfolio demonstrating content competence.

4.11 (c) A candidate seeking to add a licensure field must submit to the ~~Educator Licensing~~  
 4.12 ~~Division at the department~~ Professional Educator Standards Board one portfolio  
 4.13 demonstrating content competence.

4.14 (d) The ~~Board of Teaching~~ Professional Educator Standards Board must notify a candidate  
 4.15 who submits a portfolio under paragraph (b) or (c) within 90 calendar days after the portfolio  
 4.16 is received whether or not the portfolio was approved. If the portfolio was not approved,  
 4.17 the board must immediately inform the candidate how to revise the portfolio to successfully  
 4.18 demonstrate the requisite competence. The candidate may resubmit a revised portfolio at  
 4.19 any time and the ~~Educator Licensing Division at the department~~ Professional Educator  
 4.20 Standards Board must approve or disapprove the portfolio within 60 calendar days of  
 4.21 receiving it.

4.22 (e) A candidate must pay to the executive secretary of the ~~Board of Teaching~~ Professional  
 4.23 Educator Standards Board a \$300 fee for the first portfolio submitted for review and a \$200  
 4.24 fee for any portfolio submitted subsequently. The revenue generated from the fee must be  
 4.25 deposited in an education licensure portfolio account in the special revenue fund. The fees  
 4.26 set by the ~~Board of Teaching~~ Professional Educator Standards Board are nonrefundable for  
 4.27 applicants not qualifying for a license. The ~~Board of Teaching~~ Professional Educator  
 4.28 Standards Board may waive or reduce fees for candidates based on financial need.

4.29 **EFFECTIVE DATE.** This section is effective January 1, 2018.

4.30 Sec. 6. Minnesota Statutes 2016, section 214.01, subdivision 3, is amended to read:

4.31 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board"  
 4.32 means the ~~Board of Teaching established pursuant to section 122A.07~~ Professional Educator

5.1 Standards Board established pursuant to section 122A.075, the Board of Barber Examiners  
 5.2 established pursuant to section 154.001, the Board of Cosmetologist Examiners established  
 5.3 pursuant to section 155A.20, the Board of Assessors established pursuant to section 270.41,  
 5.4 the Board of Architecture, Engineering, Land Surveying, Landscape Architecture,  
 5.5 Geoscience, and Interior Design established pursuant to section 326.04, the Private Detective  
 5.6 and Protective Agent Licensing Board established pursuant to section 326.33, the Board of  
 5.7 Accountancy established pursuant to section 326A.02, and the Peace Officer Standards and  
 5.8 Training Board established pursuant to section 626.841.

5.9 **EFFECTIVE DATE.** This section is effective January 1, 2018.

5.10 Sec. 7. Minnesota Statutes 2016, section 214.045, is amended to read:

5.11 **214.045 COORDINATION WITH ~~BOARD OF TEACHING~~ THE PROFESSIONAL**  
 5.12 **EDUCATOR STANDARDS BOARD.**

5.13 The commissioner of health and the health-related licensing boards must coordinate  
 5.14 with the ~~Board of Teaching~~ Professional Educator Standards Board when modifying licensure  
 5.15 requirements for regulated persons in order to have consistent regulatory requirements for  
 5.16 personnel who perform services in schools.

5.17 **EFFECTIVE DATE.** This section is effective January 1, 2018.

5.18 Sec. 8. **TRANSFER OF POWERS AND DUTIES TO THE PROFESSIONAL**  
 5.19 **EDUCATOR STANDARDS BOARD.**

5.20 (a) The powers, duties, and responsibilities of the Board of Teaching with respect to  
 5.21 licensed teachers as defined in Minnesota Statutes, section 122A.15, subdivision 1, excluding  
 5.22 supervisory personnel as defined in Minnesota Statutes, section 122A.15, subdivision 2,  
 5.23 are transferred to the Professional Educator Standards Board.

5.24 (b) The powers, duties, and responsibilities of the Educator Licensing Division of the  
 5.25 Department of Education with respect to licensed teachers as defined in Minnesota Statutes,  
 5.26 section 122A.15, subdivision 1, are transferred to the Professional Educator Standards  
 5.27 Board.

5.28 Sec. 9. **APPROPRIATION; PROFESSIONAL EDUCATOR STANDARDS BOARD.**

5.29 The sums indicated in this section are appropriated from the general fund to the  
 5.30 Professional Educator Standards Board for the years designated:

6.1            §                    .....    .....    2018

6.2            §                    .....    .....    2019

6.3            Sec. 10. **REVISOR'S INSTRUCTION.**

6.4            In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute the  
6.5 term "Professional Educator Standards Board" for "Board of Teaching" or "board" wherever  
6.6 the term refers to the powers, duties, and responsibilities of the Board of Teaching. The  
6.7 revisor shall also make grammatical changes related to the change in terms.

6.8            Sec. 11. **REPEALER.**

6.9            Minnesota Statutes 2016, sections 122A.07; 122A.08; and 122A.09, subdivision 3, are  
6.10 repealed effective January 1, 2018.

**122A.07 BOARD OF TEACHING MEMBERSHIP.**

Subdivision 1. **Appointment of members.** The Board of Teaching consists of 11 members appointed by the governor, with the advice and consent of the senate. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. No member may be reappointed for more than one additional term.

Subd. 2. **Eligibility; board composition.** Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a teacher currently teaching in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

- (1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment and who do not qualify under clause (2) or (3), at least four of whom must be teaching in a public school;
- (2) one higher education representative, who must be a faculty member preparing teachers;
- (3) one school administrator; and
- (4) three members of the public, two of whom must be present or former members of school boards.

Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching during the course of completing a board term, the position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed is deemed vacant.

Subd. 4. **Administration, terms, compensation; removal; vacancies.** The provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; the selection and duties of an executive secretary to serve the board; and other provisions relating to board operations are as provided in chapter 214. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09.

Subd. 5. **District reimbursement for costs of substitute teachers.** The board may reimburse local school districts for the costs of substitute teachers employed when regular teachers are providing professional assistance to the state by serving on the board or on a committee or task force appointed by the board and charged to make recommendations concerning standards for teacher licensure in this state.

**122A.08 MEETINGS.**

Subdivision 1. **Meetings.** The Board of Teaching must meet regularly at the times and places as the board determines. Meetings must be called by the chair or at the written request of any eight members.

Subd. 2. **Executive secretary.** The Board of Teaching must have an executive secretary who is in the unclassified civil service and who is not a member of the board.

**122A.09 DUTIES.**

Subd. 3. **Election of chair and officers.** The board shall elect a chair and such other officers as it may deem necessary.