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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 238

01/21/2021 Authored by Demuth, Erickson, Daniels, Urdahl, Bennett and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying teacher licensing, hiring, and dismissal provisions;
1.3 amending Minnesota Statutes 2020, sections 122A.181, subdivisions 1, 3; 122A.40,
1.4 subdivision 3; 122A.41, by adding a subdivision; 122A.635, subdivisions 1, 2;
1.5 122A.70, subdivisions 1, 2; Laws 2019, First Special Session chapter 11, article
1.6 3, section 23, subdivision 6, as amended.

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

1.8 Section 1. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

1.9 Subdivision 1. **Application requirements.** The Professional Educator Licensing and
1.10 Standards Board must approve a request from a district or charter school to issue a Tier 1
1.11 license in a specified content area to a candidate if:

- 1.12 (1) the candidate meets the professional requirement in subdivision 2;
1.13 (2) the district or charter school affirms that the candidate has the necessary skills and
1.14 knowledge to teach in the specified content area; and
1.15 (3) the district or charter school demonstrates that:
1.16 (i) a criminal background check under section 122A.18, subdivision 8, has been completed
1.17 on the candidate; and
1.18 (ii) the district or charter school has posted the teacher position but was unable to hire
1.19 an acceptable teacher with a Tier 2, 3, or 4 license for the position.

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

2.1 Sec. 2. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

2.2 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and
 2.3 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license
 2.4 may be renewed subject to paragraphs (b) and (c). The board may submit written comments
 2.5 to the district or charter school that requested the renewal regarding the candidate.

2.6 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1
 2.7 license if:

2.8 ~~(1) the district or charter school requesting the renewal demonstrates that it has posted~~
 2.9 ~~the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license~~
 2.10 ~~for the position;~~

2.11 ~~(2)~~ (1) the teacher holding the Tier 1 license took a content examination in accordance
 2.12 with section 122A.185 and submitted the examination results to the teacher's employing
 2.13 district or charter school within one year of the board approving the request for the initial
 2.14 Tier 1 license;

2.15 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in cultural competency training
 2.16 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board
 2.17 approving the request for the initial Tier 1 license; and

2.18 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal
 2.19 requirement under section 122A.187, subdivision 6.

2.20 The requirement in clause ~~(2)~~ (1) does not apply to a teacher that teaches a class in a career
 2.21 and technical education or career pathways course of study.

2.22 (c) A Tier 1 license must not be renewed more than three times, unless the requesting
 2.23 district or charter school can show good cause for additional renewals. A Tier 1 license
 2.24 issued to teach (1) a class or course in a career and technical education or career pathway
 2.25 course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may
 2.26 be renewed without limitation.

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

2.28 Sec. 3. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

2.29 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly
 2.30 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,
 2.31 constitute a quorum, no contract employing a teacher shall be made or authorized except
 2.32 upon the unanimous vote of the full board. A teacher related by blood or marriage, within

3.1 the fourth degree, computed by the civil law, to a board member shall not be employed
 3.2 except by a unanimous vote of the full board. The initial employment of the teacher in the
 3.3 district must be by written contract, signed by the teacher and by the chair and clerk. All
 3.4 subsequent employment of the teacher in the district must be by written contract, signed by
 3.5 the teacher and by the chair and clerk, except where there is a master agreement covering
 3.6 the employment of the teacher. Contracts for teaching or supervision of teaching can be
 3.7 made only with qualified teachers. A teacher shall not be required to reside within the
 3.8 employing district as a condition to teaching employment or continued teaching employment.

3.9 (b) A school district must not give preference in the hiring or dismissal of a teacher
 3.10 based on the teacher's seniority.

3.11 (c) A school district must report all new teacher hires and terminations, including layoffs,
 3.12 by race and ethnicity annually to the Department of Education. The report must not include
 3.13 data that would personally identify individuals.

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

3.15 Sec. 4. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision to
 3.16 read:

3.17 Subd. 16. **Hiring and dismissal.** (a) A school district must not give preference in the
 3.18 hiring or dismissal of a teacher based on the teacher's seniority.

3.19 (b) A school district must report all new teacher hires and terminations, including layoffs,
 3.20 by race and ethnicity annually to the Department of Education. The report must not include
 3.21 data that would personally identify individuals.

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

3.23 Sec. 5. Minnesota Statutes 2020, section 122A.635, subdivision 1, is amended to read:

3.24 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards
 3.25 Board must award competitive grants to increase the number of teacher candidates of color
 3.26 or who are American Indian, and meet the requirements for a Tier 1, 2, or 3 license under
 3.27 section 122A.181, 122A.182, or 122A.183. Eligibility for a grant under this section is limited
 3.28 to ~~public or private higher education institutions that offer a teacher preparation program~~
 3.29 ~~approved by the Professional Educator Licensing and Standards Board~~ programs, including
 3.30 alternative teacher preparation programs, located in Minnesota.

4.1 Sec. 6. Minnesota Statutes 2020, section 122A.635, subdivision 2, is amended to read:

4.2 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards
4.3 Board must award competitive grants under this section based on the following criteria:

4.4 (1) the number or percentage of teacher candidates being supported in the program who
4.5 are of color or who are American Indian;

4.6 (2) program outcomes, including graduation or program completion rates, licensure
4.7 rates, and placement rates and, for each outcome measure, the number of those teacher
4.8 candidates of color or who are American Indian; and

4.9 (3) the percent of racially and ethnically diverse teacher candidates enrolled in the
4.10 institution compared to:

4.11 (i) the total percent of students of color and American Indian students enrolled at the
4.12 institution, regardless of major; and

4.13 (ii) the percent of underrepresented racially and ethnically diverse teachers in the
4.14 economic development region of the state where the institution is located and where a
4.15 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

4.16 ~~(b) The board must give priority in awarding grants under this section to institutions that~~
4.17 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~
4.18 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~
4.19 ~~and inducting teacher candidates of color or who are American Indian. If the board awards~~
4.20 ~~a competitive grant based on the criteria in paragraph (a) to a program that has not previously~~
4.21 ~~received funding, the board must thereafter give priority to the program equivalent to other~~
4.22 ~~programs given priority under this paragraph.~~

4.23 ~~(e)~~ (b) The board must determine award amounts for maintenance and expansion of
4.24 programs based on the number of candidates supported by an applicant program, sustaining
4.25 support for those candidates, and funds available.

4.26 Sec. 7. Minnesota Statutes 2020, section 122A.70, subdivision 1, is amended to read:

4.27 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School
4.28 districts are encouraged to develop teacher mentoring programs for teachers new to the
4.29 profession or district, including. Districts must prioritize mentoring programs for teaching
4.30 residents, teachers of color, teachers who are American Indian, teachers in license shortage
4.31 areas, teachers with special needs, or experienced teachers in need of peer coaching.

5.1 (b) Teacher mentoring programs must be included in or aligned with districts' teacher
 5.2 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,
 5.3 subdivision 5. A district may use staff development revenue under section 122A.61, special
 5.4 grant programs established by the legislature, or another funding source to pay a stipend to
 5.5 a mentor who may be a current or former teacher who has taught at least three years and is
 5.6 not on an improvement plan. Other initiatives using such funds or funds available under
 5.7 sections 124D.861 and 124D.862 may include:

5.8 (1) additional stipends as incentives to mentors of color or who are American Indian;

5.9 (2) financial supports for professional learning community affinity groups across schools
 5.10 within and between districts for teachers from underrepresented racial and ethnic groups to
 5.11 come together throughout the school year. For purposes of this section, "affinity groups"
 5.12 are groups of educators who share a common racial or ethnic identity in society as persons
 5.13 of color or who are American Indian;

5.14 (3) programs for induction aligned with the district or school mentorship program during
 5.15 the first three years of teaching, especially for teachers from underrepresented racial and
 5.16 ethnic groups; or

5.17 (4) grants supporting licensed and nonlicensed educator participation in professional
 5.18 development, such as workshops and graduate courses, related to increasing student
 5.19 achievement for students of color and American Indian students in order to close opportunity
 5.20 and achievement gaps.

5.21 (c) A school or district ~~that receives a grant~~ with a mentoring program must negotiate
 5.22 additional retention strategies ~~or~~ and protection from unrequested leave of absences in the
 5.23 beginning years of employment for teachers of color and teachers who are American Indian.
 5.24 Retention strategies may include providing financial incentives for teachers of color and
 5.25 teachers who are American Indian to work in the school or district for at least five years
 5.26 and placing American Indian educators at sites with other American Indian educators and
 5.27 educators of color at sites with other educators of color to reduce isolation and increase
 5.28 opportunity for collegial support.

5.29 Sec. 8. Minnesota Statutes 2020, section 122A.70, subdivision 2, is amended to read:

5.30 Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must
 5.31 make grant application forms available to sites interested in developing or expanding a
 5.32 mentorship program. A school district; a group of school districts; a coalition of districts,
 5.33 teachers, and teacher education institutions; or a coalition of schools, teachers, or nonlicensed

6.1 educators may apply for a program grant. The Professional Educator Licensing and Standards
 6.2 Board, in consultation with the teacher mentoring task force, must approve or disapprove
 6.3 the grant applications. To the extent possible, the approved applications must reflect effective
 6.4 mentoring, professional development, and retention components, and be geographically
 6.5 distributed throughout the state. The Professional Educator Licensing and Standards Board
 6.6 must encourage the selected sites to consider the use of its assessment procedures.

6.7 Sec. 9. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6,
 6.8 as amended by Laws 2020, chapter 83, article 1, section 101, is amended to read:

6.9 Subd. 6. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
 6.10 districts for Grow Your Own new teacher programs:

6.11 \$ 1,500,000 2020

6.12 \$ 1,500,000 2021

6.13 (b) The grants are for school districts with more than 30 percent minority students for
 6.14 a Board of Teaching-approved nonconventional teacher residency pilot program or alternative
 6.15 teacher preparation program. The program must provide tuition scholarships or stipends to
 6.16 enable school district employees or community members affiliated with a school district
 6.17 who seek an education license to participate in a nonconventional or an alternative teacher
 6.18 preparation program. School districts that receive funds under this subdivision are strongly
 6.19 encouraged to recruit candidates of color and American Indian candidates to participate in
 6.20 the Grow Your Own new teacher programs. Districts or schools providing financial support
 6.21 may require a commitment as determined by the district to teach in the district or school
 6.22 for a reasonable amount of time that does not exceed five years.

6.23 (c) School districts and charter schools may also apply for grants to develop innovative
 6.24 expanded Grow Your Own programs that encourage secondary school students to pursue
 6.25 teaching, including developing and offering dual-credit postsecondary course options in
 6.26 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
 6.27 with Minnesota Statutes, section 124D.09, subdivision 10.

6.28 (d) Programs must annually report to the commissioner by the date determined by the
 6.29 commissioner on their activities under this section, including the number of participants,
 6.30 the percentage of participants who are of color or who are American Indian, and an
 6.31 assessment of program effectiveness, including participant feedback, areas for improvement,
 6.32 the percentage of participants continuing to pursue teacher licensure, and the number of
 6.33 participants hired in the school or district as teachers after completing preparation programs.

- 7.1 (e) The department may retain up to three percent of the appropriation amount to monitor
- 7.2 and administer the grant program.
- 7.3 (f) Any balance in the first year does not cancel but is available in the second year.