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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2

01/08/2015 Authored by Loon, Erickson, Bennett, Gruenhagen, Kresha and others  
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; clarifying conditions for teacher licensure and employment;  
1.3 amending alternative teacher licensure; providing for teacher licensure  
1.4 reciprocity with adjoining states; clarifying the license via portfolio option;  
1.5 clarifying the exemption for technical education instructors; clarifying decisions  
1.6 affecting teachers' unrequested leaves of absence and teaching assignments;  
1.7 prohibiting school administrators from placing students with ineffective teachers;  
1.8 clarifying teacher skills examination requirements; amending Minnesota Statutes  
1.9 2014, sections 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.21,  
1.10 subdivision 2; 122A.23; 122A.245, subdivisions 1, 3, 7; 122A.25; 122A.30;  
1.11 122A.40, subdivisions 5, 8, 10, 11; 122A.41, subdivisions 2, 5, 14; 123A.75,  
1.12 subdivision 1; 179A.20, by adding a subdivision; repealing Minnesota Statutes  
1.13 2014, section 122A.40, subdivision 11.

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

1.15 Section 1. Minnesota Statutes 2014, section 122A.09, subdivision 4, is amended to read:

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

1.18 (b) The board must adopt rules requiring a person to pass a skills examination  
1.19 in reading, writing, and mathematics or ~~attain~~, if the person does not pass the skills  
1.20 examination, to demonstrate attainment of either a composite score composed of the  
1.21 average of the scores in English and writing, reading, and mathematics on the ACT  
1.22 Plus Writing recommended by the board, or an equivalent composite score composed  
1.23 of the average of the scores in critical reading, mathematics, and writing on the SAT  
1.24 recommended by the board, as a requirement for initial teacher licensure, except that the  
1.25 board may issue up to two temporary, one-year teaching licenses to an otherwise qualified  
1.26 candidate who ~~has~~ did not yet passed pass the skills exam or ~~attained~~ subsequently  
1.27 demonstrate attainment of the requisite composite score on the ACT Plus Writing or  
1.28 SAT. Such rules must require college and universities offering a board-approved teacher

2.1 preparation program to provide remedial assistance to persons who did not achieve a  
2.2 qualifying score on the skills examination or attain the requisite composite score on the  
2.3 ACT Plus Writing or SAT, including those for whom English is a second language. The  
2.4 requirement to pass a reading, writing, and mathematics skills examination or ~~attain~~  
2.5 subsequently demonstrate attainment of the requisite composite score on the ACT Plus  
2.6 Writing or SAT does not apply to nonnative English speakers, as verified by qualified  
2.7 Minnesota school district personnel or Minnesota higher education faculty, who, after  
2.8 meeting the content and pedagogy requirements under this subdivision, apply for a  
2.9 teaching license to provide direct instruction in their native language or world language  
2.10 instruction under section 120B.022, subdivision 1. A teacher candidate's official ACT  
2.11 Plus Writing or SAT composite score report to the board must not be more than ten years  
2.12 old at the time of licensure.

2.13 (c) The board must adopt rules to approve teacher preparation programs. The board,  
2.14 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
2.15 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
2.16 person and a postsecondary institution providing a teacher preparation program when the  
2.17 dispute involves an institution's recommendation for licensure affecting the person or the  
2.18 person's credentials. At the board's discretion, assistance may include the application  
2.19 of chapter 14.

2.20 (d) The board must provide the leadership and adopt rules for the redesign of teacher  
2.21 education programs to implement a research based, results-oriented curriculum that  
2.22 focuses on the skills teachers need in order to be effective. The board shall implement new  
2.23 systems of teacher preparation program evaluation to assure program effectiveness based  
2.24 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher  
2.25 preparation programs including alternative teacher preparation programs under section  
2.26 122A.245, among other programs, must include a content-specific, board-approved,  
2.27 performance-based assessment that measures teacher candidates in three areas: planning  
2.28 for instruction and assessment; engaging students and supporting learning; and assessing  
2.29 student learning. The board's redesign rules must include creating flexible, specialized  
2.30 teaching licenses, credentials, and other endorsement forms to increase students'  
2.31 participation in language immersion programs, world language instruction, career  
2.32 development opportunities, work-based learning, early college courses and careers, career  
2.33 and technical programs, Montessori schools, and project and place-based learning, among  
2.34 other career and college ready learning offerings.

2.35 (e) The board must adopt rules requiring candidates for initial licenses to pass an  
2.36 examination of general pedagogical knowledge and examinations of licensure-specific

3.1 teaching skills. The rules shall be effective by September 1, 2001. The rules under this  
3.2 paragraph also must require candidates for initial licenses to teach prekindergarten or  
3.3 elementary students to pass, as part of the examination of licensure-specific teaching  
3.4 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
3.5 scientifically based reading instruction under section 122A.06, subdivision 4, and their  
3.6 knowledge and understanding of the foundations of reading development, the development  
3.7 of reading comprehension, and reading assessment and instruction, and their ability to  
3.8 integrate that knowledge and understanding.

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

3.12 (g) The board must grant licenses to interns and to candidates for initial licenses  
3.13 based on appropriate professional competencies that are aligned with the board's licensing  
3.14 system and students' diverse learning needs. All teacher candidates must have preparation  
3.15 in English language development and content instruction for English learners in order to be  
3.16 able to effectively instruct the English learners in their classrooms. The board must include  
3.17 these licenses in a statewide differentiated licensing system that creates new leadership  
3.18 roles for successful experienced teachers premised on a collaborative professional culture  
3.19 dedicated to meeting students' diverse learning needs in the 21st century, recognizes the  
3.20 importance of cultural and linguistic competencies, including the ability to teach and  
3.21 communicate in culturally competent and aware ways, and formalizes mentoring and  
3.22 induction for newly licensed teachers provided through a teacher support framework.

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

3.26 (i) The board must receive recommendations from local committees as established  
3.27 by the board for the renewal of teaching licenses. The board must require licensed teachers  
3.28 who are renewing a continuing license to include in the renewal requirements further  
3.29 preparation in English language development and specially designed content instruction  
3.30 in English for English learners.

3.31 (j) The board must grant life licenses to those who qualify according to requirements  
3.32 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
3.33 214.10. The board must not establish any expiration date for application for life licenses.

3.34 (k) The board must adopt rules that require all licensed teachers who are renewing  
3.35 their continuing license to include in their renewal requirements further preparation in  
3.36 the areas of using positive behavior interventions and in accommodating, modifying, and

4.1 adapting curricula, materials, and strategies to appropriately meet the needs of individual  
4.2 students and ensure adequate progress toward the state's graduation rule.

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

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

4.13 (n) The board must adopt rules that require all licensed teachers who are renewing  
4.14 their continuing license to include in their renewal requirements further preparation,  
4.15 first, in understanding the key warning signs of early-onset mental illness in children  
4.16 and adolescents and then, during subsequent licensure renewal periods, preparation may  
4.17 include providing a more in-depth understanding of students' mental illness trauma,  
4.18 accommodations for students' mental illness, parents' role in addressing students' mental  
4.19 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942  
4.20 governing restrictive procedures, and de-escalation methods, among other similar topics.

4.21 (o) The board must adopt rules by January 1, 2016, to license applicants under  
4.22 sections 122A.23 and 122A.245. The rules may recognize: a teaching license from  
4.23 another state in a similar content field; completion of a state-approved teacher preparation  
4.24 program; teaching experience as the teacher of record in a similar content field; depth  
4.25 of content knowledge; depth of content methods or general pedagogy; subject-specific  
4.26 professional development and contribution to the content field; and classroom performance  
4.27 as measured by student growth on normed assessments or documented effectiveness  
4.28 on local evaluations.

4.29 **EFFECTIVE DATE.** This section is effective the day following final enactment  
4.30 and applies to all candidates seeking initial teacher licensure, including those holding a  
4.31 temporary, one-year teaching license.

4.32 Sec. 2. Minnesota Statutes 2014, section 122A.18, subdivision 2, is amended to read:

4.33 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of  
4.34 Teaching must issue licenses under its jurisdiction to persons who meet the standards

5.1 under section 122A.23 or persons the board finds to be qualified and competent for their  
 5.2 respective positions.

5.3 (b) The board must require a person to pass an examination of skills in reading,  
 5.4 writing, and mathematics or ~~attain~~, if the person does not pass the skills examination,  
 5.5 to subsequently demonstrate attainment of either a composite score composed of the  
 5.6 average of the scores in English and writing, reading, and mathematics on the ACT  
 5.7 Plus Writing recommended by the board, or an equivalent composite score composed  
 5.8 of the average of the scores in critical reading, mathematics, and writing on the SAT  
 5.9 recommended by the board, before being granted an initial teaching license to provide  
 5.10 direct instruction to pupils in prekindergarten, elementary, secondary, or special education  
 5.11 programs, except that the board may issue up to two temporary, one-year teaching licenses  
 5.12 to an otherwise qualified candidate who has ~~did not yet passed~~ pass the skills exam or  
 5.13 ~~attained~~ subsequently demonstrate attainment of the requisite composite score on the  
 5.14 ACT Plus Writing or SAT. The board must require colleges and universities offering a  
 5.15 board approved teacher preparation program to make available upon request remedial  
 5.16 assistance that includes a formal diagnostic component to persons enrolled in their  
 5.17 institution who did not achieve a qualifying score on the skills examination or ~~attain~~  
 5.18 subsequently demonstrate attainment of the requisite composite ACT Plus Writing or  
 5.19 SAT score, including those for whom English is a second language. The colleges and  
 5.20 universities must make available assistance in the specific academic areas of candidates'  
 5.21 deficiency. School districts may make available upon request similar, appropriate, and  
 5.22 timely remedial assistance that includes a formal diagnostic component to those persons  
 5.23 employed by the district who completed their teacher education program, who did not  
 5.24 achieve a qualifying score on the skills examination; or ~~attain~~ subsequently demonstrate  
 5.25 attainment of the requisite composite ACT Plus Writing or SAT score, and who received a  
 5.26 temporary license to teach in Minnesota. The Board of Teaching shall report annually  
 5.27 to the education committees of the legislature on the total number of teacher candidates  
 5.28 during the most recent school year taking the skills examination, the number who achieve  
 5.29 a qualifying score on the examination, the number who do not achieve a qualifying score  
 5.30 on the examination, the distribution of all candidates' scores, ~~the number of candidates~~  
 5.31 ~~who have taken the examination at least once before, and the number of candidates who~~  
 5.32 ~~have taken the examination at least once before and achieve a qualifying score,~~ and the  
 5.33 candidates who have not ~~attained~~ subsequently demonstrated attainment of the requisite  
 5.34 composite ACT Plus Writing or SAT score or have not passed a content or pedagogy  
 5.35 exam, disaggregated by categories of race, ethnicity, and eligibility for financial aid.

6.1 (c) The Board of Teaching must grant continuing licenses only to those persons who  
 6.2 ~~have met~~ meet board criteria for granting a continuing license, which includes passing  
 6.3 the skills examination in reading, writing, and mathematics or ~~attaining~~ subsequently  
 6.4 demonstrating attainment of the requisite composite ACT Plus Writing or SAT score  
 6.5 consistent with paragraph (b), and the exceptions in section 122A.09, subdivision  
 6.6 4, paragraph (b), that are consistent with this paragraph. The requirement to pass a  
 6.7 reading, writing, and mathematics skills examination; or ~~attain~~ subsequently demonstrate  
 6.8 attainment of the requisite composite score on the ACT Plus Writing or SAT does not apply  
 6.9 to nonnative English speakers, as verified by qualified Minnesota school district personnel  
 6.10 or Minnesota higher education faculty, who, after meeting the content and pedagogy  
 6.11 requirements under this subdivision, apply for a teaching license to provide direct  
 6.12 instruction in their native language or world language instruction under section 120B.022,  
 6.13 subdivision 1. A teacher candidate's official ACT Plus Writing or SAT composite score  
 6.14 report to the board must not be more than ten years old at the time of licensure.

6.15 (d) All colleges and universities approved by the board of teaching to prepare persons  
 6.16 for teacher licensure must include in their teacher preparation programs a common core  
 6.17 of teaching knowledge and skills to be acquired by all persons recommended for teacher  
 6.18 licensure. Among other requirements, teacher candidates must demonstrate the knowledge  
 6.19 and skills needed to provide appropriate instruction to English learners to support and  
 6.20 accelerate their academic literacy, including oral academic language, and achievement in  
 6.21 content areas in a regular classroom setting. This common core shall meet the standards  
 6.22 developed by the interstate new teacher assessment and support consortium in its 1992  
 6.23 "model standards for beginning teacher licensing and development." Amendments to  
 6.24 standards adopted under this paragraph are covered by chapter 14. The board of teaching  
 6.25 shall report annually to the education committees of the legislature on the performance  
 6.26 of teacher candidates on common core assessments of knowledge and skills under this  
 6.27 paragraph during the most recent school year.

6.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 6.29 and applies to all candidates seeking initial teacher licensure, including those holding a  
 6.30 temporary, one-year teaching license.

6.31 Sec. 3. Minnesota Statutes 2014, section 122A.21, subdivision 2, is amended to read:

6.32 Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure  
 6.33 via portfolio to obtain an initial licensure or to add a licensure field, consistent with ~~the~~  
 6.34 applicable Board of Teaching licensure rules.

7.1 (b) A candidate for initial licensure must submit to the ~~Educator Licensure Division~~  
 7.2 ~~at the department~~ Board of Teaching one portfolio demonstrating pedagogical competence  
 7.3 and one portfolio demonstrating content competence.

7.4 (c) A candidate seeking to add a licensure field must submit to the ~~Educator~~  
 7.5 ~~Licensure Division at the department~~ Board of Teaching one portfolio demonstrating  
 7.6 content competence.

7.7 (d) The Board of Teaching must approve or disapprove candidates' portfolios under  
 7.8 paragraph (b) or (c) within 90 calendar days after receiving the portfolio. If the portfolio  
 7.9 is not approved, the board must immediately inform the candidate how to revise the  
 7.10 portfolio to successfully demonstrate the requisite competence. The candidate may  
 7.11 resubmit a revised portfolio at any time and the board must approve or disapprove the  
 7.12 portfolio within 60 calendar days of receiving it.

7.13 (e) A candidate must pay to the executive secretary of the Board of Teaching a  
 7.14 \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio  
 7.15 submitted subsequently. The fees must be paid to the executive secretary of the Board of  
 7.16 Teaching. The revenue generated from the fee must be deposited in an education licensure  
 7.17 portfolio account in the special revenue fund. The fees set by the Board of Teaching are  
 7.18 nonrefundable for applicants not qualifying for a license. The Board of Teaching may  
 7.19 waive or reduce fees for candidates based on financial need.

7.20 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 7.21 and applies to all portfolios submitted to the Board of Teaching after that date.

7.22 Sec. 4. Minnesota Statutes 2014, section 122A.23, is amended to read:

7.23 **122A.23 APPLICANTS TRAINED IN OTHER STATES.**

7.24 Subdivision 1. **Preparation equivalency.** When a license to teach is authorized to  
 7.25 be issued to any holder of a diploma or a degree of a Minnesota state university, or of the  
 7.26 University of Minnesota, or of a liberal arts university, or a technical training institution,  
 7.27 such license may also, in the discretion of the Board of Teaching or the commissioner of  
 7.28 education, whichever has jurisdiction, be issued to any holder of a diploma or a degree  
 7.29 of a teacher training institution of equivalent rank and standing of any other state. The  
 7.30 diploma or degree must be granted by virtue of completing a course in teacher preparation  
 7.31 ~~essentially equivalent in content to that required by such Minnesota state university or the~~  
 7.32 ~~University of Minnesota or a liberal arts university in Minnesota or a technical training~~  
 7.33 ~~institution~~ as preliminary to the granting of a diploma or a degree of the same rank and  
 7.34 class. For purposes of granting a Minnesota teaching license to a person who receives a

8.1 diploma or degree from a state-accredited, out-of-state teacher training program leading to  
 8.2 licensure, the Board of Teaching must establish criteria and streamlined procedures by  
 8.3 January 1, 2016, to recognize the experience and professional credentials of the person  
 8.4 holding the out-of-state diploma or degree and allow that person to demonstrate to the  
 8.5 board the person's qualifications for receiving a Minnesota teaching license based on  
 8.6 performance measures the board adopts by January 1, 2016, under this section.

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

8.16 (b) The Board of Teaching may issue a standard license on the basis of teaching  
 8.17 experience and examination requirements only.

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

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

8.21 (2) holds or held an out-of-state teaching license to teach ~~the same~~ a similar content  
 8.22 field and grade levels if the scope of the out-of-state license is no more than two grade  
 8.23 levels less than a similar Minnesota license, and has completed field-specific teaching  
 8.24 methods, student teaching or equivalent experience, or has at least two years of teaching  
 8.25 experience as the teacher of record in a similar licensure field.

8.26 ~~(e)~~ (d) The Board of Teaching, consistent with board rules and paragraph ~~(h)~~ (j),  
 8.27 must issue up to three one-year temporary teaching licenses to an applicant who holds or  
 8.28 held an out-of-state teaching license to teach ~~the same~~ a similar content field and grade  
 8.29 levels, where the scope of the out-of-state license is no more than two grade levels less  
 8.30 than a similar Minnesota license, but has not successfully completed all exams and human  
 8.31 relations preparation components required by the Board of Teaching.

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

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



9.1 (2) holds or held an out-of-state teaching license to teach ~~the same~~ a similar content  
 9.2 field and grade levels, where the scope of the out-of-state license is no more than two  
 9.3 grade levels less than a similar Minnesota license, but has not completed field-specific  
 9.4 teaching methods or student teaching or equivalent experience, or has at least two years of  
 9.5 teaching experience as the teacher of record in a similar licensure field.

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

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

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

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

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

9.19 (h) The Board of Teaching must adopt rules by January 1, 2016, to license applicants  
 9.20 under this section. The rules may recognize: a teaching license from another state in a  
 9.21 similar content field; completion of a state-approved teacher preparation program; teaching  
 9.22 experience as the teacher of record in a similar content field; depth of content knowledge;  
 9.23 depth of content methods or general pedagogy; subject-specific professional development  
 9.24 and contribution to the content field; and classroom performance as measured by student  
 9.25 growth on normed assessments or documented effectiveness on local evaluations.

9.26 ~~(g)~~ (i) The Board of Teaching ~~must not~~ may issue a license under this subdivision  
 9.27 if the applicant has ~~not~~ attained the additional degrees, credentials, or licenses required  
 9.28 in a particular licensure field or the applicant can demonstrate competency by obtaining  
 9.29 qualifying scores on applicable board-approved rigorous content area and pedagogy  
 9.30 examinations under section 122A.09, subdivision 4, paragraphs (a) and (e).

9.31 ~~(h)~~ (j) The Board of Teaching must require an applicant for a teaching license or a  
 9.32 temporary teaching license under this subdivision to pass a skills examination in reading,  
 9.33 writing, and mathematics or demonstrate, consistent with section 122A.09, subdivision  
 9.34 4, the applicant's attainment of either the requisite composite ACT Plus Writing or SAT  
 9.35 score before the board issues the license unless, notwithstanding other provisions of this  
 9.36 subdivision, an applicable board-approved National Association of State Directors of

10.1 Teacher Education interstate reciprocity agreement exists to allow fully certified teachers  
10.2 from other states to transfer their certification to Minnesota.

10.3 Subd. 3. **Teacher licensure agreements with adjoining states.** (a) Notwithstanding  
10.4 other law to the contrary, the Board of Teaching must enter into National Association of  
10.5 State Directors of Teacher Education and Certification (NASDTEC) interstate agreements  
10.6 for teacher licensure to allow fully certified teachers from adjoining states to transfer their  
10.7 certification to Minnesota and receive a full, five-year continuing teaching license without  
10.8 having to complete any additional exams or other preparation requirements. The board  
10.9 must enter into these interstate agreements only after determining that the rigor of the  
10.10 teacher licensure or certification requirements in the adjoining state is commensurate with  
10.11 the rigor of Minnesota's teacher licensure requirements. The board may limit an interstate  
10.12 agreement to particular content fields or grade levels based on established priorities or  
10.13 identified shortages. This subdivision does not apply to out-of-state applicants holding  
10.14 only a provisional teaching license.

10.15 (b) The Board of Teaching is strongly encouraged to work with designated  
10.16 authorities in adjoining states to establish reciprocal interstate teacher licensure  
10.17 agreements under this section.

10.18 **EFFECTIVE DATE.** This section is effective August 1, 2015.

10.19 Sec. 5. Minnesota Statutes 2014, section 122A.245, subdivision 1, is amended to read:

10.20 Subdivision 1. **Requirements.** (a) To improve academic excellence, improve ethnic  
10.21 and cultural diversity in the classroom, and close the academic achievement gap, the  
10.22 Board of Teaching must approve qualified teacher preparation programs under this section  
10.23 that are a means to acquire a two-year limited-term license, which the board may renew  
10.24 one time for an additional one-year term, and to prepare for acquiring a standard license.  
10.25 The following entities are eligible to participate under this section:

10.26 (1) a school district ~~or~~<sub>2</sub> charter school<sub>2</sub>, or nonprofit corporation organized under  
10.27 chapter 317A for an education-related purpose that forms a partnership with a college or  
10.28 university that has a board-approved alternative teacher preparation program; or

10.29 (2) a school district ~~or~~<sub>2</sub> charter school<sub>2</sub>, or nonprofit corporation organized under  
10.30 chapter 317A for an education-related purpose after consulting with a college or university  
10.31 with a board-approved teacher preparation program, ~~that forms a partnership with a~~  
10.32 ~~nonprofit corporation organized under chapter 317A for an education-related purpose that~~  
10.33 ~~has a board-approved teacher preparation program.~~

10.34 (b) Before participating in this program becoming a teacher of record, a candidate  
10.35 must:

11.1 (1) have a bachelor's degree with a 3.0 or higher grade point average unless the  
11.2 board waives the grade point average requirement ~~based on board-adopted criteria~~;

11.3 (2) pass the reading, writing, and mathematics skills examination under section  
11.4 122A.09, subdivision 4, paragraph (b), or subsequently demonstrate attainment of either  
11.5 the requisite composite ACT Plus Writing or SAT score; and

11.6 (3) obtain qualifying scores on applicable board-approved rigorous content area and  
11.7 pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

11.8 (c) The Board of Teaching must issue a two-year limited-term license to a person  
11.9 who enrolls in an alternative teacher preparation program. This limited term license is not  
11.10 a provisional license under section 122A.40 or 122A.41.

11.11 Sec. 6. Minnesota Statutes 2014, section 122A.245, subdivision 3, is amended to read:

11.12 Subd. 3. **Program approval; disapproval.** (a) The Board of Teaching must approve  
11.13 alternative teacher preparation programs under this section based on board-adopted  
11.14 criteria that reflect best practices for alternative teacher preparation programs, consistent  
11.15 with this section.

11.16 (b) The board must permit teacher candidates to demonstrate mastery of pedagogy  
11.17 and content standards in school-based settings and through other nontraditional means.  
11.18 "Nontraditional means" may include a portfolio of previous experiences, previous educator  
11.19 evaluations, certifications marking the completion of education training programs, and  
11.20 essentially equivalent demonstrations of mastery.

11.21 (c) The board must use nontraditional criteria to determine the qualifications of  
11.22 program instructors.

11.23 (d) The board may permit instructors to hold a baccalaureate degree only.

11.24 (b) (e) If the Board of Teaching determines that a teacher preparation program under  
11.25 this section does not meet the requirements of this section, it may revoke its approval  
11.26 of the program after it notifies the program provider of any deficiencies and gives the  
11.27 program provider an opportunity to remedy the deficiencies.

11.28 Sec. 7. Minnesota Statutes 2014, section 122A.245, subdivision 7, is amended to read:

11.29 Subd. 7. **Standard license.** The Board of Teaching must issue a standard license  
11.30 to an otherwise qualified teacher candidate under this section who successfully performs  
11.31 throughout a program under this section, ~~successfully completes all required~~ obtains  
11.32 qualifying scores on applicable board-approved rigorous skills, pedagogy, and content  
11.33 area examinations under section 122A.09, subdivision 4, paragraphs (a) and (e), and is

12.1 recommended for licensure under subdivision 5 or successfully demonstrates to the board  
 12.2 qualifications for licensure under ~~subdivision 6~~ section 122A.23.

12.3 Sec. 8. Minnesota Statutes 2014, section 122A.25, is amended to read:

12.4 **122A.25 NONLICENSED COMMUNITY EXPERTS; VARIANCE.**

12.5 Subdivision 1. **Authorization.** Notwithstanding any law, Board of Teaching rule, or  
 12.6 commissioner of education rule to the contrary, ~~the Board of Teaching may allow~~ school  
 12.7 districts or charter schools ~~to~~ may hire nonlicensed community experts to teach in the  
 12.8 public schools or charter schools on a limited basis according to this section.

12.9 Subd. 2. **Applications Reports; criteria.** The school district or charter school  
 12.10 shall ~~apply~~ report to the Board of Teaching ~~for approval~~ when it uses a variance to hire  
 12.11 nonlicensed teaching personnel from the community. ~~In approving or disapproving the~~  
 12.12 ~~application for each community expert,~~ The board report shall consider include:

12.13 (1) the qualifications of the community person whom the district or charter school  
 12.14 ~~proposes to employ~~ employs;

12.15 (2) the reasons for the need for a variance from the teacher licensure requirements;

12.16 (3) the district's efforts to obtain licensed teachers, who are acceptable to the school  
 12.17 board, for the particular course or subject area or the charter school's efforts to obtain  
 12.18 licensed teachers for the particular course or subject area;

12.19 (4) the amount of teaching time for which the community expert ~~would be~~ is hired;

12.20 (5) the extent to which the district or charter school ~~is utilizing~~ uses other  
 12.21 nonlicensed community experts under this section;

12.22 (6) the nature of the community expert's ~~proposed~~ teaching responsibility; and

12.23 (7) the ~~proposed~~ level of compensation to be paid to the community expert.

12.24 Subd. 3. **Approval of plan Comment on variance.** The Board of Teaching ~~shall~~  
 12.25 ~~approve or disapprove an application~~ may comment on a district or charter school report  
 12.26 within 60 days of receiving it ~~from a school~~ and the district or charter school must post the  
 12.27 comment on its official Web site.

12.28 Subd. 4. **Background check.** A school district or charter school shall ~~provide~~  
 12.29 confirm to the Board of Teaching ~~with confirmation~~ that criminal background checks ~~have~~  
 12.30 ~~been~~ were completed for all nonlicensed community experts employed by the district or  
 12.31 charter school ~~and approved by the Board of Teaching~~ under this section.

12.32 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 12.33 and applies to all nonlicensed community experts hired after that date.

13.1 Sec. 9. Minnesota Statutes 2014, section 122A.30, is amended to read:

13.2 **122A.30 EXEMPTION FOR TECHNICAL COLLEGE EDUCATION**  
 13.3 **INSTRUCTORS.**

13.4 Notwithstanding section 122A.15, subdivision 1, and upon approval of the local  
 13.5 employer school board, a person who teaches in a part-time vocational or career and  
 13.6 technical education program ~~not more than 61 hours per fiscal year~~ is exempt from a  
 13.7 license requirement.

13.8 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 13.9 and applies to all technical education instructors hired after that date.

13.10 Sec. 10. Minnesota Statutes 2014, section 122A.40, subdivision 5, is amended to read:

13.11 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
 13.12 first teaching experience in Minnesota in a single district is deemed to be a probationary  
 13.13 period of employment, and, the probationary period in each district in which the teacher is  
 13.14 thereafter employed shall be one year. The school board must adopt a plan for written  
 13.15 evaluation of teachers during the probationary period that is consistent with subdivision  
 13.16 8. Evaluation must occur at least three times periodically throughout each school year  
 13.17 for a teacher performing services during that school year; the first evaluation must occur  
 13.18 within the first 90 days of teaching service. Days devoted to parent-teacher conferences,  
 13.19 teachers' workshops, and other staff development opportunities and days on which a  
 13.20 teacher is absent from school must not be included in determining the number of school  
 13.21 days on which a teacher performs services. Except as otherwise provided in paragraph  
 13.22 (b), during the probationary period any annual contract with any teacher may or may not  
 13.23 be renewed (1) as the school board shall see fit, or (2) consistent with the negotiated  
 13.24 unrequested leave of absence plan in effect under subdivision 10. However, the board  
 13.25 must give any such teacher whose contract it declines to renew for the following school  
 13.26 year written notice to that effect before July 1. If the teacher requests reasons for any  
 13.27 nonrenewal of a teaching contract, the board must give the teacher its reason in writing,  
 13.28 including a statement that appropriate supervision was furnished describing the nature and  
 13.29 the extent of such supervision furnished the teacher during the employment by the board,  
 13.30 within ten days after receiving such request. The school board may, after a hearing held  
 13.31 upon due notice, discharge a teacher during the probationary period for cause, effective  
 13.32 immediately, under section 122A.44.

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

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

14.9 (d) A probationary teacher whose first three years of consecutive employment are  
 14.10 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
 14.11 months of when the leave began is considered to have a consecutive teaching experience  
 14.12 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
 14.13 three years of teaching service immediately before and after the leave.

14.14 (e) A probationary teacher must complete at least 120 days of teaching service each  
 14.15 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
 14.16 workshops, and other staff development opportunities and days on which a teacher is  
 14.17 absent from school do not count as days of teaching service under this paragraph.

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

14.19 Sec. 11. Minnesota Statutes 2014, section 122A.40, subdivision 8, is amended to read:

14.20 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
 14.21 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 14.22 representative of the teachers in the district, consistent with paragraph (b), may develop  
 14.23 a teacher evaluation and peer review process for probationary and continuing contract  
 14.24 teachers through joint agreement. If a school board and the exclusive representative of the  
 14.25 teachers do not agree to an annual teacher evaluation and peer review process, then the  
 14.26 school board and the exclusive representative of the teachers must implement the state  
 14.27 teacher evaluation plan under paragraph (c). The process must include having trained  
 14.28 observers serve as peer coaches or having teachers participate in professional learning  
 14.29 communities, consistent with paragraph (b).

14.30 (b) To develop, improve, and support qualified teachers and effective teaching  
 14.31 practices and improve student learning and success, the annual evaluation process for  
 14.32 teachers:

14.33 (1) must, for probationary teachers, provide for all evaluations required under  
 14.34 subdivision 5;

- 15.1 (2) must establish a three-year professional review cycle for each teacher that  
15.2 includes an individual growth and development plan, a peer review process, and at least  
15.3 one summative evaluation performed by a qualified and trained evaluator such as a school  
15.4 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
15.5 trained evaluator, the teacher must be evaluated by a peer review;
- 15.6 (3) must be based on professional teaching standards established in rule;
- 15.7 (4) must coordinate staff development activities under sections 122A.60 and  
15.8 122A.61 with this evaluation process and teachers' evaluation outcomes;
- 15.9 (5) may provide time during the school day and school year for peer coaching and  
15.10 teacher collaboration;
- 15.11 (6) may include job-embedded learning opportunities such as professional learning  
15.12 communities;
- 15.13 (7) may include mentoring and induction programs;
- 15.14 (8) must include an option for teachers to develop and present a portfolio  
15.15 demonstrating evidence of reflection and professional growth, consistent with section  
15.16 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
15.17 based on student work samples and examples of teachers' work, which may include video  
15.18 among other activities for the summative evaluation;
- 15.19 (9) must use data from valid and reliable assessments aligned to state and local  
15.20 academic standards and must use state and local measures of student growth and literacy  
15.21 that may include value-added models or student learning goals to determine 35 percent of  
15.22 teacher evaluation results;
- 15.23 (10) must use longitudinal data on student engagement and connection, and other  
15.24 student outcome measures explicitly aligned with the elements of curriculum for which  
15.25 teachers are responsible, including academic literacy, oral academic language, and  
15.26 achievement of content areas of English learners;
- 15.27 (11) must require qualified and trained evaluators such as school administrators to  
15.28 perform summative evaluations and ensure school districts and charter schools provide for  
15.29 effective evaluator training specific to teacher development and evaluation;
- 15.30 (12) must give teachers not meeting professional teaching standards under clauses  
15.31 (3) through (11) support to improve through a teacher improvement process that includes  
15.32 established goals and timelines; and
- 15.33 (13) must discipline a teacher for not making adequate progress in the teacher  
15.34 improvement process under clause (12) that may include a last chance warning,  
15.35 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or  
15.36 other discipline a school administrator determines is appropriate.

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

16.4 (c) The department, in consultation with parents who may represent parent  
 16.5 organizations and teacher and administrator representatives appointed by their respective  
 16.6 organizations, representing the Board of Teaching, the Minnesota Association of School  
 16.7 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
 16.8 and Secondary Principals Associations, Education Minnesota, and representatives of  
 16.9 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
 16.10 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
 16.11 in teacher evaluation, must create and publish a teacher evaluation process that complies  
 16.12 with the requirements in paragraph (b) and applies to all teachers under this section and  
 16.13 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher  
 16.14 evaluation and peer review process. The teacher evaluation process created under this  
 16.15 subdivision does not create additional due process rights for probationary teachers under  
 16.16 subdivision 5.

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

16.18 (1) for students in kindergarten through grade 4, a school administrator must not  
 16.19 place a student in consecutive school years in the classroom of a teacher with the lowest  
 16.20 evaluation rating in the previous school year unless no other teacher at the school teaches  
 16.21 that grade; and

16.22 (2) for students in grades 5 through 12, a school administrator must not place  
 16.23 students in consecutive school years in the classroom of a teacher with the lowest  
 16.24 evaluation rating in the previous school year unless no other teacher at the school teaches  
 16.25 that subject area and grade.

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

16.28 Sec. 12. Minnesota Statutes 2014, section 122A.40, subdivision 10, is amended to read:

16.29 Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board  
 16.30 and the exclusive bargaining representative of the teachers ~~may~~ must negotiate a plan,  
 16.31 consistent with subdivision 8, providing for unrequested leave of absence without pay or  
 16.32 fringe benefits for as many teachers as may be necessary because of discontinuance of  
 16.33 position, lack of pupils, financial limitations, or merger of classes caused by consolidation  
 16.34 of districts. ~~Failing to successfully negotiate such a plan, the provisions of subdivision~~  
 16.35 ~~11 shall apply.~~ The negotiated plan must not include provisions which would result in



17.1 the exercise of seniority by a teacher holding only a provisional license, other than a  
17.2 vocational education license, ~~contrary to the provisions of subdivision 11, paragraph (e)~~  
17.3 if required for the position, or the reinstatement of a teacher holding only a provisional  
17.4 license, other than a vocational education license, ~~contrary to the provisions of subdivision~~  
17.5 ~~11, paragraph (e)~~ required for the position. The provisions of section 179A.16 do not  
17.6 apply for the purposes of this subdivision.

17.7 (b) Beginning in the 2016-2017 school year and later, and notwithstanding any law  
17.8 to the contrary, a school board must place teachers on unrequested leave of absence based  
17.9 on their subject matter licensure fields, most recent evaluation outcomes and effectiveness  
17.10 category under subdivision 8, and other, locally determined criteria, and may include both  
17.11 probationary teachers and continuing contract teachers within an effectiveness category.  
17.12 Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or any other law  
17.13 to the contrary, a teacher's effectiveness category and the underlying data on the individual  
17.14 teacher generated under the teacher evaluation process in subdivision 8, paragraph (b),  
17.15 used to determine a teacher's effectiveness category for purposes of this subdivision are  
17.16 private data on individuals. For purposes of placing a teacher on unrequested leave of  
17.17 absence or recalling a teacher from unrequested leave of absence, a school board is not  
17.18 required to reassign a teacher with more seniority to accommodate the seniority claims of  
17.19 a teacher who is similarly licensed and effective but with less seniority. Nothing in this  
17.20 paragraph permits a school board to use a teacher's remuneration as a basis for making  
17.21 unrequested leave of absence decisions. Any executed employment contract between the  
17.22 school board and the exclusive representative of the teachers must contain the negotiated  
17.23 unrequested leave of absence plan. The school board must publish in a readily accessible  
17.24 format the unrequested leave of absence plan it negotiates under this paragraph.

17.25 (c) A teacher who receives notice of being placed on unrequested leave of absence  
17.26 under paragraph (b) may submit to the board, within 14 days of receiving the notice, a  
17.27 written request for a hearing before a neutral hearing officer to establish whether the district  
17.28 met the following teacher evaluation requirements under subdivision 8: if the teacher is  
17.29 a probationary teacher, all evaluations required under subdivision 5 were provided; a  
17.30 three-year professional review cycle was established for the teacher; any summative  
17.31 evaluation of the teacher was performed by a qualified and trained evaluator; a peer review  
17.32 evaluation occurred in any year when the teacher was not evaluated by a qualified and  
17.33 trained evaluator; and if the teacher did not meet professional teaching standards, a teacher  
17.34 improvement process with goals and timelines was established. The school board and the  
17.35 exclusive representative of the teachers must agree on a panel of people and a process  
17.36 to select the person to hear the matter. The hearing officer must issue a decision within

18.1 14 days of the request for the hearing. Nothing in this paragraph prevents a school board  
 18.2 and the exclusive representative of the teachers from negotiating a different process for  
 18.3 determining whether the teacher evaluation requirements listed in this paragraph were met.

18.4 (d) For purposes of this subdivision, a provisional license is a license to teach issued  
 18.5 by the Board of Teaching under a waiver or variance.

18.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 18.7 applies to negotiated plans for unrequested leave of absence agreed to on or after that date.

18.8 Sec. 13. Minnesota Statutes 2014, section 122A.40, subdivision 11, is amended to read:

18.9 Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested  
 18.10 leave of absence, without pay or fringe benefits, as many teachers as may be necessary  
 18.11 because of discontinuance of position, lack of pupils, financial limitations, or merger of  
 18.12 classes caused by consolidation or reorganization of districts under chapter 123A. The  
 18.13 unrequested leave is effective at the close of the school year.

18.14 (b) In placing teachers on unrequested leave in the 2014-2015 through 2015-2016  
 18.15 school years only, the board is governed by the following provisions: in this subdivision.

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

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

18.25 (e) (e) Notwithstanding the provisions of paragraph (b) (d), a teacher is not entitled  
 18.26 to exercise any seniority when that exercise results in that teacher being retained by the  
 18.27 district in a field for which the teacher holds only a provisional license, as defined by the  
 18.28 board of teaching, unless that exercise of seniority results in the placement on unrequested  
 18.29 leave of absence of another teacher who also holds a provisional license in the same field.  
 18.30 The provisions of this paragraph do not apply to vocational education licenses; required  
 18.31 for the available positions.

18.32 (d) (f) Notwithstanding paragraphs (a), (b), and (c), (d), and (e), if the placing of a  
 18.33 probationary teacher on unrequested leave before a teacher who has acquired continuing  
 18.34 rights, the placing of a teacher who has acquired continuing contract rights on unrequested  
 18.35 leave before another teacher who has acquired continuing contract rights but who has

19.1 greater seniority, or the restriction imposed by the provisions of paragraph ~~(e)~~ (e) would  
 19.2 place the district in violation of its affirmative action program, the district may retain the  
 19.3 probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

19.4 (e) (g) For purposes of placing a teacher on unrequested leave of absence or  
 19.5 recalling a teacher from unrequested leave of absence, nothing in this subdivision requires  
 19.6 a school board to reassign a teacher to accommodate the seniority claims of a teacher who  
 19.7 is similarly licensed and effective but with less seniority.

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

19.17 (f) (i) Appointment of a new teacher must not be made while there is available, on  
 19.18 unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the  
 19.19 teacher fails to advise the school board within 30 days of the date of notification that a  
 19.20 position is available to that teacher who may return to employment and assume the duties  
 19.21 of the position to which appointed on a future date determined by the board;

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

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

19.26 (i) (l) Consistent with subdivision 10, the unrequested leave of absence of a teacher  
 19.27 who is categorized as effective or better under subdivision 8, who is placed on unrequested  
 19.28 leave of absence, and who is not reinstated shall continue for a period of five years,  
 19.29 after which the right to reinstatement shall terminate terminates. The teacher's right to  
 19.30 reinstatement shall also ~~terminate~~ terminates if the teacher fails to file with the board by  
 19.31 April 1 of ~~any~~ each year a written statement requesting reinstatement;

19.32 (m) Consistent with subdivision 10, the unrequested leave of absence of a teacher  
 19.33 who is categorized as ineffective or less under subdivision 8, who is placed on unrequested  
 19.34 leave of absence, and who is not reinstated continues for the following school year  
 19.35 only, after which the teacher's right to reinstatement terminates. The teacher's right to

20.1 reinstatement also terminates if the teacher fails to file with the board by April 1 in that  
20.2 following school year a written statement requesting reinstatement.

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

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

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

20.9 Sec. 14. Minnesota Statutes 2014, section 122A.41, subdivision 2, is amended to read:

20.10 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
20.11 the public schools in cities of the first class during the first three years of consecutive  
20.12 employment shall be deemed to be in a probationary period of employment during which  
20.13 period any annual contract with any teacher may, or may not, be renewed (1) as the school  
20.14 board, after consulting with the peer review committee charged with evaluating the  
20.15 probationary teachers under subdivision 3, shall see fit, or (2) consistent with the negotiated  
20.16 plan for discontinuing or terminating teachers in effect under subdivision 14. The school  
20.17 site management team or the school board if there is no school site management team, shall  
20.18 adopt a plan for a written evaluation of teachers during the probationary period according  
20.19 to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating  
20.20 probationary teachers under subdivision 3 shall occur at least three times periodically  
20.21 throughout each school year for a teacher performing services during that school year; the  
20.22 first evaluation must occur within the first 90 days of teaching service. Days devoted to  
20.23 parent-teacher conferences, teachers' workshops, and other staff development opportunities  
20.24 and days on which a teacher is absent from school shall not be included in determining the  
20.25 number of school days on which a teacher performs services. The school board may, during  
20.26 such probationary period, discharge or demote a teacher for any of the causes as specified  
20.27 in this code. A written statement of the cause of such discharge or demotion shall be given  
20.28 to the teacher by the school board at least 30 days before such removal or demotion shall  
20.29 become effective, and the teacher so notified shall have no right of appeal therefrom.

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

21.1 (c) A probationary teacher whose first three years of consecutive employment are  
 21.2 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
 21.3 months of when the leave began is considered to have a consecutive teaching experience  
 21.4 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
 21.5 three years of teaching service immediately before and after the leave.

21.6 (d) A probationary teacher must complete at least 120 days of teaching service each  
 21.7 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
 21.8 workshops, and other staff development opportunities and days on which a teacher is  
 21.9 absent from school do not count as days of teaching service under this paragraph.

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

21.11 Sec. 15. Minnesota Statutes 2014, section 122A.41, subdivision 5, is amended to read:

21.12 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
 21.13 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 21.14 representative of the teachers in the district, consistent with paragraph (b), may develop an  
 21.15 annual teacher evaluation and peer review process for probationary and nonprobationary  
 21.16 teachers through joint agreement. If a school board and the exclusive representative of  
 21.17 the teachers in the district do not agree to an annual teacher evaluation and peer review  
 21.18 process, then the school board and the exclusive representative of the teachers must  
 21.19 implement the state teacher evaluation plan developed under paragraph (c). The process  
 21.20 must include having trained observers serve as peer coaches or having teachers participate  
 21.21 in professional learning communities, consistent with paragraph (b).

21.22 (b) To develop, improve, and support qualified teachers and effective teaching  
 21.23 practices and improve student learning and success, the annual evaluation process for  
 21.24 teachers:

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

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

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

21.32 (4) must coordinate staff development activities under sections 122A.60 and  
 21.33 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

22.1 (6) may include job-embedded learning opportunities such as professional learning  
22.2 communities;

22.3 (7) may include mentoring and induction programs;

22.4 (8) must include an option for teachers to develop and present a portfolio  
22.5 demonstrating evidence of reflection and professional growth, consistent with section  
22.6 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
22.7 based on student work samples and examples of teachers' work, which may include video  
22.8 among other activities for the summative evaluation;

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

22.13 (10) must use longitudinal data on student engagement and connection and other  
22.14 student outcome measures explicitly aligned with the elements of curriculum for which  
22.15 teachers are responsible, including academic literacy, oral academic language, and  
22.16 achievement of English learners;

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

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

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

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

22.30 (c) The department, in consultation with parents who may represent parent  
22.31 organizations and teacher and administrator representatives appointed by their respective  
22.32 organizations, representing the Board of Teaching, the Minnesota Association of School  
22.33 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
22.34 and Secondary Principals Associations, Education Minnesota, and representatives of  
22.35 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
22.36 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise

23.1 in teacher evaluation, must create and publish a teacher evaluation process that complies  
 23.2 with the requirements in paragraph (b) and applies to all teachers under this section and  
 23.3 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher  
 23.4 evaluation and peer review process. The teacher evaluation process created under this  
 23.5 subdivision does not create additional due process rights for probationary teachers under  
 23.6 subdivision 2.

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

23.8 (1) for students in kindergarten through grade 4, a school administrator must not  
 23.9 place a student in consecutive school years in the classroom of a teacher with the lowest  
 23.10 evaluation rating in the previous school year unless no other teacher at the school teaches  
 23.11 that grade; and

23.12 (2) for students in grades 5 through 12, a school administrator must not place  
 23.13 students in consecutive school years in the classroom of a teacher with the lowest  
 23.14 evaluation rating in the previous school year unless no other teacher at the school teaches  
 23.15 that subject area and grade.

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

23.18 Sec. 16. Minnesota Statutes 2014, section 122A.41, subdivision 14, is amended to read:

23.19 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**  
 23.20 **given.** ~~(a) A teacher whose services are terminated on account of discontinuance of~~  
 23.21 ~~position or lack of pupils must receive first consideration for other positions in the district~~  
 23.22 ~~for which that teacher is qualified.~~ In the event it becomes necessary to discontinue  
 23.23 one or more positions in the 2014-2015 and 2015-2016 school years, in making such  
 23.24 discontinuance, teachers must receive first consideration for other positions in the district  
 23.25 for which that teacher is qualified and must be discontinued in any department in the  
 23.26 inverse order in which they were employed, unless.

23.27 (b) Beginning in the 2016-2017 school year and later, a board and the exclusive  
 23.28 representative of teachers in the district must negotiate a plan providing otherwise,  
 23.29 consistent with subdivision 5, for discontinuing and terminating teachers under this  
 23.30 subdivision based on their subject matter licensure fields, most recent evaluation outcomes  
 23.31 and effectiveness category under subdivision 5, and other, locally determined criteria,  
 23.32 and may include both probationary teachers and continuing contract teachers within an  
 23.33 effectiveness category. Notwithstanding section 13.43, subdivision 2, paragraph (a),  
 23.34 clause (5), or any other law to the contrary, a teacher's effectiveness category and the  
 23.35 underlying data on the individual teacher generated under the teacher evaluation process

24.1 in subdivision 5, paragraph (b), used to determine a teacher's effectiveness category for  
 24.2 purposes of this subdivision are private data on individuals. For purposes of discharging,  
 24.3 demoting, or recalling a teacher whose services are discontinued or terminated under this  
 24.4 subdivision, a school board is not required to reassign a teacher with more seniority to  
 24.5 accommodate the seniority claims of a teacher who is similarly licensed and effective  
 24.6 but with less seniority. Nothing in this paragraph permits a school board to use a  
 24.7 teacher's remuneration as a basis for discontinuing or terminating a teacher. Any executed  
 24.8 employment contract between the school board and the exclusive representative of the  
 24.9 teachers must contain the negotiated plan for discontinuing or terminating teachers.  
 24.10 The school board must publish in a readily accessible format any plan it negotiates for  
 24.11 discontinuing or terminating teachers under this paragraph.

24.12 (c) A teacher who receives notice of discontinuance or termination under paragraph  
 24.13 (b) may submit to the board, within 14 days of receiving the notice, a written request  
 24.14 for a hearing before a neutral hearing officer to establish whether the district met the  
 24.15 following teacher evaluation requirements under subdivision 5: if the teacher is a  
 24.16 probationary teacher, all evaluations required under subdivision 2 were provided; a  
 24.17 three-year professional review cycle was established for the teacher; any summative  
 24.18 evaluation of the teacher was performed by a qualified and trained evaluator; a peer review  
 24.19 evaluation occurred in any year when the teacher was not evaluated by a qualified and  
 24.20 trained evaluator; and if the teacher did not meet professional teaching standards, a teacher  
 24.21 improvement process with goals and timelines was established. The school board and the  
 24.22 exclusive representative of the teachers must agree on a panel of people and a process  
 24.23 to select the person to hear the matter. The hearing officer must issue a decision within  
 24.24 14 days of the request for the hearing. Nothing in this paragraph prevents a school board  
 24.25 and the exclusive representative of the teachers from negotiating a different process for  
 24.26 determining whether the teacher evaluation requirements listed in this paragraph were met.

24.27 ~~(b)~~ (d) Notwithstanding the provisions of ~~clause paragraph~~ (a), for the 2014-2015  
 24.28 and 2015-2016 school years, a teacher is not entitled to exercise any seniority when that  
 24.29 exercise results in that teacher being retained by the district in a field for which the  
 24.30 teacher holds only a provisional license, as defined by the Board of Teaching, unless that  
 24.31 exercise of seniority results in ~~the termination of~~ terminating the services, on account  
 24.32 of discontinuance of position or lack of pupils, of another teacher who also holds a  
 24.33 provisional license in the same field. The provisions of this ~~clause paragraph~~ do not apply  
 24.34 to vocational education licenses.

24.35 ~~(e)~~ (e) Notwithstanding the provisions of ~~clause paragraph~~ (a), for the 2014-2015  
 24.36 and 2015-2016 school years, a teacher must not be reinstated to a position in a field in



25.1 which the teacher holds only a provisional license, other than a vocational education  
 25.2 license, while another teacher who holds a nonprovisional license in the same field is  
 25.3 available for reinstatement.

25.4 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 25.5 and applies to negotiated plans for discontinuing or terminating teachers agreed to on or  
 25.6 after that date.

25.7 Sec. 17. Minnesota Statutes 2014, section 123A.75, subdivision 1, is amended to read:

25.8 Subdivision 1. **Teacher assignment.** (a) As of the effective date of a consolidation  
 25.9 in which a district is divided or the dissolution of a district and its attachment to two or  
 25.10 more existing districts, each teacher employed by an affected district shall be assigned to  
 25.11 the newly created or enlarged district on the basis of a ratio of the pupils assigned to each  
 25.12 district according to the new district boundaries. The district receiving the greatest number  
 25.13 of pupils must be assigned the most effective teacher under section 122A.40, subdivision 8,  
 25.14 with the greatest seniority, and the remaining teachers must be alternately assigned to each  
 25.15 district from most to least effective and with most to least seniority within each category of  
 25.16 effectiveness until the district receiving the fewest pupils has received its ratio of teachers  
 25.17 who will not be retiring before the effective date of the consolidation or dissolution.

25.18 (b) Notwithstanding paragraph (a), the board and the exclusive representative of  
 25.19 teachers in each district involved in the consolidation or dissolution and attachment may  
 25.20 negotiate a plan for assigning teachers to each newly created or enlarged district.

25.21 (c) Notwithstanding any other law to the contrary, the provisions of this section apply  
 25.22 only to the extent they are consistent with section 122A.40, subdivisions 8, 10, and 11.

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

25.24 Sec. 18. Minnesota Statutes 2014, section 179A.20, is amended by adding a  
 25.25 subdivision to read:

25.26 Subd. 4a. **Unrequested leave of absence for teachers.** A school board and the  
 25.27 exclusive representative of the teachers may not execute a contract effective for the  
 25.28 2016-2017 school year or later unless the contract contains a plan for unrequested leave of  
 25.29 absence under section 122A.40, subdivision 10, or a plan for discontinuing or terminating  
 25.30 teachers under section 122A.41, subdivision 14.

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

25.32 Sec. 19. **TEACHER LICENSURE AGREEMENTS WITH ADJOINING STATES.**

26.1 The Board of Teaching must prepare and submit a report to the K-12 education  
26.2 committees of the legislature by February 15, 2016, indicating the number, contracting  
26.3 states, and extent of the interstate agreements for teacher licensure under Minnesota  
26.4 Statutes, section 122A.23, subdivision 3, reached between August 1 and December 31,  
26.5 2015.

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

26.7 Sec. 20. **REPEALER.**

26.8 Minnesota Statutes 2014, section 122A.40, subdivision 11, is repealed.

26.9 **EFFECTIVE DATE.** This section is effective beginning in the 2016-2017 school  
26.10 year and later.

**122A.40 EMPLOYMENT; CONTRACTS; TERMINATION.**

Subd. 11. **Unrequested leave of absence.** 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 board is governed by the following provisions:

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

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

(c) Notwithstanding the provisions of paragraph (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 paragraph do not apply to vocational education licenses;

(d) Notwithstanding paragraphs (a), (b), and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of paragraph (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;

(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, 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.