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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4229

03/26/2018 Authored by Sandstede, Davnie, Ward, Maye Quade, Kunesh-Podein 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; modifying teacher licensure requirements; amending
1.3 Minnesota Statutes 2017 Supplement, sections 122A.181, subdivisions 3, 5, 6;
1.4 122A.182, subdivisions 1, 3, 7; 122A.183, subdivisions 2, 4; 122A.184,
1.5 subdivisions 1, 3; 122A.22; 122A.40, subdivision 8; 122A.41, subdivision 5;
1.6 repealing Minnesota Statutes 2017 Supplement, section 122A.182, subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 122A.181, subdivision 3, is
1.9 amended to read:

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

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

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

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

2.1 (3) the teacher holding the Tier 1 license participated in cultural competency training
 2.2 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board
 2.3 approving the request for the initial Tier 1 license.

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

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

2.11 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.181, subdivision 5, is amended
 2.12 to read:

2.13 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
 2.14 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
 2.15 limited to the district or charter school that requested the initial Tier 1 license.

2.16 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
 2.17 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

2.18 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
 2.19 ~~section 179A.03, subdivision 18.~~

2.20 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.181, subdivision 6, is amended
 2.21 to read:

2.22 Subd. 6. **Mentorship and evaluation.** (a) A teacher holding a Tier 1 license must
 2.23 participate in ~~the employing district or charter school's~~ a mentorship program and professional
 2.24 development.

2.25 (b) A teacher holding a Tier 1 license must participate in ~~an~~ a professional development
 2.26 and evaluation program ~~aligned, to the extent practicable, with the evaluation under~~ section
 2.27 122A.40, subdivision 8, or 122A.41, subdivision 5.

3.1 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.182, subdivision 1, is amended
3.2 to read:

3.3 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
3.4 Board must approve a request from a district or charter school to issue a Tier 2 license in a
3.5 specified content area to a candidate if:

3.6 (1) the candidate meets the educational or professional requirements in paragraph (b)
3.7 or (c);

3.8 (2) the candidate:

3.9 ~~(i) has completed the coursework required under subdivision 2;~~

3.10 ~~(ii)~~ (i) is enrolled in a Minnesota-approved teacher preparation program, including an
3.11 alternative preparation program under section 122A.2451; or

3.12 ~~(iii) has a master's degree in the specified content area~~ (ii) has completed a
3.13 Minnesota-approved teacher preparation program but does not meet the requirements for a
3.14 Tier 3 license; and

3.15 (3) the district or charter school demonstrates that a criminal background check under
3.16 section 122A.18, subdivision 8, has been completed on the candidate.

3.17 (b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside
3.18 a career and technical education or career pathways course of study.

3.19 (c) A candidate for a Tier 2 license must have one of the following credentials in a
3.20 relevant content area to teach a class or course in a career and technical education or career
3.21 pathways course of study:

3.22 (1) an associate's degree;

3.23 (2) a professional certification; or

3.24 (3) five years of relevant work experience.

3.25 Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.182, subdivision 3, is amended
3.26 to read:

3.27 Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and
3.28 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license
3.29 may be renewed ~~three~~ two times. Before a Tier 2 license is renewed for the first time, a
3.30 teacher holding a Tier 2 license must participate in cultural competency training consistent
3.31 with section 120B.30, subdivision 1, paragraph (q). The board must issue rules setting forth

4.1 the conditions for additional renewals after the initial license has been renewed ~~three~~ two
4.2 times.

4.3 Sec. 6. Minnesota Statutes 2017 Supplement, section 122A.182, subdivision 7, is amended
4.4 to read:

4.5 Subd. 7. **Mentorship and evaluation.** (a) A teacher holding a Tier 2 license must
4.6 participate in ~~the employing district or charter school's~~ a mentorship and evaluation program,
4.7 including an individual growth and development plan that includes cultural competency
4.8 under section 120B.30, subdivision 1, paragraph (q).

4.9 (b) A teacher holding a Tier 2 license must participate in ~~an~~ a professional development
4.10 and evaluation program aligned, ~~to the extent practicable,~~ with ~~the evaluation under~~ section
4.11 122A.40, subdivision 8, or section 122A.41, subdivision 5.

4.12 Sec. 7. Minnesota Statutes 2017 Supplement, section 122A.183, subdivision 2, is amended
4.13 to read:

4.14 Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework
4.15 requirement by demonstrating one of the following:

4.16 (1) completion of a Minnesota-approved teacher preparation program;

4.17 (2) completion of a state-approved teacher preparation program that includes field-specific
4.18 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher
4.19 preparation programs. The field-specific student teaching requirement does not apply to a
4.20 candidate that has two years of teaching experience;

4.21 (3) submission of a content-specific licensure portfolio; or

4.22 (4) a professional teaching license from another state, evidence that the candidate's
4.23 license is in good standing, and two years of teaching experience; ~~or~~ ;

4.24 ~~(5) three years of teaching experience under a Tier 2 license and evidence of summative~~
4.25 ~~teacher evaluations that did not result in placing or otherwise keeping the teacher on an~~
4.26 ~~improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,~~
4.27 ~~subdivision 5.~~

4.28 Sec. 8. Minnesota Statutes 2017 Supplement, section 122A.183, subdivision 4, is amended
4.29 to read:

4.30 Subd. 4. **Mentorship and evaluation.** A teacher holding a Tier 3 license must participate
4.31 in ~~the employing district or charter school's~~ a mentorship and evaluation program, including

5.1 an individual growth and development plan. A teacher holding a Tier 3 license may satisfy
 5.2 the mentorship requirement by participating in a mentorship program during the teacher's
 5.3 first year in a new district or charter school, including a school year when the teacher held
 5.4 a Tier 1 or Tier 2 license. No teacher holding a Tier 3 license may be required to serve as
 5.5 a mentor to another teacher in order to fulfill this requirement.

5.6 Sec. 9. Minnesota Statutes 2017 Supplement, section 122A.184, subdivision 1, is amended
 5.7 to read:

5.8 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards
 5.9 Board must issue a Tier 4 license to a candidate who provides information sufficient to
 5.10 demonstrate all of the following:

5.11 (1) the candidate meets all requirements for a Tier 3 license under section 122A.183,
 5.12 and has completed a teacher preparation program under section 122A.183, subdivision 2,
 5.13 clause (1) or (2);

5.14 (2) the candidate has at least three years of teaching experience in Minnesota; and

5.15 (3) the candidate has obtained a passing score on all required licensure exams under
 5.16 section 122A.185; and.

5.17 ~~(4) the candidate's most recent summative teacher evaluation did not result in placing~~
 5.18 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~
 5.19 ~~subdivision 8, or 122A.41, subdivision 5.~~

5.20 Sec. 10. Minnesota Statutes 2017 Supplement, section 122A.184, subdivision 3, is amended
 5.21 to read:

5.22 Subd. 3. **Mentorship and evaluation.** A teacher holding a Tier 4 license must participate
 5.23 ~~in the employing district or charter school's~~ a mentorship and evaluation program, including
 5.24 an individual growth and development plan. A teacher holding a Tier 4 license may satisfy
 5.25 the mentorship requirement by participating in a mentorship program during the teacher's
 5.26 first year in a new district or charter school, including a school year when the teacher held
 5.27 a Tier 1, Tier 2, or Tier 3 license. No teacher holding a Tier 4 license may be required to
 5.28 serve as a mentor to another teacher in order to fulfill this requirement.

5.29 Sec. 11. Minnesota Statutes 2017 Supplement, section 122A.22, is amended to read:

5.30 **122A.22 DISTRICT VERIFICATION AND REPORTING OF TEACHER**
 5.31 **LICENSES.**

6.1 Subdivision 1. **Verification.** No person shall be accounted a qualified teacher until the
6.2 school district or charter school contracting with the person for teaching services verifies
6.3 through the Minnesota education licensing system available on the Professional Educator
6.4 Licensing and Standards Board Web site that the person is a qualified teacher, consistent
6.5 with sections 122A.16 and 122A.44, subdivision 1.

6.6 Subd. 2. **Reporting.** No later than October 1 of each school year, the superintendent or
6.7 charter school must provide the school board with the number of teachers in each school
6.8 building who hold Tier 1, 2, 3, and 4 licenses. The school board and the Department of
6.9 Education must publish this data on their respective Web sites no later than January of each
6.10 school year.

6.11 Sec. 12. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 8, is amended
6.12 to read:

6.13 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
6.14 **teachers.** (a) To improve student learning and success, a school board and an exclusive
6.15 representative of the teachers in the district, consistent with paragraph (b), may develop a
6.16 teacher evaluation and peer review process for probationary and continuing contract teachers
6.17 through joint agreement. If a school board and the exclusive representative of the teachers
6.18 do not agree to an annual teacher evaluation and peer review process, then the school board
6.19 and the exclusive representative of the teachers must implement the state teacher evaluation
6.20 plan under paragraph (c). The process must include having trained observers serve as peer
6.21 coaches or having teachers participate in professional learning communities, consistent with
6.22 paragraph (b).

6.23 (b) To develop, improve, and support qualified teachers and effective teaching practices,
6.24 improve student learning and success, and provide all enrolled students in a district or school
6.25 with improved and equitable access to more effective and diverse teachers, the annual
6.26 evaluation process for teachers:

6.27 (1) must, for probationary teachers, provide for all evaluations required under subdivision
6.28 5;

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

- 7.1 (3) must be based on professional teaching standards established in rule;
- 7.2 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
7.3 with this evaluation process and teachers' evaluation outcomes;
- 7.4 (5) may provide time during the school day and school year for peer coaching and teacher
7.5 collaboration;
- 7.6 (6) may include job-embedded learning opportunities such as professional learning
7.7 communities;
- 7.8 (7) may include mentoring and induction programs for teachers, including teachers who
7.9 are members of populations underrepresented among the licensed teachers in the district or
7.10 school and who reflect the diversity of students under section 120B.35, subdivision 3,
7.11 paragraph (b), clause (2), who are enrolled in the district or school;
- 7.12 (8) must include an option for teachers to develop and present a portfolio demonstrating
7.13 evidence of reflection and professional growth, consistent with section 122A.18, subdivision
7.14 4, paragraph (b), and include teachers' own performance assessment based on student work
7.15 samples and examples of teachers' work, which may include video among other activities
7.16 for the summative evaluation;
- 7.17 (9) must use data from valid and reliable assessments aligned to state and local academic
7.18 standards and must use state and local measures of student growth and literacy that may
7.19 include value-added models or student learning goals to determine 35 percent of teacher
7.20 evaluation results;
- 7.21 (10) must use longitudinal data on student engagement and connection, and other student
7.22 outcome measures explicitly aligned with the elements of curriculum for which teachers
7.23 are responsible, including academic literacy, oral academic language, and achievement of
7.24 content areas of English learners;
- 7.25 (11) must require qualified and trained evaluators such as school administrators to
7.26 perform summative evaluations and ensure school districts and charter schools provide for
7.27 effective evaluator training specific to teacher development and evaluation;
- 7.28 (12) must give teachers not meeting professional teaching standards under clauses (3)
7.29 through (11) support to improve through a teacher improvement process that includes
7.30 established goals and timelines; and
- 7.31 (13) must discipline a teacher for not making adequate progress in the teacher
7.32 improvement process under clause (12) that may include a last chance warning, termination,

8.1 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
8.2 a school administrator determines is appropriate.

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

8.6 (c) The department, in consultation with parents who may represent parent organizations
8.7 and teacher and administrator representatives appointed by their respective organizations,
8.8 representing the Professional Educator Licensing and Standards Board, the Minnesota
8.9 Association of School Administrators, the Minnesota School Boards Association, the
8.10 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
8.11 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
8.12 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
8.13 research expertise in teacher evaluation, must create and publish a teacher evaluation process
8.14 that complies with the requirements in paragraph (b) and applies to all teachers under this
8.15 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
8.16 teacher evaluation and peer review process. The teacher evaluation process created under
8.17 this subdivision does not create additional due process rights for probationary teachers under
8.18 subdivision 5.

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

8.20 (1) for students in kindergarten through grade 4, a school administrator must not place
8.21 or approve the placement of a student in the classroom of a teacher who holds a Tier 1 or
8.22 Tier 2 license, is in the improvement process referenced in paragraph (b), clause (12), or
8.23 has not had a summative evaluation if, in the prior year, that student was in the classroom
8.24 of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other
8.25 teacher at the school teaches that grade; and

8.26 (2) for students in grades 5 through 12, a school administrator must not place or approve
8.27 the placement of a student in the classroom of a teacher who holds a Tier 1 or Tier 2 license,
8.28 is in the improvement process referenced in paragraph (b), clause (12), or has not had a
8.29 summative evaluation if, in the prior year, that student was in the classroom of a teacher
8.30 who held a Tier 1 or Tier 2 license, received discipline pursuant to paragraph (b), clause
8.31 (13), unless no other teacher at the school teaches that subject area and grade.

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

9.1 Sec. 13. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 5, is amended
9.2 to read:

9.3 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
9.4 **teachers.** (a) To improve student learning and success, a school board and an exclusive
9.5 representative of the teachers in the district, consistent with paragraph (b), may develop an
9.6 annual teacher evaluation and peer review process for probationary and nonprobationary
9.7 teachers through joint agreement. If a school board and the exclusive representative of the
9.8 teachers in the district do not agree to an annual teacher evaluation and peer review process,
9.9 then the school board and the exclusive representative of the teachers must implement the
9.10 state teacher evaluation plan developed under paragraph (c). The process must include
9.11 having trained observers serve as peer coaches or having teachers participate in professional
9.12 learning communities, consistent with paragraph (b).

9.13 (b) To develop, improve, and support qualified teachers and effective teaching practices
9.14 and improve student learning and success, and provide all enrolled students in a district or
9.15 school with improved and equitable access to more effective and diverse teachers, the annual
9.16 evaluation process for teachers:

9.17 (1) must, for probationary teachers, provide for all evaluations required under subdivision
9.18 2;

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

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

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

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

9.28 (6) may include job-embedded learning opportunities such as professional learning
9.29 communities;

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

10.1 (8) must include an option for teachers to develop and present a portfolio demonstrating
10.2 evidence of reflection and professional growth, consistent with section 122A.18, subdivision
10.3 4, paragraph (b), and include teachers' own performance assessment based on student work
10.4 samples and examples of teachers' work, which may include video among other activities
10.5 for the summative evaluation;

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

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

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

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

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

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

10.27 (c) The department, in consultation with parents who may represent parent organizations
10.28 and teacher and administrator representatives appointed by their respective organizations,
10.29 representing the Professional Educator Licensing and Standards Board, the Minnesota
10.30 Association of School Administrators, the Minnesota School Boards Association, the
10.31 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
10.32 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
10.33 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
10.34 research expertise in teacher evaluation, must create and publish a teacher evaluation process

11.1 that complies with the requirements in paragraph (b) and applies to all teachers under this
11.2 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
11.3 teacher evaluation and peer review process. The teacher evaluation process created under
11.4 this subdivision does not create additional due process rights for probationary teachers under
11.5 subdivision 2.

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

11.7 (1) for students in kindergarten through grade 4, a school administrator must not place
11.8 or approve the placement of a student in the classroom of a teacher who holds a Tier 1 or
11.9 Tier 2 license, is in the improvement process referenced in paragraph (b), clause (12), or
11.10 has not had a summative evaluation if, in the prior year, that student was in the classroom
11.11 of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other
11.12 teacher at the school teaches that grade; and

11.13 (2) for students in grades 5 through 12, a school administrator must not place or approve
11.14 the placement of a student in the classroom of a teacher who holds a Tier 1 or Tier 2 license,
11.15 is in the improvement process referenced in paragraph (b), clause (12), or has not had a
11.16 summative evaluation if, in the prior year, that student was in the classroom of a teacher
11.17 who held a Tier 1 or Tier 2 license, received discipline pursuant to paragraph (b), clause
11.18 (13), unless no other teacher at the school teaches that subject area and grade.

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

11.20 Sec. 14. **REPEALER.**

11.21 Minnesota Statutes 2017 Supplement, section 122A.182, subdivision 2, is repealed.

122A.182 TIER 2 LICENSE.

Subd. 2. **Coursework.** (a) A candidate for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:

- (1) at least eight upper division or graduate-level credits in the relevant content area;
- (2) field-specific methods of training, including coursework;
- (3) at least two years of teaching experience in a similar content area in any state, as determined by the board;
- (4) a passing score on the pedagogy and content exams under section 122A.185; or
- (5) completion of a state-approved teacher preparation program.

(b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).