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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 888**

02/25/2013 Authored by Moran and Erickson, S.,  
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act  
1.2 relating to education; prohibiting schools and school districts from placing a  
1.3 student multiple times with an ineffective teacher; amending Minnesota Statutes  
1.4 2012, sections 122A.40, subdivision 8; 122A.41, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2012, section 122A.40, subdivision 8, is amended to read:

1.7 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
1.8 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
1.9 representative of the teachers in the district, consistent with paragraph (b), may develop  
1.10 a teacher evaluation and peer review process for probationary and continuing contract  
1.11 teachers through joint agreement. If a school board and the exclusive representative of the  
1.12 teachers do not agree to an annual teacher evaluation and peer review process, then the  
1.13 school board and the exclusive representative of the teachers must implement the plan  
1.14 for evaluation and review under paragraph (c). The process must include having trained  
1.15 observers serve as peer coaches or having teachers participate in professional learning  
1.16 communities, consistent with paragraph (b).

1.17 (b) To develop, improve, and support qualified teachers and effective teaching  
1.18 practices and improve student learning and success, the annual evaluation process for  
1.19 teachers:

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

1.22 (2) must establish a three-year professional review cycle for each teacher that  
1.23 includes an individual growth and development plan, a peer review process, the  
1.24 opportunity to participate in a professional learning community under paragraph (a), and

at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

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

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

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

(6) may include mentoring and induction programs;

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

(8) must use an agreed upon teacher value-added assessment model for the grade levels and subject areas for which value-added data are available and establish state or local measures of student growth for the grade levels and subject areas for which value-added data are not available as a basis for 35 percent of teacher evaluation results;

(9) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible;

(10) must require qualified and trained evaluators such as school administrators to perform summative evaluations;

(11) must give teachers not meeting professional teaching standards under clauses (3) through (10) support to improve through a teacher improvement process that includes established goals and timelines; and

(12) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (11) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Board of Teaching, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary

and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 5.

(d) Consistent with the measures of teacher effectiveness established under this subdivision, a school administrator must not place a student in consecutive school years in the classroom of an unsatisfactory teacher. At the commissioner's request, the superintendent of the district must release private personnel data under this subdivision to the commissioner for the purpose of ensuring a school administrator's compliance with this paragraph.

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

Sec. 2. Minnesota Statutes 2012, section 122A.41, subdivision 5, is amended to read:

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

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

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

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, the

4.1 opportunity to participate in a professional learning community under paragraph (a), and  
4.2 at least one summative evaluation performed by a qualified and trained evaluator such  
4.3 as a school administrator;

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

4.5 (4) must coordinate staff development activities under sections 122A.60 and  
4.6 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

4.9 (6) may include mentoring and induction programs;

4.10 (7) must include an option for teachers to develop and present a portfolio  
4.11 demonstrating evidence of reflection and professional growth, consistent with section  
4.12 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
4.13 based on student work samples and examples of teachers' work, which may include video  
4.14 among other activities for the summative evaluation;

4.15 (8) must use an agreed upon teacher value-added assessment model for the grade  
4.16 levels and subject areas for which value-added data are available and establish state  
4.17 or local measures of student growth for the grade levels and subject areas for which  
4.18 value-added data are not available as a basis for 35 percent of teacher evaluation results;

4.19 (9) must use longitudinal data on student engagement and connection and other  
4.20 student outcome measures explicitly aligned with the elements of curriculum for which  
4.21 teachers are responsible;

4.22 (10) must require qualified and trained evaluators such as school administrators to  
4.23 perform summative evaluations;

4.24 (11) must give teachers not meeting professional teaching standards under clauses  
4.25 (3) through (10) support to improve through a teacher improvement process that includes  
4.26 established goals and timelines; and

4.27 (12) must discipline a teacher for not making adequate progress in the teacher  
4.28 improvement process under clause (11) that may include a last chance warning,  
4.29 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or  
4.30 other discipline a school administrator determines is appropriate.

4.31 Data on individual teachers generated under this subdivision are personnel data  
4.32 under section 13.43.

4.33 (c) The department, in consultation with parents who may represent parent  
4.34 organizations and teacher and administrator representatives appointed by their respective  
4.35 organizations, representing the Board of Teaching, the Minnesota Association of School  
4.36 Administrators, the Minnesota School Boards Association, the Minnesota Elementary

and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 2.

(d) Consistent with the measures of teacher effectiveness established under this subdivision, a school administrator must not place a student in consecutive school years in the classroom of an unsatisfactory teacher. At the commissioner's request, the superintendent of the district must release private personnel data under this subdivision to the commissioner for the purpose of ensuring a school administrator's compliance with this paragraph.

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