

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1010

(SENATE AUTHORS: SIEBEN, Wiger, Stumpf and Harrington)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|--|
| 03/23/2011 | 632 | Introduction and first reading Referred to Education See HF26, Art. 2, Sec. 13-14, 17-19 (First Special Session) |

A bill for an act
relating to education; further clarifying professional development and evaluation
requirements for probationary and continuing contract teachers; amending
Minnesota Statutes 2010, sections 122A.40, subdivisions 5, 6, 8; 122A.41,
subdivisions 2, 3, 5.

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

Section 1. Minnesota Statutes 2010, section 122A.40, subdivision 5, is amended to
read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's
first teaching experience in Minnesota in a single district is deemed to be a probationary
period of employment, and after completion thereof, the probationary period in each
district in which the teacher is thereafter employed shall be one year. The school board
must adopt a plan for written evaluation of teachers during the probationary period that is
consistent with subdivision 8. Evaluation must occur at least three times each year for a
teacher performing services on 120 or more school days, at least two times each year for a
teacher performing services on 60 to 119 school days, and at least one time each year for a
teacher performing services on fewer than 60 school days. Days devoted to parent-teacher
conferences, teachers' workshops, and other staff development opportunities and days on
which a teacher is absent from school must not be included in determining the number
of school days on which a teacher performs services. Except as otherwise provided in
paragraph (b), during the probationary period any annual contract with any teacher may
or may not be renewed as the school board shall see fit. However, the board must give
any such teacher whose contract it declines to renew for the following school year written
notice to that effect before July 1. If the teacher requests reasons for any nonrenewal
of a teaching contract, the board must give the teacher its reason in writing, including

a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

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

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

(d) A probationary teacher must complete at least 60 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all collective bargaining agreements ratified after that date.

Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 6, is amended to read:

Subd. 6. **Mentoring for probationary teachers.** A school board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement that is consistent with subdivision 8. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all collective bargaining agreements ratified after that date.

Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **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 ~~shall~~, consistent with paragraph (b), may develop ~~a~~ an annual teacher evaluation and peer review process for probationary and continuing contract 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) that is consistent with this subdivision. The process ~~may~~ 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 must:

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

(2) establish a three-year professional evaluation cycle for each teacher that includes an individual growth and development plan, a peer review process, the opportunity to participate in a professional learning community under paragraph (a), and at least one summative evaluation performed by a qualified and trained school administrator;

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

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

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

(6) include mentoring and induction programs;

(7) 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) use longitudinal data on student academic growth, student attendance, student engagement and connection, other outcome measures under section 120B.35, and other measures of student learning explicitly aligned with the elements of curriculum for which teachers are responsible;

(9) require qualified and trained administrators to perform summative evaluations;

(10) give teachers not meeting professional teaching standards under clause (3) or other professional criteria sufficient support to improve through a teacher improvement process that includes established goals and timelines; and

(11) provide for a teacher not making adequate progress in the teacher improvement process under clause (10) to be issued discipline that may include being issued a last

chance warning, terminated, discharged, not renewed, or otherwise subjected to discipline that school administrators deem appropriate; transferred to a different position; or granted a leave of absence to address issues of teacher effectiveness.

(c) The department, in consultation with an equal number of 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 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 sections 122A.40 and 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.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all collective bargaining agreements ratified after that date.

Sec. 4. Minnesota Statutes 2010, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to ~~subdivision~~ subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in

this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

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

(c) A probationary teacher must complete at least 60 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all collective bargaining agreements ratified after that date.

Sec. 5. Minnesota Statutes 2010, section 122A.41, subdivision 3, is amended to read:

Subd. 3. **Mentoring for probationary teachers.** A board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement that is consistent with subdivision 5. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to all collective bargaining agreements ratified after that date.

Sec. 6. Minnesota Statutes 2010, 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 ~~must,~~ consistent with paragraph (b), may develop ~~a~~ an annual teacher evaluation 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) that is consistent with this subdivision. The process ~~may~~ 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 must:

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

(2) establish a three-year professional evaluation cycle for each teacher that includes an individual growth and development plan, a peer review process, the opportunity to participate in a professional learning community under paragraph (a), and at least one summative evaluation performed by a qualified and trained administrator;

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

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

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

(6) include mentoring and induction programs;

(7) 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) use longitudinal data on student academic growth, student attendance, student engagement and connection, and other outcome measures under section 120B.35 as evaluation components;

(9) require qualified and trained administrators to perform summative evaluations;

(10) give teachers not meeting professional teaching standards under clause (3) or other professional criteria sufficient support to improve through an established teacher improvement process; and

(11) provide for a teacher not making adequate progress in the teacher improvement process under clause (10) to be transferred to a different position, granted a leave of absence to address issues of teacher effectiveness, issued discipline that may include being issued a last chance warning, terminated, discharged, not renewed, or otherwise subjected to discipline that school administrators deem appropriate;

(c) The department, in consultation with an equal number of teacher and administrator representatives appointed by their respective organizations, representing the

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- 7.1 Board of Teaching, the Minnesota Association of School Administrators, the Minnesota
7.2 School Boards Association, the Minnesota Elementary and Secondary Principals
7.3 Associations, Education Minnesota, representatives of the Minnesota Assessment Group
7.4 and Minnesota postsecondary institutions with research expertise in teacher evaluation,
7.5 and other education stakeholders, must create and publish a teacher evaluation process
7.6 that complies with the requirements in paragraph (b) and applies to all teachers under
7.7 sections 122A.40 and 122A.41 for whom no agreement exists under paragraph (a) for an
7.8 annual teacher evaluation and peer review process. The teacher evaluation process created
7.9 under this subdivision does not create additional due process rights for probationary
7.10 teachers under subdivision 2.
- 7.11 **EFFECTIVE DATE.** This section is effective the day following final enactment
7.12 and applies to all collective bargaining agreements ratified after that date.