

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 1386**

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DATE	D-PG	OFFICIAL STATUS
03/05/2015	565	Introduction and first reading Referred to Education
03/14/2016	5046	Author added Wiklund
03/21/2016	5167	Author added Eken

A bill for an act

1.1 relating to education; requiring school readiness teachers to be licensed;  
1.2 clarifying teacher licensure requirements for early childhood family education  
1.3 programs; clarifying the definition of teacher; amending Minnesota Statutes  
1.4 2014, sections 122A.26, subdivision 2; 122A.60, subdivision 1; 124D.13,  
1.5 subdivision 11; 124D.15, subdivision 3; 179A.03, subdivision 14; proposing  
1.6 coding for new law in Minnesota Statutes, chapter 124D.  
1.7

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

1.9 Section 1. Minnesota Statutes 2014, section 122A.26, subdivision 2, is amended to read:

1.10 Subd. 2. **Exceptions.** A person who teaches in a community education program  
1.11 which qualifies for aid pursuant to section 124D.52 shall continue to meet licensure  
1.12 requirements as a teacher. A person who teaches in an early childhood and family  
1.13 education program which is offered through a community education program and which  
1.14 qualifies for community education aid pursuant to section 124D.20 or early childhood  
1.15 and family education aid pursuant to section 124D.135 shall continue to meet licensure  
1.16 requirements as a teacher. A person who teaches in a community education course which  
1.17 is offered for credit for graduation to persons under 18 years of age shall continue to meet  
1.18 licensure requirements as a teacher. A person who teaches a driver training course which  
1.19 is offered through a community education program to persons under 18 years of age shall  
1.20 be licensed by the Board of Teaching or be subject to section 171.35. ~~A license which is~~  
1.21 ~~required for an instructor in a community education program pursuant to this subdivision~~  
1.22 ~~shall not be construed to bring an individual within the definition of a teacher for purposes~~  
1.23 ~~of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).~~

1.24 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
1.25 later.

2.1 Sec. 2. Minnesota Statutes 2014, section 122A.60, subdivision 1, is amended to read:

2.2 Subdivision 1. **Staff development committee.** A school board must use the revenue  
2.3 authorized in section 122A.61 for in-service education for programs under section  
2.4 120B.22, subdivision 2, or for staff development plans under this section. The board  
2.5 must establish an advisory staff development committee to develop the plan, assist site  
2.6 professional development teams in developing a site plan consistent with the goals of the  
2.7 plan, and evaluate staff development efforts at the site level. A majority of the advisory  
2.8 committee and the site professional development team must be teachers representing  
2.9 various grade levels, subject areas, and special education. The advisory committee must  
2.10 also include nonteaching staff, parents, and administrators. "Teacher" under this section  
2.11 includes all individuals classified as teachers under section 179A.03.

2.12 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
2.13 later.

2.14 Sec. 3. Minnesota Statutes 2014, section 124D.13, subdivision 11, is amended to read:

2.15 Subd. 11. **Teachers.** A school board must employ necessary licensed teachers for its  
2.16 early childhood family education programs. ~~The Board of Teaching, at its discretion, may~~  
2.17 ~~grant an applicant a variance under this subdivision, consistent with sections 122A.09,~~  
2.18 ~~subdivision 10, and 122A.25, and Board of Teaching rules.~~

2.19 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
2.20 later.

2.21 Sec. 4. Minnesota Statutes 2014, section 124D.15, subdivision 3, is amended to read:

2.22 Subd. 3. **Program requirements.** A school readiness program provider must:

2.23 (1) assess each child's cognitive and language skills with a comprehensive child  
2.24 assessment instrument when the child enters and again before the child leaves the program  
2.25 to improve program planning and implementation, communicate with parents, and  
2.26 promote kindergarten readiness;

2.27 (2) provide comprehensive program content and intentional instructional practice  
2.28 aligned with the state early childhood learning guidelines and kindergarten standards and  
2.29 based on early childhood research and professional practice that is focused on children's  
2.30 cognitive, social, emotional, and physical skills and development and prepares children  
2.31 for the transition to kindergarten, including early literacy and language skills;

2.32 (3) coordinate appropriate kindergarten transition with parents and kindergarten  
2.33 teachers;

- 3.1 (4) involve parents in program planning and decision making;
- 3.2 (5) coordinate with relevant community-based services;
- 3.3 (6) cooperate with adult basic education programs and other adult literacy programs;
- 3.4 (7) ensure staff-child ratios of one-to-ten and maximum group size of 20 children
- 3.5 with the first staff required to be a teacher; and
- 3.6 (8) have licensed teachers knowledgeable in early childhood curriculum content,
- 3.7 assessment, native and English language development programs, and instruction.

3.8 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and

3.9 later.

3.10 Sec. 5. **[124D.161] PREKINDERGARTEN INSTRUCTION.**

3.11 Teachers in school district prekindergarten programs must hold a valid Minnesota

3.12 teaching license.

3.13 Sec. 6. Minnesota Statutes 2014, section 179A.03, subdivision 14, is amended to read:

3.14 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee"

3.15 means any person appointed or employed by a public employer except:

- 3.16 (1) elected public officials;
- 3.17 (2) election officers;
- 3.18 (3) commissioned or enlisted personnel of the Minnesota National Guard;
- 3.19 (4) emergency employees who are employed for emergency work caused by natural
- 3.20 disaster;
- 3.21 (5) part-time employees whose service does not exceed the lesser of 14 hours per
- 3.22 week or 35 percent of the normal work week in the employee's appropriate unit;
- 3.23 (6) employees whose positions are basically temporary or seasonal in character and:
- 3.24 (i) are not for more than 67 working days in any calendar year; or (ii) are not for more
- 3.25 than 100 working days in any calendar year and the employees are under the age of 22, are
- 3.26 full-time students enrolled in a nonprofit or public educational institution prior to being
- 3.27 hired by the employer, and have indicated, either in an application for employment or by
- 3.28 being enrolled at an educational institution for the next academic year or term, an intention
- 3.29 to continue as students during or after their temporary employment;
- 3.30 (7) employees providing services for not more than two consecutive quarters to the
- 3.31 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
- 3.32 professional or technical services contract as defined in section 16C.08, subdivision 1;

4.1 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3,  
4.2 except that employees of charitable hospitals as defined by section 179.35, subdivision 3,  
4.3 are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;

4.4 (9) full-time undergraduate students employed by the school which they attend  
4.5 under a work-study program or in connection with the receipt of financial aid, irrespective  
4.6 of number of hours of service per week;

4.7 (10) an individual who is employed for less than 300 hours in a fiscal year as an  
4.8 instructor in an adult vocational education program;

4.9 (11) an individual hired by the Board of Trustees of the Minnesota State Colleges  
4.10 and Universities to teach one course for three or fewer credits for one semester in a year;

4.11 (12) with respect to court employees:

4.12 (i) personal secretaries to judges;

4.13 (ii) law clerks;

4.14 (iii) managerial employees;

4.15 (iv) confidential employees; and

4.16 (v) supervisory employees;

4.17 (13) with respect to employees of Hennepin Healthcare System, Inc., managerial,  
4.18 supervisory, and confidential employees.

4.19 (b) The following individuals are public employees regardless of the exclusions of  
4.20 paragraph (a), clauses (5) and (6):

4.21 (1) an employee hired by a school district or the Board of Trustees of the Minnesota  
4.22 State Colleges and Universities except at the university established in the Twin Cities  
4.23 metropolitan area under section 136F.10 or for community services or community  
4.24 education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty  
4.25 member who is a public employee, where the replacement employee is employed more  
4.26 than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a  
4.27 teaching position created due to increased enrollment, curriculum expansion, courses which  
4.28 are a part of the curriculum whether offered annually or not, or other appropriate reasons;

4.29 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that  
4.30 same position has already been filled under paragraph (a), clause (6), item (i), in the same  
4.31 calendar year and the cumulative number of days worked in that same position by all  
4.32 employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same  
4.33 position" includes a substantially equivalent position if it is not the same position solely  
4.34 due to a change in the classification or title of the position; and

4.35 (3) an early childhood family education, prekindergarten, or school readiness  
4.36 teacher employed by a school district.

5.1 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
5.2 later.