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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3166

03/16/2016 Authored by Loon and Erickson  
The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act  
1.2 relating to education finance; creating an educator licensure account in the special  
1.3 revenue fund; clarifying duties; appropriating money; amending Minnesota  
1.4 Statutes 2014, sections 122A.14, subdivision 9; 122A.18, subdivisions 7c, 8;  
1.5 122A.21, subdivision 1, by adding a subdivision; Minnesota Statutes 2015  
1.6 Supplement, section 122A.21, subdivision 2; Laws 2015, First Special Session  
1.7 chapter 3, article 12, section 4; proposing coding for new law in Minnesota  
1.8 Statutes, chapter 122A.

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

1.10 Section 1. Minnesota Statutes 2014, section 122A.14, subdivision 9, is amended to read:

1.11 Subd. 9. **Fee.** Each person licensed by the Board of School Administrators shall pay  
1.12 the board a fee of \$75, collected each fiscal year. When transmitting notice of the license  
1.13 fee, the board also must notify the licensee of the penalty for failing to pay the fee within  
1.14 the time specified by the board. The board may provide a lower fee for persons on retired  
1.15 or inactive status. After receiving notice from the board, any licensed school administrator  
1.16 who does not pay the fee in the given fiscal year shall have all administrative licenses held  
1.17 by the person automatically suspended, without the right to a hearing, until the fee has been  
1.18 paid to the board. If the board suspends a licensed school administrator for failing to pay  
1.19 the fee, it must immediately notify the district currently employing the school administrator  
1.20 of the school administrator's suspension. The executive secretary shall deposit the fees in  
1.21 the educator licensure account in the special revenue fund in the state treasury.

1.22 **EFFECTIVE DATE.** This section is effective July 1, 2016.

1.23 Sec. 2. Minnesota Statutes 2014, section 122A.18, subdivision 7c, is amended to read:

2.1 Subd. 7c. **Temporary military license.** The Board of Teaching shall establish  
 2.2 a temporary license in accordance with section 197.4552 for teaching. The fee for a  
 2.3 temporary license under this subdivision shall be \$87.90 for an online application or  
 2.4 \$86.40 for a paper application. The board must deposit the fees received from applicants  
 2.5 in the educator licensure account in the special revenue fund.

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2016.

2.7 Sec. 3. Minnesota Statutes 2014, section 122A.18, subdivision 8, is amended to read:

2.8 Subd. 8. **Background checks.** (a) The Board of Teaching and the commissioner  
 2.9 of education must request a criminal history background check from the superintendent  
 2.10 of the Bureau of Criminal Apprehension on all applicants for initial licenses under their  
 2.11 jurisdiction. An application for a license under this section must be accompanied by:

2.12 (1) an executed criminal history consent form, including fingerprints; and

2.13 (2) ~~a money order or cashier's check payable to the Bureau of Criminal Apprehension~~  
 2.14 ~~for the fee for conducting payment to conduct the criminal history background check.~~ The  
 2.15 Board of Teaching and the commissioner of education must deposit payments received  
 2.16 under this subdivision in the educator licensure background check account in the special  
 2.17 revenue fund.

2.18 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the  
 2.19 background check required under paragraph (a) by retrieving criminal history data as  
 2.20 defined in section 13.87 and shall also conduct a search of the national criminal records  
 2.21 repository. The superintendent is authorized to exchange fingerprints with the Federal  
 2.22 Bureau of Investigation for purposes of the criminal history check. The superintendent  
 2.23 shall recover the cost to the bureau of a background check through the fee charged to  
 2.24 the applicant under paragraph (a).

2.25 (c) The Board of Teaching or the commissioner of education may issue a license  
 2.26 pending completion of a background check under this subdivision, but must notify  
 2.27 the individual that the individual's license may be revoked based on the result of the  
 2.28 background check.

2.29 **EFFECTIVE DATE.** This section is effective July 1, 2016.

2.30 Sec. 4. **[122A.185] SPECIAL REVENUE FUND ACCOUNTS; EDUCATOR**  
 2.31 **LICENSURE AND BACKGROUND CHECKS.**

2.32 Subdivision 1. **Educator licensure account.** An educator licensure account is  
 2.33 created in the special revenue fund. Applicant licensure fees received by the Department

3.1 of Education, the Board of Teaching, or the Board of School Administrators must be  
 3.2 deposited in the educator licensure account. Any funds appropriated from this account  
 3.3 that remain unexpended at the end of the biennium cancel to the educator licensure  
 3.4 account in the special revenue fund.

3.5 Subd. 2. **Background check account.** An educator licensure background check  
 3.6 account is created in the special revenue fund. The Department of Education, the Board of  
 3.7 Teaching, and the Board of School Administrators must deposit all payments submitted by  
 3.8 license applicants for criminal background checks conducted by the Bureau of Criminal  
 3.9 Apprehension in the educator licensure background check account. Amounts in the  
 3.10 account are annually appropriated to the commissioner of education for payment to the  
 3.11 superintendent of the Bureau of Criminal Apprehension for the costs of background  
 3.12 checks on applicants for licensure.

3.13 **EFFECTIVE DATE.** This section is effective July 1, 2016.

3.14 Sec. 5. Minnesota Statutes 2014, section 122A.21, subdivision 1, is amended to read:

3.15 Subdivision 1. **Licensure applications.** Each applicant submitting an application  
 3.16 for the issuance, renewal, or extension of to the Board of Teaching to issue, renew, or  
 3.17 extend a teaching license to teach, including applications for licensure via portfolio under  
 3.18 subdivision 2, must be accompanied by include a processing fee of \$57. Each application  
 3.19 for issuing, renewing, or extending the license of a school administrator or supervisor  
 3.20 must be accompanied by a processing fee in the amount set by the Board of Teaching. The  
 3.21 processing fee for a teacher's license and for the licenses of supervisory personnel must  
 3.22 be paid to the executive secretary of the appropriate board and deposited in the educator  
 3.23 licensure account in the special revenue fund. The executive secretary of the board shall  
 3.24 deposit the fees with the commissioner of management and budget. The fees as set by the  
 3.25 board are nonrefundable for applicants not qualifying for a license. However, a fee must  
 3.26 be refunded by the commissioner of management and budget must refund a fee in any  
 3.27 case in which the applicant already holds a valid unexpired license. The board may waive  
 3.28 or reduce fees for applicants who apply at the same time for more than one license.

3.29 **EFFECTIVE DATE.** This section is effective July 1, 2016.

3.30 Sec. 6. Minnesota Statutes 2015 Supplement, section 122A.21, subdivision 2, is  
 3.31 amended to read:

4.1 Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure via  
 4.2 portfolio to obtain an initial licensure or to add a licensure field, consistent with applicable  
 4.3 Board of Teaching licensure rules.

4.4 (b) A candidate for initial licensure must submit to the Educator Licensing Division  
 4.5 at the department one portfolio demonstrating pedagogical competence and one portfolio  
 4.6 demonstrating content competence.

4.7 (c) A candidate seeking to add a licensure field must submit to the Educator  
 4.8 Licensing Division at the department one portfolio demonstrating content competence.

4.9 (d) The Board of Teaching must notify a candidate who submits a portfolio under  
 4.10 paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not  
 4.11 the portfolio was approved. If the portfolio was not approved, the board must immediately  
 4.12 inform the candidate how to revise the portfolio to successfully demonstrate the requisite  
 4.13 competence. The candidate may resubmit a revised portfolio at any time and the Educator  
 4.14 Licensing Division at the department must approve or disapprove the portfolio within  
 4.15 60 calendar days of receiving it.

4.16 (e) A candidate must pay to the executive secretary of the Board of Teaching a \$300  
 4.17 fee for the first portfolio submitted for review and a \$200 fee for any portfolio submitted  
 4.18 subsequently. The candidate must pay the fees ~~must be paid~~ to the executive secretary  
 4.19 of the Board of Teaching. ~~The revenue generated from Board of Teaching executive~~  
 4.20 secretary must deposit the fee ~~must be deposited in an education~~ the educator licensure  
 4.21 ~~portfolio~~ account in the special revenue fund. The fees set by the Board of Teaching are  
 4.22 nonrefundable for applicants not qualifying for a license. The Board of Teaching may  
 4.23 waive or reduce fees for candidates based on financial need.

4.24 **EFFECTIVE DATE.** This section is effective July 1, 2016.

4.25 Sec. 7. Minnesota Statutes 2014, section 122A.21, is amended by adding a subdivision  
 4.26 to read:

4.27 **Subd. 3. Annual appropriations.** The amounts collected under subdivision 2  
 4.28 and deposited in the educator licensure account in the special revenue fund are annually  
 4.29 appropriated to the Board of Teaching.

4.30 **EFFECTIVE DATE.** This section is effective July 1, 2016.

4.31 Sec. 8. Laws 2015, First Special Session chapter 3, article 12, section 4, is amended to  
 4.32 read:

4.33 **Sec. 4. APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

5.1 Subdivision 1. **Department of Education.** Unless otherwise indicated, the sums  
 5.2 indicated in this section are appropriated from the general fund to the Department of  
 5.3 Education for the fiscal years designated.

5.4 Subd. 2. **Department.** (a) For the Department of Education:

5.5 \$ 21,246,000 ..... 2016

5.6 21,973,000

5.7 \$ 21,024,000 ..... 2017

5.8 Of these amounts:

5.9 (1) \$718,000 ~~each~~ in fiscal year 2016 is for the Board of Teaching;

5.10 (2) \$228,000 in fiscal year 2016 ~~and \$231,000 in fiscal year 2017~~ are is for the  
 5.11 Board of School Administrators;

5.12 (3) \$1,000,000 each year is for Regional Centers of Excellence under Minnesota  
 5.13 Statutes, section 120B.115;

5.14 (4) \$500,000 each year is for the School Safety Technical Assistance Center under  
 5.15 Minnesota Statutes, section 127A.052;

5.16 (5) \$250,000 each year is for the School Finance Division to enhance financial  
 5.17 data analysis; and

5.18 (6) \$441,000 in fiscal year 2016 and \$720,000 in fiscal year 2017 is for implementing  
 5.19 Laws 2014, chapter 272, article 1, Minnesota's Learning for English Academic Proficiency  
 5.20 and Success Act, as amended.

5.21 (b) Any estimated balance in the educator licensure account in the special revenue  
 5.22 fund for fiscal year 2017 is appropriated to the commissioner of education for teacher  
 5.23 licensure activities and the department's general fund appropriation must be reduced  
 5.24 by the same amount.

5.25 (c) Any balance in the first year does not cancel but is available in the second year.

5.26 ~~(e)~~ (d) None of the amounts appropriated under this subdivision may be used for  
 5.27 Minnesota's Washington, D.C. office.

5.28 ~~(d)~~ (e) The expenditures of federal grants and aids as shown in the biennial budget  
 5.29 document and its supplements are approved and appropriated and shall be spent as  
 5.30 indicated.

5.31 ~~(e)~~ (f) This appropriation includes funds for information technology project services  
 5.32 and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any  
 5.33 ongoing information technology costs will be incorporated into the service level agreement  
 5.34 and will be paid to the Office of MN.IT Services by the Department of Education under  
 5.35 the rates and mechanism specified in that agreement.

6.1            ~~(f)~~ (g) The agency's base budget in fiscal year 2018 is ~~\$21,973,000~~ \$21,024,000.  
6.2            The agency's base budget in fiscal year 2019 is ~~\$21,948,000~~ \$20,999,000.

6.3            **EFFECTIVE DATE.** This section is effective July 1, 2016.

6.4            Sec. 9. **TRANSFERS.**

6.5            **Subdivision 1. Portfolio account.** On July 1, 2016, the commissioner of management  
6.6            and budget shall transfer any balances in the educator licensure portfolio account in the  
6.7            special revenue fund to the educator licensure account in the special revenue fund.

6.8            **Subd. 2. Background check.** Any balance in an account that holds fees collected  
6.9            under Minnesota Statutes, section 122A.18, subdivision 8, is transferred to the education  
6.10           licensure background check account in the special revenue fund under Minnesota Statutes,  
6.11           section 122A.185, subdivision 2. On July 2, 2016, \$80,000 is transferred from the  
6.12           education licensure background check account in the special revenue fund to the educator  
6.13           licensure account in the special revenue fund.

6.14           Sec. 10. **APPROPRIATION; BOARD OF TEACHING.**

6.15           \$718,000 in fiscal year 2017 is appropriated from the educator licensure account in  
6.16           the special revenue fund to the Board of Teaching.

6.17           Sec. 11. **APPROPRIATION; BOARD OF SCHOOL ADMINISTRATORS.**

6.18           \$231,000 in fiscal year 2017 is appropriated from the educator licensure account in  
6.19           the special revenue fund to the Board of School Administrators.