

CHAPTER 125

TEACHERS

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125.032 LICENSURE; COMMUNITY EDUCATION INSTRUCTORS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Exceptions.** A person who teaches in a community education program which qualifies for aid pursuant to section 124.26 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for community education aid pursuant to section 124.2713 or early childhood and family education aid pursuant to section 124.2711 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the board of teaching or be subject to section 171.35. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 125.12, subdivision 1, or 125.17, subdivision 1, clause (a).

History: 1993 c 224 art 12 s 21

125.05 BOARD TO ISSUE LICENSES.

[For text of subd 1, see M.S.1992]

Subd. 1a. **Teacher and support personnel qualifications.** (a) The board of teaching shall issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board shall require a person to successfully complete an examination of skills in reading, writing, and mathematics before being admitted to a post-secondary teacher preparation program approved by the board if that person seeks to qualify for an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board shall require colleges and universities offering a board approved teacher preparation program to provide remedial assistance to persons enrolled in their institution who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language.

Subd. 1b. **[Repealed, 1993 c 374 s 18]**

[For text of subds 1c to 7, see M.S.1992]

History: 1993 c 224 art 7 s 17; art 8 s 7; 1993 c 374 s 27

125.12 EMPLOYMENT; CONTRACTS, TERMINATION.

[For text of subds 1 to 3, see M.S.1992]

Subd. 3a. [Repealed, 1993 c 224 art 12 s 32]

Subd. 3b. **Peer review for probationary teachers.** A school board and an exclusive representative of the teachers in the district shall develop a probationary teacher peer review process through joint agreement.

[For text of subd 4, see M.S.1992]

Subd. 4a. [Repealed, 1993 c 224 art 12 s 32]

Subd. 4b. **Peer review for continuing contract teachers.** A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers through joint agreement.

[For text of subds 6 to 14, see M.S.1992]

History: 1993 c 224 art 12 s 22,23

NOTE: The amendments to subdivisions 3b and 4b by Laws 1993, chapter 224, article 12, sections 22 and 23, are effective July 1, 1995. See Laws 1993, chapter 224, article 12, section 41.

125.138 FACULTY EXCHANGE AND TEMPORARY ASSIGNMENT PROGRAM.

Subdivision 1. **Establishment.** A program of faculty collaboration shall be established to allow school districts and post-secondary institutions to arrange temporary placements in each other's institutions. These arrangements must be made on a voluntary cooperative basis between a school district and post-secondary institution, or between post-secondary institutions. Exchanges between post-secondary institutions may occur among campuses in the same system or in different systems.

Subd. 2. **Uses of program.** Each participating school district and post-secondary institution may determine the way in which the staff member's time is to be used, but it must be in a way that promotes understanding of the needs of each educational system or institution. For example, a public school educator may teach courses, provide counseling and tutorial services, assist with the preparation of future educators, or take professional development courses. A post-secondary teacher might teach courses at the school district, counsel students, or work in school administration. Participation need not be limited to one school or institution and may involve other groups including educational cooperative service units.

Subd. 3. **Salaries; benefits; certification.** Temporary placements made under the program must not have a negative effect on participants' salaries, seniority, or other benefits. Notwithstanding sections 123.35, subdivision 6, and 125.04, a member of the staff of a post-secondary institution may teach in an elementary or secondary school or perform a service, agreed upon according to this section, for which a license would otherwise be required without holding the applicable license. In addition, a licensed educator employed by a school district may teach or perform a service, agreed upon according to this section, at a post-secondary institution without meeting the applicable qualifications of the post-secondary institution. A school district is not subject to section 124.19, subdivision 3, as a result of entering into an agreement according to this section that enables a post-secondary educator to teach or provide services in the district. All arrangements and details regarding the exchange must be mutually agreed to by each participating school district and post-secondary institution before implementation.

Subd. 4. **Educators' employment; continuation.** An educator who held a temporary position or an exchanged position under section 125.138 shall be continued in or restored to the position previously held, or to a position of like seniority, status, and pay upon return. Retirement benefits under an employer-sponsored pension or retirement plan shall not be reduced because of time spent on an exchange or temporary position under section 125.138.

Subd. 5. **Entitlement to benefits and position.** An educator who is continued in or restored to a position in accordance with subdivision 4:

- (1) shall be continued or restored without loss of seniority; and
- (2) may participate in insurance or other benefits offered by the employer under its established rules and practices.

Subd. 6. **Grants.** The department of education shall award grants to public post-secondary teacher preparation programs and school districts that collaborate on staff exchanges or temporary placements. One institution must be identified as the fiscal agent for the grant.

Subd. 7. **Purpose of the grants.** School districts and post-secondary institutions are encouraged to collaborate by allowing educators to exchange positions, team teach, or hold temporary positions of no longer than one academic year in the other's institutions. No loss of salary or benefits shall occur. Grants shall be used to ensure no loss of status, retirement, and insurance benefits.

Subd. 8. **Application process.** The department of education shall develop and publicize the process by which school districts, the University of Minnesota and its campuses, and the state universities which have teacher and administrator preparation programs may apply for grants.

Subd. 9. **Criteria.** The department of education shall evaluate proposals using the following criteria:

- (1) evidence of collaborative arrangements between post-secondary educators and early childhood through grade 12 educators;
- (2) evidence that outstanding early childhood through grade 12 educators will be involved in post-secondary classes and programs, including presentations, discussions, teaming, and responsibility for teaching some post-secondary courses;
- (3) evidence that post-secondary educators will have direct experience working in a classroom or school district, including presentations, discussions, teaming, and responsibility for teaching some early childhood through grade 12 classes; and
- (4) evidence of adequate financial support from employing and receiving institutions.

Subd. 10. **Evaluation.** The department of education shall evaluate the results of the grants provided under subdivision 6 and make recommendations to the legislature and governor regarding future funding in the 1995 biennial budget document.

Subd. 11. **Grant limitations; proposals.** All grants shall be for salary and benefit costs beyond those normally covered by each of the institutions involved in the exchange or temporary assignment. Staff exchanging positions or placed in temporary assignments shall not suffer loss of salary, benefits, or retirement benefits. A grant from the department of education shall cover 50 percent of the excess costs with the remainder of the excess costs shared equally by the school district and the post-secondary institution.

History: 1993 c 224 art 7 s 18

125.17 TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.

[For text of subds 1 and 2, see M.S.1992]

Subd. 2a. [Repealed, 1993 c 224 art 12 s 32]

Subd. 2b. **Peer review for probationary teachers.** A school board and an exclusive representative of the teachers in the district shall develop a probationary teacher peer review process through joint agreement.

[For text of subd 3, see M.S.1992]

Subd. 3a. [Repealed, 1993 c 224 art 12 s 32]

Subd. 3b. **Peer review for continuing contract teachers.** A school board and an

exclusive representative of the teachers in the district shall develop a peer review process for nonprobationary teachers through joint agreement.

[For text of subds 4 to 12, see M.S.1992]

History: 1993 c 224 art 12 s 24,25

NOTE: The amendments to subdivisions 2b and 3b by Laws 1993, chapter 224, article 12, sections 24 and 25, are effective July 1, 1995. See Laws 1993, chapter 224, article 12, section 41.

125.178 ELEMENTARY PREPARATION TIME.

The school board and the exclusive representative of the teachers may negotiate an agreement to provide daily preparation time for elementary school teachers. Failing to successfully negotiate such an agreement, provisions of Minnesota Rules, part 3500.1400, subpart 3, apply.

History: 1993 c 224 art 7 s 19

125.185 DUTIES.

[For text of subds 1 to 3, see M.S.1992]

Subd. 4. **License and rules.** (a) The board shall adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board shall adopt rules requiring successful completion of an examination of skills in reading, writing, and mathematics before being admitted to a teacher preparation program. Such rules shall require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board shall adopt rules to approve teacher preparation programs.

(d) The board shall provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board shall adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than July 1, 1999.

(f) The board shall adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board shall grant licenses to interns and to candidates for initial licenses.

(h) The board shall design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board shall receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board shall grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. The board shall not establish any expiration date for application for life licenses.

(k) With regard to post-secondary vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board of technical colleges.

Subd. 4a. [Repealed, 1993 c 224 art 7 s 31]

[For text of subds 4b and 5, see M.S.1992]

Subd. 6. The commissioner shall provide all necessary materials and assistance for the transaction of the business of the board of teaching and all moneys received by the board of teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 125.01 to 125.187 which are incurred by the board of teaching shall be paid for from appropriations made to the board of teaching.

[For text of subds 7 to 10, see M.S.1992]

History: 1993 c 224 art 8 s 8; art 13 s 44; 1993 c 374 s 28

125.188 ALTERNATIVE PREPARATION LICENSING.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. **Program approval.** (a) The board of teaching shall approve alternative preparation programs based on criteria adopted by the board.

(b) An alternative preparation program at a school district, group of schools, or an education district must be affiliated with a post-secondary institution that has a teacher preparation program.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 337 s 7

125.1885 ALTERNATIVE PREPARATION LICENSING FOR ADMINISTRATORS.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. **Program approval.** An alternative preparation program at a school district, group of schools, or an education district must be affiliated with a post-secondary institution that has a graduate program in educational administration for public school administrators.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 224 art 9 s 33; 1993 c 337 s 8

125.189 LICENSURE REQUIREMENTS.

The board of teaching will review and determine appropriate licensure requirements for a candidate for a license or an applicant for a continuing license to teach deaf and hard of hearing students in prekindergarten through grade 12. In addition to other requirements, a candidate must demonstrate the minimum level of proficiency in American sign language as determined by the board.

History: 1993 c 224 art 3 s 30

125.230 TEACHING RESIDENCY PROGRAM.

Subdivision 1. **Establishment.** A school district with a teaching residency plan approved by the board of teaching may hire graduates of approved Minnesota teacher preparation programs as teaching residents. A district shall employ each resident for one school year. The district and the resident may agree to extend the residency for one additional school year. A school may employ no more than one teaching resident for every eight full-time equivalent licensed teachers. No more than 600 eligible teachers may be employed as teacher residents in any one school year.

Subd. 2. **Teacher eligibility.** Persons eligible to be hired as teaching residents must have received their initial license no more than two years prior to applying for a residency and must have less than nine months of full-time equivalency teaching experience as a licensed teacher.

Subd. 3. **Program components.** In order to be approved by the board of teaching, a school district's residency program must at minimum include:

- (1) training to prepare teachers to serve as mentors to teaching residents;
- (2) a team mentorship approach to expose teaching residents to a variety of teaching methods, philosophies, and classroom environments;
- (3) ongoing peer coaching and assessment;
- (4) assistance to the teaching resident in preparing an individual professional development plan that includes goals, activities, and assessment methodologies; and
- (5) involvement of resource persons from higher education institutions, career teachers, and other community experts to provide local or regional professional development seminars or other structured learning experiences for teaching residents.

A teaching resident shall not be given direct classroom supervision responsibilities that exceed 80 percent of the instructional time required of a full-time equivalent teacher in the district. During the remaining time, a teaching resident shall participate in professional development activities according to the individual plan developed by the resident in conjunction with the school's mentoring team.

Subd. 4. **Employment conditions.** A school district shall pay a teaching resident a salary equal to 75 percent of the statewide average salary of a first-year teacher with a bachelor's degree. The resident shall be a member of the local bargaining unit and shall be covered under the terms of the contract, except for salary and benefits, unless otherwise provided in this subdivision. The school district shall provide health insurance coverage for the resident if the district provides it for teachers, and may provide other benefits upon negotiated agreement.

Subd. 5. **Applies toward probationary period.** A teaching residency shall count as one year of a teacher's probationary period under section 125.12, subdivision 3, or section 125.17, subdivision 2. A residency extended for one year shall not count as an additional year under this subdivision.

Subd. 6. **Learning and development revenue eligibility.** A school district with an approved teaching residency program may use learning and development revenue for each teaching resident in kindergarten through grade six. A district also may use the revenue for a paraprofessional who is a person of color enrolled in an approved teacher preparation program. A school district shall not use a teaching resident to replace an existing teaching position.

Subd. 7. **Recommendation for licensure requirements.** (a) The board of teaching shall develop for teachers of students in prekindergarten through grade 12, model teaching residency outcomes and assessments, and mentoring programs.

(b) The board of teaching shall report to the education committees of the legislature by February 15, 1994, on developing a residency program as part of teacher licensure. The report shall at least discuss:

- (1) whether a teacher residency program should be a prerequisite to obtaining an initial teaching license or a continuing teacher license;
- (2) the number of teacher residency positions available statewide by school district;
- (3) how a teacher residency program and a mentorship program for school teachers can be structured;
- (4) whether additional state funding for teacher residency programs is required;
- (5) the interrelationship between existing teacher preparation programs and a teacher residency program;
- (6) issues related to implementing a teacher residency program, including a timeline for implementing the program; and
- (7) how a teacher residency program may impact upon a teacher licensed in another state who seeks a teaching position in Minnesota.

History: 1993 c 224 art 7 s 20

125.231 TEACHER MENTORSHIP.

Subdivision 1. **Teacher mentoring programs.** School districts are encouraged to develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, teachers with special needs, or experienced teachers in need of peer coaching.

Subd. 2. **Teacher mentoring task force.** The board of teaching shall appoint and work with a teacher mentoring task force including representatives of the two teachers unions, the two principals organizations, school boards association, administrators association, department of education, parent teacher association, post-secondary institutions, foundations, and the private sector. Representation on the task force by populations of color shall reflect the proportion of people of color in the public schools.

The task force shall:

- (1) develop the application forms, criteria, and procedures for grants for mentorship programs;
- (2) select sites to receive mentorship grant funding; and
- (3) provide ongoing support and direction for mentorship program implementation in school districts, including those that do not receive mentorship grants.

Subd. 3. **Applications.** The board of teaching shall make application forms available to sites interested in developing or expanding a mentorship program. A school district, a group of school districts, or a coalition of districts, teachers and teacher education institutions may apply for a teacher mentorship program grant. The board of teaching, in consultation with the teacher mentoring task force, shall approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring components, include a variety of coalitions and be geographically distributed throughout the state. The board of teaching shall encourage the selected sites to consider the use of its assessment procedures.

Subd. 4. **Criteria for selection.** At a minimum, applicants must express commitment to:

- (1) allow staff participation;
- (2) assess skills of both beginning and mentor teachers;
- (3) provide appropriate in-service to needs identified in the assessment;
- (4) provide leadership to the effort;
- (5) cooperate with higher education institutions;
- (6) provide facilities and other resources; and
- (7) share findings, materials, and techniques with other school districts.

Subd. 5. **Additional funding.** Applicants are required to seek additional funding and assistance from sources such as school districts, post-secondary institutions, foundations, and the private sector.

Subd. 7. **Program implementation.** New and expanding mentorship sites that are funded to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation. The board of teaching must provide resources and assistance to support new sites in their program efforts. These activities and services may include, but are not limited to: planning, planning guides, media, training, conferences, institutes, and regional and statewide networking meetings. Nonfunded schools or districts interested in getting started may participate. Fees may be charged for meals, materials, and the like.

History: 1993 c 224 art 7 s 21

125.623 TEACHERS OF COLOR PROGRAM.

Subdivision 1. **Definition.** For purposes of this section, "people of color" means permanent United States residents who are African-American, American Indian or Alaskan native, Asian or Pacific Islander, or Hispanic.

Subd. 2. **Grants.** The commissioner of education in consultation with the mul-

ticultural advisory committee established in section 126.82 shall award grants for professional development programs to recruit and educate people of color in the field of education, including early childhood and parent education. Grant applicants must be a school district with a growing minority population working in collaboration with a state institution of higher education with an approved teacher licensure program or an approved early childhood or parent education licensure program.

Subd. 3. Program requirements. (a) A grant recipient shall recruit persons of color to be teachers in elementary, secondary, early childhood or parent education, and provide support in linking program participants with jobs in the recipient's school district.

(b) A grant recipient shall establish an advisory council composed of representatives of communities of color.

(c) A grant recipient, with the assistance of the advisory council, shall recruit high school students and other persons, support them through the higher education application and admission process, advise them while enrolled and link them with support resources in the college or university and the community.

(d) A grant recipient shall award stipends to students of color enrolled in an approved licensure program to help cover the costs of tuition, student fees, supplies, and books. Stipend awards must be based on a student's financial need and students must apply for any additional financial aid they are eligible for to supplement this program. No more than ten percent of the grant may be used for costs of administering the program. Students must agree to teach in the grantee school district for at least two years after licensure. If the district has no licensed positions open, the student may teach in another district in Minnesota.

(e) The commissioner of education shall consider the following criteria in awarding grants:

(1) whether the program is likely to increase the recruitment and retention of students of color in teaching;

(2) whether grant recipients will recruit paraprofessionals from the district to work in its schools; and

(3) whether grant recipients will establish or have a mentoring program for students of color.

History: 1993 c 224 art 8 s 9

125.706 PREPARATION TIME.

Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers.

History: 1993 c 224 art 12 s 26

125.80 TEACHER LUNCH PERIOD.

Each teacher shall be provided with a duty-free lunch period, scheduled according to school board policy or negotiated agreement.

History: 1993 c 224 art 12 s 27