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State of Minnesota

HOUSE OF REPRESENTATIVES

FIFTH SPECIAL SESSION

H. F. No. 31

10/12/2020 Authored by Erickson
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; modifying teacher licensing, hiring, and dismissal; amending
1.3 Minnesota Statutes 2018, sections 122A.181, subdivisions 1, 3, as amended;
1.4 122A.40, subdivision 3; 122A.41, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 122A.181, subdivision 1, is amended to read:

1.7 Subdivision 1. Application requirements. (a) The Professional Educator Licensing and
1.8 Standards Board must approve a request from a district or charter school to issue a Tier 1
1.9 license in a specified content area to a candidate if:

1.10 (1) the candidate meets the professional requirement in subdivision 2;

1.11 (2) the district or charter school affirms that the candidate has the necessary skills and
1.12 knowledge to teach in the specified content area; and

1.13 (3) the district or charter school demonstrates that:

1.14 (i) a criminal background check under section 122A.18, subdivision 8, has been completed
1.15 on the candidate; and

1.16 (ii) the district or charter school has posted the teacher position but was unable to hire
1.17 an acceptable teacher with a Tier 2, 3, or 4 license for the position.

1.18 (b) If a district or charter school employs a teacher with a Tier 1 license, the Professional
1.19 Educator Licensing and Standards Board must renew the license only if the conditions in
1.20 paragraph (a), clauses (1) and (2), as well as clause (3), item (i), are satisfied.

1.21 EFFECTIVE DATE. This section is effective the day following final enactment.

2.1 Sec. 2. Minnesota Statutes 2018, section 122A.181, subdivision 3, as amended by Laws  
2.2 2020, First Special Session chapter 8, article 2, section 2, is amended to read:

2.3 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and  
2.4 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license  
2.5 may be renewed subject to paragraphs (b) and (c). The board may submit written comments  
2.6 to the district or charter school that requested the renewal regarding the candidate.

2.7 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1  
2.8 license if:

2.9 ~~(1) the district or charter school requesting the renewal demonstrates that it has posted~~  
2.10 ~~the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license~~  
2.11 ~~for the position;~~

2.12 ~~(2)~~ (1) the teacher holding the Tier 1 license took a content examination in accordance  
2.13 with section 122A.185 and submitted the examination results to the teacher's employing  
2.14 district or charter school within one year of the board approving the request for the initial  
2.15 Tier 1 license;

2.16 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in cultural competency training  
2.17 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board  
2.18 approving the request for the initial Tier 1 license; and

2.19 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal  
2.20 requirement under section 122A.187, subdivision 6.

2.21 The requirement in clause (2) does not apply to a teacher that teaches a class in a career and  
2.22 technical education or career pathways course of study.

2.23 (c) A Tier 1 license must not be renewed more than three times, unless the requesting  
2.24 district or charter school can show good cause for additional renewals. A Tier 1 license  
2.25 issued to teach (1) a class or course in a career and technical education or career pathway  
2.26 course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may  
2.27 be renewed without limitation.

2.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.29 Sec. 3. Minnesota Statutes 2018, section 122A.40, subdivision 3, is amended to read:

2.30 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly  
2.31 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,  
2.32 constitute a quorum, no contract employing a teacher shall be made or authorized except

3.1 upon the unanimous vote of the full board. A teacher related by blood or marriage, within  
3.2 the fourth degree, computed by the civil law, to a board member shall not be employed  
3.3 except by a unanimous vote of the full board. The initial employment of the teacher in the  
3.4 district must be by written contract, signed by the teacher and by the chair and clerk. All  
3.5 subsequent employment of the teacher in the district must be by written contract, signed by  
3.6 the teacher and by the chair and clerk, except where there is a master agreement covering  
3.7 the employment of the teacher. Contracts for teaching or supervision of teaching can be  
3.8 made only with qualified teachers. A teacher shall not be required to reside within the  
3.9 employing district as a condition to teaching employment or continued teaching employment.

3.10 (b) A school district must not give preference in the hiring or dismissal of a teacher  
3.11 based on the teacher's seniority except in making decisions between or among otherwise  
3.12 equally qualified and rated teachers.

3.13 (c) A school district must report all new hires and terminations, including layoffs, by  
3.14 race and ethnicity annually to the Department of Education. The report must not include  
3.15 data that would personally identify individuals.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.17 Sec. 4. Minnesota Statutes 2018, section 122A.41, is amended by adding a subdivision to  
3.18 read:

3.19 Subd. 16. **Hiring and dismissal.** (a) A school district must not give preference in the  
3.20 hiring or dismissal of a teacher based on the teacher's seniority except in making decisions  
3.21 between or among otherwise equally qualified and rated teachers.

3.22 (b) A school district must report all new hires and terminations, including layoffs, by  
3.23 race and ethnicity annually to the Department of Education. The report must not include  
3.24 data that would personally identify individuals.

3.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.