

1.1 A bill for an act

1.2 relating to education; modifying teacher and principal licensure provisions;  
1.3 granting commissioner authority in low-achieving schools; requiring a report;  
1.4 authorizing rulemaking; amending Minnesota Statutes 2008, sections 122A.14,  
1.5 by adding subdivisions; 122A.18, subdivisions 1, 2, by adding a subdivision;  
1.6 122A.23, subdivision 2; 122A.40, subdivisions 2, 5, 9, 10, 11, by adding a  
1.7 subdivision; 122A.41, subdivisions 1, 2, 4, 6, 14; 122A.413, as amended;  
1.8 122A.414, as amended; 122A.60, as amended; 122A.61, subdivision 1; 123B.09,  
1.9 subdivision 8; 127A.05, by adding a subdivision; Minnesota Statutes 2009  
1.10 Supplement, sections 120B.02; 122A.09, subdivision 4; 122A.40, subdivisions 6,  
1.11 8; 122A.41, subdivisions 3, 5; 123B.143, subdivision 1; 124D.10, subdivision 4;  
1.12 proposing coding for new law in Minnesota Statutes, chapter 122A; repealing  
1.13 Minnesota Statutes 2008, section 122A.24.

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

1.15 Section 1. Minnesota Statutes 2009 Supplement, section 120B.02, is amended to read:

1.16 **120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S**  
1.17 **STUDENTS.**

1.18 (a) The legislature is committed to establishing rigorous academic standards for  
1.19 Minnesota's public school students. To that end, the commissioner shall adopt in rule  
1.20 statewide academic standards. The commissioner shall not prescribe in rule or otherwise  
1.21 the delivery system, classroom assessments, or form of instruction that school sites must  
1.22 use. For purposes of this chapter, a school site is a separate facility, or a separate program  
1.23 within a facility that a local school board recognizes as a school site for funding purposes.

1.24 (b) All commissioner actions regarding the rule must be premised on the following:

1.25 (1) the rule is intended to raise academic expectations for students, teachers, and  
1.26 schools;

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2.1 (2) any state action regarding the rule must evidence consideration of school district  
2.2 autonomy; and

2.3 (3) the Department of Education, with the assistance of school districts, must make  
2.4 available information about all state initiatives related to the rule to students and parents,  
2.5 teachers, and the general public in a timely format that is appropriate, comprehensive, and  
2.6 readily understandable.

2.7 (c) When fully implemented, the requirements for high school graduation in  
2.8 Minnesota must require students to satisfactorily complete, as determined by the school  
2.9 district, the course credit requirements under section 120B.024, all state academic  
2.10 standards or local academic standards where state standards do not apply, and successfully  
2.11 pass graduation examinations as required under section 120B.30.

2.12 (d) The commissioner shall periodically review and report on the state's assessment  
2.13 process.

2.14 (e) School districts are not required to adopt specific provisions of the federal  
2.15 School-to-Work programs.

2.16 (f) The commissioner of education and the chairs of the house of representatives  
2.17 and senate committees having jurisdiction over kindergarten through grade 12 education  
2.18 shall have the authority to provisionally approve for adoption the kindergarten through  
2.19 grade 12 standards developed by the common core state standards initiative supplemented  
2.20 with up to 15 percent additional standards recommended by the commissioner. Following  
2.21 such provisional approval for adoption, the supplemented kindergarten through grade 12  
2.22 common core standards shall be adopted by rule in accordance with this section and  
2.23 sections 120B.021 and 120B.023 on or before December 31, 2010, using an expedited  
2.24 process in accordance with section 14.389.

2.25 Sec. 2. Minnesota Statutes 2009 Supplement, section 122A.09, subdivision 4, is  
2.26 amended to read:

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

2.29 (b) The board must adopt rules requiring a person to ~~successfully complete~~ pass a  
2.30 skills examination in reading, writing, and mathematics as a requirement for initial teacher  
2.31 licensure entrance into a board-approved teacher preparation program. Such rules must  
2.32 require college and universities offering a board-approved teacher preparation program to  
2.33 provide offer remedial assistance to persons who did not achieve a qualifying score on  
2.34 the skills examination, including those for whom English is a second language. Persons

3.1 needing remedial assistance must be successfully remediated prior to entrance into a  
3.2 board-approved teacher preparation program.

3.3 (c) The board must adopt rules to approve teacher preparation programs. The board,  
3.4 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
3.5 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
3.6 person and a postsecondary institution providing a teacher preparation program when the  
3.7 dispute involves an institution's recommendation for licensure affecting the person or the  
3.8 person's credentials. At the board's discretion, assistance may include the application  
3.9 of chapter 14.

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

3.15 (e) The board must adopt rules requiring candidates for initial licenses to  
3.16 ~~successfully complete~~ pass an examination of general pedagogical knowledge and  
3.17 examinations of licensure-specific teaching skills. The rules shall be effective by  
3.18 September 1, 2001. The rules under this paragraph also must require candidates for initial  
3.19 licenses to teach prekindergarten or elementary students to ~~successfully complete~~ pass,  
3.20 as part of the examination of licensure-specific teaching skills, test items assessing the  
3.21 candidates' knowledge, skill, and ability in comprehensive, scientifically based reading  
3.22 instruction under section 122A.06, subdivision 4, and their knowledge and understanding  
3.23 of the foundations of reading development, the development of reading comprehension,  
3.24 and reading assessment and instruction, and their ability to integrate that knowledge  
3.25 and understanding. The rules under this paragraph also must require general education  
3.26 candidates for initial licenses to teach prekindergarten or elementary students to pass,  
3.27 as part of the examination of licensure-specific teaching skills, test items assessing the  
3.28 candidates' knowledge, skill, and ability in mathematics.

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

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

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

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

4.3 (j) The board must grant life licenses to those who qualify according to requirements  
4.4 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
4.5 214.10. The board must not establish any expiration date for application for life licenses.

4.6 (k) The board must adopt rules that require all licensed teachers who are renewing  
4.7 their continuing license to include in their renewal requirements further preparation in  
4.8 the areas of using positive behavior interventions and in accommodating, modifying, and  
4.9 adapting curricula, materials, and strategies to appropriately meet the needs of individual  
4.10 students and ensure adequate progress toward the state's graduation rule.

4.11 (l) In adopting rules to license public school teachers who provide health-related  
4.12 services for disabled children, the board shall adopt rules consistent with license or  
4.13 registration requirements of the commissioner of health and the health-related boards who  
4.14 license personnel who perform similar services outside of the school.

4.15 (m) The board must adopt rules that require all licensed teachers who are renewing  
4.16 their continuing license to include in their renewal requirements further reading  
4.17 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect  
4.18 until they are approved by law. Teachers who do not provide direct instruction including, at  
4.19 least, counselors, school psychologists, school nurses, school social workers, audiovisual  
4.20 directors and coordinators, and recreation personnel are exempt from this section.

4.21 (n) The board must adopt rules that require all licensed teachers who are renewing  
4.22 their continuing license to include in their renewal requirements further preparation  
4.23 in understanding the key warning signs of early-onset mental illness in children and  
4.24 adolescents.

4.25 **EFFECTIVE DATE.** This section is effective September 1, 2011.

4.26 Sec. 3. Minnesota Statutes 2008, section 122A.14, is amended by adding a subdivision  
4.27 to read:

4.28 **Subd. 10. Rules incorporating national standards.** The Board of School  
4.29 Administrators must engage in rulemaking to incorporate national standards into the  
4.30 licensing standards for principals. The rules must address national standards for effective  
4.31 school leadership.

4.32 Sec. 4. Minnesota Statutes 2008, section 122A.14, is amended by adding a subdivision  
4.33 to read:

5.1 Subd. 11. **Tiered licensure.** (a) The Board of School Administrators shall establish  
5.2 requirements for issuance of initial, standard, and master principal licenses. Requirements  
5.3 for earning each differentiated license must be based, at a minimum, on principal  
5.4 performance as measured by section 122A.411.

5.5 (b) "Initial principal license" means a license granted after successfully completing  
5.6 the requirements for licensure as set forth by the Board of School Administrators. An  
5.7 initial license must be issued prior to the issuance of a standard license and cannot be  
5.8 issued for a duration of less than three years.

5.9 (c) "Standard principal license" means a license obtained after successfully being  
5.10 employed for at least three years in the area of initial licensure, completing an induction  
5.11 program, and achieving the minimum expectation for principal performance as measured  
5.12 by section 122A.411.

5.13 (d) "Master principal license" means a license obtained after having met the  
5.14 requirements for a standard license, meeting the definition of "highly effective" under  
5.15 section 122A.411, and demonstrating instructional leadership at the local, state, or national  
5.16 level according to the criteria established by the Board of School Administrators.

5.17 Sec. 5. Minnesota Statutes 2008, section 122A.18, subdivision 1, is amended to read:

5.18 Subdivision 1. **Authority to license.** (a) The Board of Teaching must license  
5.19 teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel,  
5.20 as defined in section 122A.15, subdivision 2.

5.21 (b) The Board of School Administrators must license supervisory personnel as  
5.22 defined in section 122A.15, subdivision 2, except for athletic coaches.

5.23 (c) Licenses under the jurisdiction of the Board of Teaching, the Board of School  
5.24 Administrators, and the commissioner of education must be issued through the licensing  
5.25 section of the department.

5.26 (d) The Board of Teaching and the Department of Education must enter into a data  
5.27 sharing agreement to share educational data at the kindergarten through grade 12 level for  
5.28 the limited purpose of program approval and improvement for teacher education programs.  
5.29 The program approval process must include targeted redesign of teacher preparation  
5.30 programs to address identified kindergarten through grade 12 student areas of concern.  
5.31 The Board of Teaching must ensure that this information remains confidential and shall  
5.32 only be used for this purpose. Any unauthorized disclosure shall be subject to a penalty.

5.33 (e) The Board of School Administrators and the Department of Education must enter  
5.34 into a data sharing agreement to share educational data at the kindergarten through grade  
5.35 12 level for the limited purpose of program approval and improvement for education

6.1 administration programs. The program approval process must include targeted redesign of  
6.2 education administration preparation programs to address identified kindergarten through  
6.3 grade 12 student areas of concern. The Board of School Administrators must ensure  
6.4 that this information remains confidential and shall only be used for this purpose. Any  
6.5 unauthorized disclosure shall be subject to a penalty.

6.6 Sec. 6. Minnesota Statutes 2008, section 122A.18, subdivision 2, is amended to read:

6.7 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of  
6.8 Teaching must issue licenses under its jurisdiction to persons the board finds to be  
6.9 qualified and competent for their respective positions.

6.10 (b) The board must require a person to ~~successfully complete~~ pass an examination  
6.11 of skills in reading, writing, and mathematics before being granted an initial teaching  
6.12 license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or  
6.13 special education programs. The board must require colleges and universities offering  
6.14 a board approved teacher preparation program to ~~provide~~ offer remedial assistance that  
6.15 includes a formal diagnostic component to persons enrolled in their institution who did not  
6.16 achieve a qualifying score on the skills examination, including those for whom English  
6.17 is a second language. The colleges and universities must ~~provide~~ offer assistance in the  
6.18 specific academic areas of deficiency in which the person did not achieve a qualifying  
6.19 score. School districts must provide similar, appropriate, and timely remedial assistance  
6.20 that includes a formal diagnostic component and mentoring to those persons employed by  
6.21 the district who completed their teacher education program outside the state of Minnesota,  
6.22 received a one-year license to teach in Minnesota and did not achieve a qualifying score  
6.23 on the skills examination, including those persons for whom English is a second language.  
6.24 The Board of Teaching shall report annually to the education committees of the legislature  
6.25 on the total number of teacher candidates during the most recent school year taking the  
6.26 skills examination, the number who achieve a qualifying score on the examination, the  
6.27 number who do not achieve a qualifying score on the examination, the distribution of all  
6.28 candidates' scores, the number of candidates who have taken the examination at least once  
6.29 before, and the number of candidates who have taken the examination at least once before  
6.30 and achieve a qualifying score.

6.31 ~~(c) A person who has completed an approved teacher preparation program and~~  
6.32 ~~obtained a one-year license to teach, but has not successfully completed the skills~~  
6.33 ~~examination, may renew the one-year license for two additional one-year periods. Each~~  
6.34 ~~renewal of the one-year license is contingent upon the licensee.~~

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7.1 ~~(1) providing evidence of participating in an approved remedial assistance program~~  
7.2 ~~provided by a school district or postsecondary institution that includes a formal diagnostic~~  
7.3 ~~component in the specific areas in which the licensee did not obtain qualifying scores; and~~

7.4 ~~(2) attempting to successfully complete the skills examination during the period~~  
7.5 ~~of each one-year license.~~

7.6 ~~(d)~~ (c) The Board of Teaching must grant continuing licenses only to those persons  
7.7 who have met board criteria for granting a continuing license, which includes ~~successfully~~  
7.8 ~~completing~~ passing the skills examination in reading, writing, and mathematics.

7.9 ~~(e)~~ (d) All colleges and universities approved by the Board of Teaching to prepare  
7.10 persons for teacher licensure must include in their teacher preparation programs a common  
7.11 core of teaching knowledge and skills to be acquired by all persons recommended  
7.12 for teacher licensure. This common core shall meet the standards developed by the  
7.13 interstate new teacher assessment and support consortium in its 1992 "model standards for  
7.14 beginning teacher licensing and development." Amendments to standards adopted under  
7.15 this paragraph are covered by chapter 14. The Board of Teaching shall report annually  
7.16 to the education committees of the legislature on the performance of teacher candidates  
7.17 on common core assessments of knowledge and skills under this paragraph during the  
7.18 most recent school year.

7.19 (e) All colleges and universities approved by the Board of Teaching to prepare  
7.20 persons for teacher licensure must require completion of a course designed to teach online  
7.21 pedagogy and completion of at least one content course delivered online by all persons  
7.22 recommended for teacher licensure.

7.23 (f) The Board of Teaching must ensure the kindergarten through grade 12 teacher  
7.24 licensing standards maintain a high level of alignment with the kindergarten through grade  
7.25 12 student standards. The Board of Teaching must adopt a review cycle that mirrors the  
7.26 kindergarten through grade 12 student standards review cycle under section 120B.023,  
7.27 subdivision 2. The teacher standards must be reviewed and aligned with the kindergarten  
7.28 through grade 12 student standards within one year of the final review and adoption of the  
7.29 kindergarten through grade 12 student standards.

7.30 **EFFECTIVE DATE.** This section is effective September 1, 2011.

7.31 Sec. 7. Minnesota Statutes 2008, section 122A.18, is amended by adding a subdivision  
7.32 to read:

7.33 **Subd. 10. Tiered licensure.** (a) The Board of Teaching shall establish requirements  
7.34 for issuance of initial licenses, standard licenses, and master teacher licenses.

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8.1 Requirements for earning each differentiated license must be based at a minimum on  
8.2 teacher performance as measured by section 122A.411.

8.3 (b) "Initial teacher license" means a license granted after successfully completing  
8.4 the requirements for licensure as set forth by the Board of Teaching. An initial license  
8.5 must be issued prior to the issuance of a standard license and cannot be issued for a  
8.6 duration of less than three years.

8.7 (c) "Standard teacher license" means a license obtained after successfully being  
8.8 employed for at least three years in the area of initial licensure, completing an induction  
8.9 program and the probationary period requirements set forth in section 122A.40,  
8.10 subdivision 5, or 122A.41, subdivision 2, achieving the minimum expectations for teacher  
8.11 performance as measured by section 122A.411, and completing continuous improvement  
8.12 including reflective practice under this section.

8.13 (d) "Master teacher license" means having met the requirements for a standard  
8.14 license, meeting the definition of "highly effective" under section 122A.411, and either  
8.15 be certified by the National Board for Professional Teaching Standards or demonstrate  
8.16 instructional leadership at the local level according to Board of Teaching established  
8.17 criteria. Licensed teachers who hold current certification from the National Board for  
8.18 Professional Teaching Standards shall be granted a master teacher license.

8.19 Sec. 8. Minnesota Statutes 2008, section 122A.23, subdivision 2, is amended to read:

8.20 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements  
8.21 of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue  
8.22 a teaching license or a temporary teaching license under paragraphs (b) to (e) to an  
8.23 applicant who holds at least a baccalaureate degree from a regionally accredited college  
8.24 or university and holds or held a similar out-of-state teaching license that requires the  
8.25 applicant to successfully complete a teacher preparation program approved by the issuing  
8.26 state, which includes field-specific teaching methods and student teaching or essentially  
8.27 equivalent experience.

8.28 (b) The Board of Teaching must issue a teaching license to an applicant who:

8.29 (1) ~~successfully completed~~ passed all exams and successfully completed human  
8.30 relations preparation components required by the Board of Teaching; and

8.31 (2) holds or held an out-of-state teaching license to teach the same content field and  
8.32 grade levels if the scope of the out-of-state license is no more than one grade level less  
8.33 than a similar Minnesota license.

8.34 (c) The Board of Teaching, consistent with board rules, must issue up to three  
8.35 one-year temporary teaching licenses to an applicant who holds or held an out-of-state



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9.1 teaching license to teach the same content field and grade levels, where the scope of the  
9.2 out-of-state license is no more than one grade level less than a similar Minnesota license,  
9.3 but has not ~~successfully completed~~ passed all exams and successfully completed human  
9.4 relations preparation components required by the Board of Teaching.

9.5 (d) The Board of Teaching, consistent with board rules, must issue up to three  
9.6 one-year temporary teaching licenses to an applicant who:

9.7 (1) ~~successfully completed~~ passed all exams and successfully completed human  
9.8 relations preparation components required by the Board of Teaching; and

9.9 (2) holds or held an out-of-state teaching license to teach the same content field  
9.10 and grade levels, where the scope of the out-of-state license is no more than one grade  
9.11 level less than a similar Minnesota license, but has not completed field-specific teaching  
9.12 methods or student teaching or equivalent experience.

9.13 The applicant may complete field-specific teaching methods and student teaching  
9.14 or equivalent experience by successfully participating in a one-year school district  
9.15 mentorship program consistent with board-adopted standards of effective practice and  
9.16 Minnesota graduation requirements.

9.17 (e) The Board of Teaching must issue a temporary teaching license for a term of  
9.18 up to three years only in the content field or grade levels specified in the out-of-state  
9.19 license to an applicant who:

9.20 (1) ~~successfully completed~~ passed all exams and successfully completed human  
9.21 relations preparation components required by the Board of Teaching; and

9.22 (2) holds or held an out-of-state teaching license where the out-of-state license is  
9.23 more limited in the content field or grade levels than a similar Minnesota license.

9.24 (f) The Board of Teaching must not issue to an applicant more than three one-year  
9.25 temporary teaching licenses under this subdivision.

9.26 (g) The Board of Teaching must not issue a license under this subdivision if the  
9.27 applicant has not attained the additional degrees, credentials, or licenses required in a  
9.28 particular licensure field.

9.29 **EFFECTIVE DATE.** This section is effective September 1, 2011.

9.30 **Sec. 9. [122A.245] ALTERNATIVE TEACHER PREPARATION PROGRAM**  
9.31 **AND LIMITED-TERM TEACHER LICENSE.**

9.32 **Subdivision 1. Requirements.** (a) The Board of Teaching must approve qualified  
9.33 teacher preparation programs under this section that are a means to acquire a two-year

10.1 limited-term license and to prepare for acquiring an initial license. Programs are  
10.2 partnerships composed of school districts or charter schools and either:

10.3 (1) a college or university with an alternative teacher preparation program approved  
10.4 by the Board of Teaching;

10.5 (2) a nonprofit corporation formed for an education-related purpose and subject to  
10.6 chapter 317A with a teacher preparation program approved by the Board of Teaching; or

10.7 (3) a teacher preparation program within a district approved by the Board of  
10.8 Teaching.

10.9 (b) Prior to participation in this program, a candidate must:

10.10 (1) have a bachelor's degree with a minimum 3.0 grade point average, or have a  
10.11 bachelor's degree and meet other criteria approved by the Board of Teaching;

10.12 (2) pass the reading, writing, and mathematics skills examination under section  
10.13 122A.18; and

10.14 (3) obtain qualifying scores on content area and pedagogy tests approved by the  
10.15 Board of Teaching.

10.16 Subd. 2. **Characteristics.** An alternative teacher preparation program under this  
10.17 section must include:

10.18 (1) a minimum 200-hour instructional phase that provides intensive preparation  
10.19 before that person assumes classroom responsibilities;

10.20 (2) a research-based and results-oriented approach focused on best teaching practices  
10.21 to increase student proficiency and growth measured against state academic standards;

10.22 (3) strategies to combine pedagogy and best teaching practices to better inform a  
10.23 teacher's classroom instruction;

10.24 (4) assessment, supervision, and evaluation of the program participant to determine  
10.25 the participant's specific needs throughout the program and to support the participant  
10.26 in successfully completing the program;

10.27 (5) intensive, ongoing, and multiyear professional learning opportunities that  
10.28 can accelerate an initial educator's professional growth and that include developing  
10.29 dispositions and practices that support student learning, orientations to the workplace, a  
10.30 network of peer support, seminars and workshops, and mentoring focused on standards of  
10.31 professional practice and continual professional growth; and

10.32 (6) a requirement that program participants demonstrate to the local site team under  
10.33 subdivision 5 that they are making satisfactory progress toward acquiring an initial license  
10.34 from the Board of Teaching.

10.35 Subd. 3. **Program approval.** The Board of Teaching must approve alternative  
10.36 teacher preparation programs under this section based on board-adopted criteria that reflect

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11.1 best practices for alternative teacher preparation programs consistent with this section.  
11.2 The board must permit licensure candidates to demonstrate licensure competencies in  
11.3 school-based settings and through other nontraditional means.

11.4 Subd. 4. **Employment conditions.** Where applicable, teachers with a limited-term  
11.5 license under this section are members of and subject to the terms of the local collective  
11.6 bargaining agreement between the local representative of the teachers and the school  
11.7 board.

11.8 Subd. 5. **Approval for initial license.** A local site team that may include teachers,  
11.9 school administrators, postsecondary faculty, and nonprofit staff must evaluate the  
11.10 performance of a teacher candidate using the Minnesota state standards of effective  
11.11 practice for teachers established by rule and submit to the board an evaluation report  
11.12 recommending whether or not to issue an initial license to a teacher candidate.

11.13 Subd. 6. **Initial license.** The Board of Teaching must issue an initial license to a  
11.14 teacher candidate under this section who successfully performs throughout the program  
11.15 and is recommended for licensure under subdivision 5.

11.16 Subd. 7. **Qualified teacher.** A person with a valid limited-term license under this  
11.17 section is the teacher of record and a qualified teacher within the meaning of section  
11.18 122A.16.

11.19 Sec. 10. Minnesota Statutes 2008, section 122A.40, subdivision 2, is amended to read:

11.20 Subd. 2. ~~Nonprovisional license~~ **Licenses defined.** For purposes of this section,  
11.21 with respect to a teacher, "nonprovisional license" means an ~~entrance, continuing, or life~~  
11.22 ~~license~~ initial, standard, or master teacher license as defined in section 122A.18. With  
11.23 respect to a principal, "license" means an initial, standard, or master principal license as  
11.24 defined in section 122A.14.

11.25 Sec. 11. Minnesota Statutes 2008, section 122A.40, subdivision 5, is amended to read:

11.26 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
11.27 first teaching experience in Minnesota in a single district is deemed to be a probationary  
11.28 period of employment, and after completion thereof, the probationary period in each  
11.29 district in which the teacher is thereafter employed shall be one year. The school board  
11.30 must adopt a plan for written evaluation of teachers during the probationary period that  
11.31 complies with section 122A.411. Evaluation must occur at least three times each year for a  
11.32 teacher performing services on 120 or more school days, at least two times each year for a  
11.33 teacher performing services on 60 to 119 school days, and at least one time each year for a  
11.34 teacher performing services on fewer than 60 school days. Days devoted to parent-teacher

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12.1 conferences, teachers' workshops, and other staff development opportunities and days on  
12.2 which a teacher is absent from school must not be included in determining the number  
12.3 of school days on which a teacher performs services. Except as otherwise provided in  
12.4 paragraph (b), during the probationary period any annual contract with any teacher may  
12.5 or may not be renewed as the school board shall see fit. However, the board must give  
12.6 any such teacher whose contract it declines to renew for the following school year written  
12.7 notice to that effect before July 1. If the teacher requests reasons for any nonrenewal  
12.8 of a teaching contract, the board must give the teacher its reason in writing, including  
12.9 a statement that appropriate supervision was furnished describing the nature and the  
12.10 extent of such supervision furnished the teacher during the employment by the board,  
12.11 within ten days after receiving such request. The school board may, after a hearing held  
12.12 upon due notice, discharge a teacher during the probationary period for cause, effective  
12.13 immediately, under section 122A.44.

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

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

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

12.26 (e) The district's determination to issue a contract to a probationary teacher must be  
12.27 based on the following factors:

12.28 (1) a portfolio of the teacher's professional growth plan based on standards of  
12.29 professional practice, student learning, and successful teacher evaluations that comply  
12.30 with section 122A.411, conducted at least three times per year;

12.31 (2) measures of student achievement, including at least 35 percent linked to student  
12.32 achievement growth under section 120B.35 or another standardized student assessment  
12.33 approved by the commissioner; and

12.34 (3) other locally selected criteria aligned to best instructional practices in teaching  
12.35 and learning.

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13.1 Sec. 12. Minnesota Statutes 2009 Supplement, section 122A.40, subdivision 6, is  
13.2 amended to read:

13.3 Subd. 6. **Mentoring for probationary teachers.** (a) A school board and an  
13.4 exclusive representative of the teachers in the district must develop a probationary  
13.5 teacher peer review process through joint agreement. The process ~~may~~ shall include  
13.6 having trained observers serve as mentors or coaches or having teachers participate in  
13.7 professional learning communities.

13.8 (b) Districts shall provide support to teachers throughout their probationary period to  
13.9 ensure new teachers are successfully building their portfolio to meet continuing tenure  
13.10 requirements. The support to new teachers shall include:

13.11 (1) professional learning driven by standards of professional practice to improve  
13.12 teaching and reflection on practice, including an orientation process introducing the new  
13.13 teacher to the district, school, and teaching assignment;

13.14 (2) training to promote professional growth and differentiation based on teacher  
13.15 and student needs;

13.16 (3) trained mentors provided with opportunities to meet with the new teacher  
13.17 for coaching, collaboration, and reflection on practice; to assist in implementation of  
13.18 professional growth plans; and to conduct formative assessments and observations to  
13.19 measure new teachers' development and to be utilized in improvement of teaching; and

13.20 (4) development of the new teacher's professional growth plan based on standards of  
13.21 professional practice, student learning, and teacher evaluations conducted at least three  
13.22 times per year pursuant to the objective evaluation program described in subdivision 5,  
13.23 paragraph (a).

13.24 Sec. 13. Minnesota Statutes 2008, section 122A.40, is amended by adding a  
13.25 subdivision to read:

13.26 Subd. 7b. **Teacher continuing tenure system.** (a) The teacher continuing tenure  
13.27 system is established:

13.28 (1) to require teacher employment and continuation of that employment at least  
13.29 every five years based on evidence of satisfactory academic achievement growth of  
13.30 students aligned to the requirements under section 124D.411;

13.31 (2) to support teachers' professional growth and responsibility in improving the  
13.32 academic achievement growth of students; and

13.33 (3) to encourage teachers to undertake challenging assignments.

13.34 (b) After the completion of the initial three-year probationary period, without  
13.35 discharge, teachers who are thereupon reemployed shall continue in service and hold their

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14.1 respective position during good behavior and efficient and competent service for periods  
14.2 of five years. The terms and conditions of a teacher's employment contract, including  
14.3 salary and salary increases, must be based either on the length of the school year or an  
14.4 extended school calendar under section 120A.415.

14.5 (c) At the end of every five years of a teacher's service, the school district must  
14.6 either continue or terminate a teacher's service to the district. The district's continuing  
14.7 tenure determination must be based on the following factors:

14.8 (1) a portfolio of the teacher's five-year professional growth plan based on standards  
14.9 of professional practice, student learning, and successful teacher evaluations that comply  
14.10 with section 122A.411, conducted at least three times per year;

14.11 (2) measures of student achievement, including at least 35 percent linked to student  
14.12 achievement growth under section 120B.35 or another standardized student assessment  
14.13 approved by the commissioner; and

14.14 (3) other locally selected criteria aligned to best instructional practices in teaching  
14.15 and learning.

14.16 (d) The school board shall give teachers notice in writing before July 1 of renewal  
14.17 or termination of employment.

14.18 (e) A teacher not recommended for continuing tenure by the district shall have the  
14.19 right to request a hearing pursuant to this section.

14.20 Sec. 14. Minnesota Statutes 2009 Supplement, section 122A.40, subdivision 8, is  
14.21 amended to read:

14.22 Subd. 8. **Peer coaching for continuing contract teachers.** (a) A school board and  
14.23 an exclusive representative of the teachers in the district shall develop a peer review  
14.24 process for continuing contract teachers through joint agreement. The process may  
14.25 include having trained observers serve as peer coaches or having teachers participate in  
14.26 professional learning communities.

14.27 (b) Districts shall provide support to teachers to ensure teachers' professional growth  
14.28 through:

14.29 (1) professional learning driven by standards of professional practice to improve  
14.30 teaching and reflection on practice;

14.31 (2) training to promote professional growth and differentiation based on teacher and  
14.32 student needs; and

14.33 (3) a five-year professional growth plan focused on teachers' growth linked to  
14.34 standards of professional practice, student learning, and successful teacher evaluations  
14.35 that comply with section 122A.411, conducted at least three times per year.

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15.1 Sec. 15. Minnesota Statutes 2008, section 122A.40, subdivision 9, is amended to read:

15.2 Subd. 9. **Grounds for termination.** A continuing contract may be terminated,  
15.3 effective at the close of the school year, upon any of the following grounds:

15.4 (a) Inefficiency;

15.5 (b) Neglect of duty, or persistent violation of school laws, rules, regulations, or  
15.6 directives;

15.7 (c) Conduct unbecoming a teacher which materially impairs the teacher's educational  
15.8 effectiveness;

15.9 (d) Other good and sufficient grounds rendering the teacher unfit to perform the  
15.10 teacher's duties; and

15.11 (e) The teacher is not recommended by the district for continuing tenure pursuant  
15.12 to this section.

15.13 A contract must not be terminated upon one of the grounds specified in clause (a),  
15.14 (b), (c), ~~or~~ (d), or (e) unless the teacher fails to correct the deficiency after being given  
15.15 written notice of the specific items of complaint and reasonable time within which to  
15.16 remedy them.

15.17 Sec. 16. Minnesota Statutes 2008, section 122A.40, subdivision 10, is amended to read:

15.18 Subd. 10. **Negotiated unrequested leave of absence.** The school board and the  
15.19 exclusive bargaining representative of the teachers may negotiate a plan providing for  
15.20 unrequested leave of absence without pay or fringe benefits for as many teachers as may  
15.21 be necessary because of discontinuance of position, lack of pupils, financial limitations, or  
15.22 merger of classes caused by consolidation of districts. Failing to successfully negotiate  
15.23 such a plan, the provisions of subdivision 11 shall apply. The negotiated plan must not  
15.24 include provisions which would result in the exercise of seniority by a teacher holding  
15.25 ~~a provisional~~ an initial license, other than a vocational education license, contrary to  
15.26 the provisions of subdivision 11, clause (c), or the reinstatement of a teacher holding ~~a~~  
15.27 ~~provisional~~ an initial license, other than a vocational education license, contrary to the  
15.28 provisions of subdivision 11, clause (e). The provisions of section 179A.16 do not apply  
15.29 for the purposes of this subdivision.

15.30 Sec. 17. Minnesota Statutes 2008, section 122A.40, subdivision 11, is amended to read:

15.31 Subd. 11. **Unrequested leave of absence.** The board may place on unrequested  
15.32 leave of absence, without pay or fringe benefits, as many teachers as may be necessary  
15.33 because of discontinuance of position, lack of pupils, financial limitations, or merger of  
15.34 classes caused by consolidation of districts. The unrequested leave is effective at the close

16.1 of the school year. In placing teachers on unrequested leave, the board is governed by  
16.2 the following provisions:

16.3 (a) The board may place probationary teachers on unrequested leave first in the  
16.4 inverse order of their employment. A teacher who has acquired continuing contract rights  
16.5 must not be placed on unrequested leave of absence while probationary teachers are  
16.6 retained in positions for which the teacher who has acquired continuing contract rights is  
16.7 licensed;

16.8 (b) Teachers who have acquired continuing contract rights shall be placed on  
16.9 unrequested leave of absence in fields in which they are licensed in the inverse order  
16.10 in which they were employed by the school district. In the case of equal seniority, the  
16.11 order in which teachers who have acquired continuing contract rights shall be placed on  
16.12 unrequested leave of absence in fields in which they are licensed is negotiable;

16.13 (c) Notwithstanding the provisions of clause (b), a teacher is not entitled to exercise  
16.14 any seniority when that exercise results in that teacher being retained by the district in a  
16.15 field for which the teacher holds only a ~~provisional~~ initial license, as defined by the  
16.16 board of teaching, unless that exercise of seniority results in the placement on unrequested  
16.17 leave of absence of another teacher who also holds a ~~provisional~~ initial license in the  
16.18 same field. The provisions of this clause do not apply to vocational education licenses;

16.19 (d) Notwithstanding clauses (a), (b) and (c), if the placing of a probationary teacher  
16.20 on unrequested leave before a teacher who has acquired continuing rights, the placing of a  
16.21 teacher who has acquired continuing contract rights on unrequested leave before another  
16.22 teacher who has acquired continuing contract rights but who has greater seniority, or the  
16.23 restriction imposed by the provisions of clause (c) would place the district in violation of  
16.24 its affirmative action program, the district may retain the probationary teacher, the teacher  
16.25 with less seniority, or the ~~provisionally~~ initial licensed teacher;

16.26 (e) Teachers placed on unrequested leave of absence must be reinstated to the  
16.27 positions from which they have been given leaves of absence or, if not available, to other  
16.28 available positions in the school district in fields in which they are licensed. Reinstatement  
16.29 must be in the inverse order of placement on leave of absence. A teacher must not be  
16.30 reinstated to a position in a field in which the teacher holds only a ~~provisional~~ initial  
16.31 license, other than a vocational education license, while another teacher who holds a  
16.32 ~~nonprovisional~~ standard or master license in the same field remains on unrequested leave.  
16.33 The order of reinstatement of teachers who have equal seniority and who are placed on  
16.34 unrequested leave in the same school year is negotiable;

16.35 (f) Appointment of a new teacher must not be made while there is available, on  
16.36 unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the



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17.1 teacher fails to advise the school board within 30 days of the date of notification that a  
17.2 position is available to that teacher who may return to employment and assume the duties  
17.3 of the position to which appointed on a future date determined by the board;

17.4 (g) A teacher placed on unrequested leave of absence may engage in teaching or any  
17.5 other occupation during the period of this leave;

17.6 (h) The unrequested leave of absence must not impair the continuing contract rights  
17.7 of a teacher or result in a loss of credit for previous years of service;

17.8 (i) The unrequested leave of absence of a teacher who is placed on unrequested  
17.9 leave of absence and who is not reinstated shall continue for a period of five years, after  
17.10 which the right to reinstatement shall terminate. The teacher's right to reinstatement shall  
17.11 also terminate if the teacher fails to file with the board by April 1 of any year a written  
17.12 statement requesting reinstatement;

17.13 (j) The same provisions applicable to terminations of probationary or continuing  
17.14 contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence;

17.15 (k) Nothing in this subdivision shall be construed to impair the rights of teachers  
17.16 placed on unrequested leave of absence to receive unemployment benefits if otherwise  
17.17 eligible.

17.18 Sec. 18. Minnesota Statutes 2008, section 122A.41, subdivision 1, is amended to read:

17.19 Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly  
17.20 indicates that a different meaning is intended, the following words, terms, and phrases, for  
17.21 the purposes of the following subdivisions in this section shall be defined as follows:

17.22 (a) **Teachers.** The term "teacher" includes every person regularly employed, as a  
17.23 principal, or to give instruction in a classroom, or to superintend or supervise classroom  
17.24 instruction, or as placement teacher and visiting teacher. Persons regularly employed as  
17.25 counselors and school librarians shall be covered by these sections as teachers if licensed  
17.26 as teachers or as school librarians.

17.27 (b) **School board.** The term "school board" includes a majority in membership  
17.28 of any and all boards or official bodies having the care, management, or control over  
17.29 public schools.

17.30 (c) **Demote.** The word "demote" means to reduce in rank or to transfer to a lower  
17.31 branch of the service or to a position carrying a lower salary or compensation.

17.32 (d) **~~Nonprovisional license~~ Licenses defined.** For purposes of this section, with  
17.33 respect to a teacher, "nonprovisional license" shall mean an entrance, continuing, or life  
17.34 license means an initial, standard, or master teacher license as defined in section 122A.18.

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18.1 With respect to a principal, "license" means an initial, standard, or master principal license  
18.2 as defined in section 122A.14.

18.3 Sec. 19. Minnesota Statutes 2008, section 122A.41, subdivision 2, is amended to read:

18.4 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
18.5 the public schools in cities of the first class during the first three years of consecutive  
18.6 employment shall be deemed to be in a probationary period of employment during which  
18.7 period any annual contract with any teacher may, or may not, be renewed as the school  
18.8 board, after consulting with the peer review committee charged with evaluating the  
18.9 probationary teachers under subdivision 3, shall see fit. The school site management team  
18.10 or the school board if there is no school site management team, shall adopt a plan for a  
18.11 written evaluation of teachers during the probationary period ~~according to subdivision 3~~  
18.12 that complies with section 122A.411. Evaluation by the peer review committee charged  
18.13 with evaluating probationary teachers under subdivision 3 shall occur at least three  
18.14 times each year for a teacher performing services on 120 or more school days, at least  
18.15 two times each year for a teacher performing services on 60 to 119 school days, and  
18.16 at least one time each year for a teacher performing services on fewer than 60 school  
18.17 days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff  
18.18 development opportunities and days on which a teacher is absent from school shall not be  
18.19 included in determining the number of school days on which a teacher performs services.  
18.20 The school board may, during such probationary period, discharge or demote a teacher  
18.21 for any of the causes as specified in this code. A written statement of the cause of such  
18.22 discharge or demotion shall be given to the teacher by the school board at least 30 days  
18.23 before such removal or demotion shall become effective, and the teacher so notified shall  
18.24 have no right of appeal therefrom.

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

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

18.34 (d) The district's determination to issue a contract to a probationary teacher must be  
18.35 based on the following factors:

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19.1 (1) a portfolio of the teacher's professional growth plan based on standards of  
19.2 professional practice, student learning, and successful teacher evaluations that comply  
19.3 with section 122A.411, conducted at least three times per year;

19.4 (2) measures of student achievement, including at least 35 percent linked to student  
19.5 achievement growth under section 120B.35 or another standardized student assessment  
19.6 approved by the commissioner; and

19.7 (3) other locally selected criteria aligned to best instructional practices in teaching  
19.8 and learning.

19.9 (e) The school board shall give teachers notice in writing before July 1 of renewal  
19.10 or termination of employment.

19.11 Sec. 20. Minnesota Statutes 2009 Supplement, section 122A.41, subdivision 3, is  
19.12 amended to read:

19.13 Subd. 3. **Mentoring for probationary teachers.** (a) A board and an exclusive  
19.14 representative of the teachers in the district must develop a probationary teacher peer  
19.15 review process through joint agreement. The process may include having trained  
19.16 observers serve as mentors or coaches or having teachers participate in professional  
19.17 learning communities.

19.18 (b) Districts shall provide support to teachers throughout their probationary period to  
19.19 ensure new teachers are successfully building their portfolio to meet continuing tenure  
19.20 requirements. The support to new teachers shall include:

19.21 (1) professional learning driven by standards of professional practice to improve  
19.22 teaching and reflection on practice, including an orientation process introducing the new  
19.23 teacher to the district, school, and teaching assignment;

19.24 (2) training to promote professional growth and differentiation based on teacher  
19.25 and student needs;

19.26 (3) trained mentors provided with opportunities to meet with the new teacher  
19.27 for coaching, collaboration, and reflection on practice; to assist in implementation of  
19.28 professional growth plans; and to conduct formative assessments and observations to  
19.29 measure new teachers' development and to be utilized in improvement of teaching; and

19.30 (4) development of the new teacher's professional growth plan based on standards of  
19.31 professional practice, student learning, and teacher evaluations, conducted at least three  
19.32 times per year pursuant to the objective evaluation program described in subdivision 2,  
19.33 paragraph (a).

19.34 Sec. 21. Minnesota Statutes 2008, section 122A.41, subdivision 4, is amended to read:

20.1 Subd. 4. ~~Period of service after probationary period; discharge or demotion~~  
20.2 **Teacher continuing tenure system.** (a) The teacher continuing tenure system is  
20.3 established:

20.4 (1) to require teacher employment and continuation of that employment at least  
20.5 every five years based on evidence of satisfactory academic achievement growth of  
20.6 students aligned to the requirements under section 124D.411;

20.7 (2) to support teachers' professional growth and responsibility in improving the  
20.8 academic achievement growth of students; and

20.9 (3) to encourage teachers to undertake challenging assignments.

20.10 (b) After the completion of such the initial three-year probationary period, without  
20.11 discharge, such teachers as who are thereupon reemployed shall continue in service and  
20.12 hold their respective position during good behavior and efficient and competent service  
20.13 and must not be discharged or demoted except for cause after a hearing for periods of five  
20.14 years. The terms and conditions of a teacher's employment contract, including salary and  
20.15 salary increases, must be based either on the length of the school year or an extended  
20.16 school calendar under section 120A.415.

20.17 ~~(b) A probationary teacher is deemed to have been reemployed for the ensuing~~  
20.18 ~~school year, unless the school board in charge of such school gave such teacher notice in~~  
20.19 ~~writing before July 1 of the termination of such employment.~~

20.20 ~~(c) A teacher electing to have an employment contract based on the extended school~~  
20.21 ~~calendar under section 120A.415 must participate in staff development training under~~  
20.22 ~~subdivision 4a and shall receive an increased base salary.~~

20.23 (c) At the end of every five years of a teacher's service, the school district must  
20.24 either continue or terminate a teacher's service to the district. The district's continuing  
20.25 tenure determination must be based on the following factors:

20.26 (1) a portfolio of the teacher's five-year professional growth plan based on standards  
20.27 of professional practice, student learning, and successful teacher evaluations that comply  
20.28 with section 122A.411, conducted at least three times per year;

20.29 (2) measures of student achievement, including at least 35 percent linked to student  
20.30 achievement growth under section 120B.35 or another standardized student assessment  
20.31 approved by the commissioner; and

20.32 (3) other locally selected criteria aligned to best instructional practices in teaching  
20.33 and learning.

20.34 (d) The school board shall give teachers notice in writing before July 1 of renewal  
20.35 or termination of employment.

21.1 (e) A teacher not recommended for continuing tenure by the district shall have the  
21.2 right to request a hearing pursuant to this section.

21.3 Sec. 22. Minnesota Statutes 2009 Supplement, section 122A.41, subdivision 5, is  
21.4 amended to read:

21.5 Subd. 5. **Peer coaching for continuing contract teachers.** (a) A school board  
21.6 and an exclusive representative of the teachers in the district must develop a peer  
21.7 review process for nonprobationary teachers through joint agreement. The process may  
21.8 include having trained observers serve as peer coaches or having teachers participate in  
21.9 professional learning communities.

21.10 (b) Districts shall provide support to teachers to ensure teachers' professional growth  
21.11 through:

21.12 (1) professional learning driven by standards of professional practice to improve  
21.13 teaching and reflection on practice;

21.14 (2) training to promote professional growth and differentiation based on teacher and  
21.15 student needs; and

21.16 (3) a five-year professional growth plan focused on teachers' growth linked to  
21.17 standards of professional practice, student learning, and successful teacher evaluations  
21.18 that comply with section 122A.411, conducted at least three times per year.

21.19 Sec. 23. Minnesota Statutes 2008, section 122A.41, subdivision 6, is amended to read:

21.20 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided  
21.21 in paragraph (b), causes for the discharge or demotion of a teacher either during or after  
21.22 the probationary period must be:

21.23 (1) Immoral character, conduct unbecoming a teacher, or insubordination;

21.24 (2) Failure without justifiable cause to teach without first securing the written release  
21.25 of the school board having the care, management, or control of the school in which the  
21.26 teacher is employed;

21.27 (3) Inefficiency in teaching or in the management of a school;

21.28 (4) Affliction with active tuberculosis or other communicable disease must be  
21.29 considered as cause for removal or suspension while the teacher is suffering from such  
21.30 disability; ~~or~~

21.31 (5) Discontinuance of position or lack of pupils; or

21.32 (6) The teacher is not recommended by the district for continuing tenure pursuant  
21.33 to this section.

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22.1 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
22.2 discriminatory practice described in section 363A.13. A contract must not be terminated  
22.3 upon the grounds specified in clause (6) unless the teacher fails to correct the deficiency  
22.4 after being given written notice of the specific items of complaint and reasonable time  
22.5 within which to remedy them.

22.6 (b) A probationary or continuing-contract teacher must be discharged immediately  
22.7 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the  
22.8 teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

22.9 Sec. 24. Minnesota Statutes 2008, section 122A.41, subdivision 14, is amended to read:

22.10 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**  
22.11 **given.** (a) A teacher whose services are terminated on account of discontinuance of  
22.12 position or lack of pupils must receive first consideration for other positions in the district  
22.13 for which that teacher is qualified. In the event it becomes necessary to discontinue one  
22.14 or more positions, in making such discontinuance, teachers must be discontinued in any  
22.15 department in the inverse order in which they were employed, unless a board and the  
22.16 exclusive representative of teachers in the district negotiate a plan providing otherwise.

22.17 (b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise  
22.18 any seniority when that exercise results in that teacher being retained by the district in a  
22.19 field for which the teacher holds only ~~a provisional~~ an initial license, as defined by the  
22.20 Board of Teaching, unless that exercise of seniority results in the termination of services,  
22.21 on account of discontinuance of position or lack of pupils, of another teacher who also  
22.22 holds ~~a provisional~~ an initial license in the same field. The provisions of this clause do  
22.23 not apply to vocational education licenses.

22.24 (c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated to a  
22.25 position in a field in which the teacher holds only ~~a provisional~~ an initial license, other  
22.26 than a vocational education license, while another teacher who holds a ~~nonprovisional~~  
22.27 standard or master license in the same field is available for reinstatement.

22.28 Sec. 25. **[122A.411] STATEWIDE TEACHER AND PRINCIPAL EVALUATION.**

22.29 Subdivision 1. **Minnesota annual teacher appraisal system.** (a) The commissioner  
22.30 of education, in conjunction with the Minnesota annual teacher appraisal system task force,  
22.31 shall develop an annual review and appraisal process for probationary and continuing  
22.32 contract teachers holding any and all teaching licenses, including initial, standard, and  
22.33 master teaching licenses. The annual review and appraisal process is required of all

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23.1 teachers employed by school districts and charter schools. The annual review and appraisal  
23.2 process must be aligned to the best instructional practices in teaching and learning.

23.3 (b) The annual review and appraisal process must include, at a minimum:

23.4 (1) a written individual teacher appraisal aligned with the educational improvement  
23.5 plan under section 122A.413 and the staff development plan under section 122A.60;

23.6 (2) objective evaluations using multiple criteria conducted by a locally selected and  
23.7 periodically trained evaluation team that understands teaching and learning;

23.8 (3) measures of student achievement, including at least 35 percent linked to student  
23.9 achievement growth under section 120B.35 or another standardized student assessment  
23.10 approved by the commissioner; and

23.11 (4) other locally selected criteria aligned to best instructional practices in teaching  
23.12 and learning.

23.13 (c) The commissioner of education, in conjunction with the Minnesota annual  
23.14 teacher appraisal system task force, shall apply ratings to teachers annually, based on at  
23.15 least the following minimum scale:

23.16 (1) a teacher is considered "highly effective" if the teacher's portfolio shows  
23.17 evidence that the teacher's students, on average, experienced more than one year of growth  
23.18 on the statewide student academic achievement measures defined in section 120B.35 or  
23.19 another standardized student assessment approved by the commissioner and the teacher  
23.20 received a performance rating of "5" on the Minnesota annual teacher appraisal system  
23.21 evaluation rubric;

23.22 (2) a teacher is considered "effective" if the teacher's portfolio shows evidence  
23.23 that the teacher's students, on average, experienced at least one year of growth on the  
23.24 statewide student academic achievement measures defined in section 120B.35 or another  
23.25 standardized student assessment approved by the commissioner and the teacher received  
23.26 a performance rating of "3" or better on the Minnesota annual teacher appraisal system  
23.27 evaluation rubric;

23.28 (3) a teacher is considered in "needs improvement" if the teacher's portfolio shows  
23.29 evidence that the teacher's students, on average, experienced less than one year of growth  
23.30 on the statewide student academic achievement measures defined in section 120B.35 or  
23.31 another standardized assessment approved by the commissioner or the teacher received  
23.32 a performance rating of "2" or worse on the Minnesota annual teacher appraisal system  
23.33 evaluation rubric; and

23.34 (4) a teacher is considered "ineffective" if the teacher's portfolio shows evidence  
23.35 that the teacher's students, on average, experienced low growth on the statewide student  
23.36 academic achievement measures defined in section 120B.35 or another standardized

24.1 student assessment approved by the commissioner and the teacher received a performance  
24.2 rating of "1" on the Minnesota annual teacher appraisal system rubric.

24.3 (d) The commissioner of education, in conjunction with the Minnesota annual  
24.4 teacher appraisal system task force, shall develop, through joint agreement, a peer review  
24.5 and assistance system to provide support for the full spectrum of teaching, including  
24.6 support for teachers deemed both highly effective and ineffective, through the evaluation  
24.7 process under this section. Teachers receiving an "ineffective" rating as defined in  
24.8 paragraph (c) shall be referred to peer assistance and review.

24.9 (e) The commissioner of education shall convene a task force of educators and  
24.10 stakeholders to develop a performance evaluation rubric based on standards of professional  
24.11 practice. The Minnesota annual teacher appraisal system evaluation rubric shall have  
24.12 five performance ratings. The task force shall submit a report to the commissioner of  
24.13 education and to the chairs and ranking minority members of the legislative committees  
24.14 and divisions with jurisdiction over kindergarten through grade 12 education policy and  
24.15 finance summarizing aggregated teacher appraisal data by state, district, school, subject,  
24.16 and level wherever there are sufficient individuals within a cohort to prevent violation  
24.17 of federal privacy law. The task force shall submit the report to the commissioner and  
24.18 legislative committees and divisions with jurisdiction over kindergarten through grade 12  
24.19 education policy and finance no later than December 15, 2010.

24.20 Subd. 2. **Minnesota annual principal appraisal system.** (a) The commissioner  
24.21 of education, in conjunction with the Minnesota annual principal appraisal system  
24.22 task force, shall develop an annual review and appraisal process for probationary and  
24.23 continuing contract principals holding any and all principal licenses. The annual review  
24.24 and appraisal process must be aligned to the best instructional practices in school and  
24.25 instructional leadership.

24.26 (b) The annual review and appraisal process must include, at a minimum:

24.27 (1) a written individual principal appraisal aligned with the educational improvement  
24.28 plan under section 122A.413 and the staff development plan under section 122A.60;

24.29 (2) objective evaluations using multiple criteria conducted by a locally selected and  
24.30 periodically trained evaluation team that understands school and instructional leadership;

24.31 (3) evidence that, for reading and mathematics separately, the three-year average  
24.32 percentage of the principal's school's students making medium and high growth is equal to  
24.33 or greater than the percentage of students in the state making medium and high growth as  
24.34 defined in section 120B.299; and

24.35 (4) other locally selected criteria aligned to best instructional practices in  
24.36 instructional leadership, teaching, and learning.



25.1 (c) The commissioner of education, in conjunction with the Minnesota annual  
25.2 principal appraisal system task force, shall apply ratings to principals annually, based  
25.3 on at least the following minimum scale:

25.4 (1) a principal is considered "highly effective" if the principal's portfolio shows  
25.5 evidence that the school that the principal is leading is making at least one year of growth  
25.6 on the statewide student academic achievement measures defined in section 120B.35 or  
25.7 another standardized student assessment approved by the commissioner and the principal  
25.8 received a performance rating of "5" on the Minnesota annual principal appraisal system  
25.9 evaluation rubric;

25.10 (2) a principal is considered "effective" if the principal's portfolio shows evidence  
25.11 that the school that the principal is leading is making at least one year of growth at  
25.12 the rate of the state average, on the statewide student academic achievement measures  
25.13 defined in section 120B.35 or another standardized student assessment approved by the  
25.14 commissioner and the principal received a performance rating of "3" or better on the  
25.15 Minnesota annual principal appraisal system evaluation rubric;

25.16 (3) a principal is considered in "needs improvement" if the principal's portfolio  
25.17 shows evidence that the school that the principal is leading is making growth that is less  
25.18 than the state average on the statewide student academic achievement measures defined  
25.19 in section 120B.35 or another standardized assessment approved by the commissioner  
25.20 or the principal received a performance rating of "2" or worse on the Minnesota annual  
25.21 principal appraisal system evaluation rubric; and

25.22 (4) a principal is considered "ineffective" if the principal's portfolio shows evidence  
25.23 of no growth on the statewide student academic achievement measures defined in section  
25.24 120B.35 or another standardized student assessment approved by the commissioner and  
25.25 the principal received a performance rating of "1" on the Minnesota annual principal  
25.26 appraisal system rubric.

25.27 A principal cannot be rated as effective or better unless the principal has  
25.28 demonstrated satisfactory levels of student growth for the school that the principal leads.

25.29 (d) Principals receiving an "ineffective" rating as defined in paragraph (c) shall be  
25.30 referred to the Minnesota principals academy for remediation.

25.31 (e) The commissioner of education shall convene a task force of administrators  
25.32 and stakeholders to develop an evaluation rubric based on standards of professional  
25.33 practice. The Minnesota annual principal appraisal system evaluation rubric shall have  
25.34 five performance ratings. The task force shall submit a report to the commissioner of  
25.35 education and to the chairs and ranking minority members of the legislative committees  
25.36 and divisions with jurisdiction over kindergarten through grade 12 education policy and

26.1 finance summarizing aggregated principal appraisal data by state, district, school, subject,  
26.2 and level wherever there are sufficient individuals within a cohort to prevent violation  
26.3 of federal privacy law. The task force shall submit the report to the commissioner and  
26.4 legislative committees and divisions with jurisdiction over kindergarten through grade 12  
26.5 education policy and finance no later than December 15, 2010.

26.6 Sec. 26. Minnesota Statutes 2008, section 122A.413, as amended by Laws 2009,  
26.7 chapter 96, article 2, section 25, is amended to read:

26.8 **122A.413 EDUCATIONAL IMPROVEMENT PLAN.**

26.9 Subdivision 1. **Qualifying plan.** A district or intermediate school district may  
26.10 develop an educational improvement plan for the purpose of qualifying for the alternative  
26.11 teacher and principal professional pay system under section 122A.414. The plan must  
26.12 include measures for improving school district, intermediate school district, school site,  
26.13 teacher, principal, and individual student performance.

26.14 Subd. 2. **Plan components.** The educational improvement plan must be approved  
26.15 by the school board and have at least these elements:

26.16 (1) assessment and evaluation tools to measure student performance and progress;

26.17 (2) performance goals and benchmarks for improvement;

26.18 (3) measures of student attendance and completion rates;

26.19 (4) a rigorous research and practice-based professional development system, based  
26.20 on national and state standards of effective teaching and principal practice and consistent  
26.21 with section 122A.60, that is aligned with educational improvement and designed to  
26.22 achieve ongoing and schoolwide progress and growth in teaching and principal practice;

26.23 (5) measures of student, family, and community involvement and satisfaction;

26.24 (6) a data system about students and their academic progress that provides parents  
26.25 and the public with understandable information;

26.26 (7) ~~a teacher~~ an induction and mentoring program for probationary teachers and  
26.27 principals that provides continuous learning and sustained teacher or principal support; and

26.28 (8) substantial participation by the exclusive representative of the teachers and  
26.29 principals in developing the plan.

26.30 Subd. 3. **School site accountability.** A district or intermediate school district that  
26.31 develops a plan under subdivisions 1 and 2 must ensure that each school site develops a  
26.32 board-approved educational improvement plan that is aligned with the district educational  
26.33 improvement plan under subdivision 2 and developed with the exclusive representative  
26.34 of the teachers and principals. While a site plan must be consistent with the district

27.1 educational improvement plan, it may establish performance goals and benchmarks that  
27.2 meet or exceed those of the district.

27.3 Sec. 27. Minnesota Statutes 2008, section 122A.414, as amended by Laws 2009,  
27.4 chapter 96, article 2, section 26, is amended to read:

27.5 **122A.414 ALTERNATIVE TEACHER PAY.**

27.6 Subdivision 1. **Restructured pay system.** A restructured alternative teacher and  
27.7 principal professional pay system is established under subdivision 2 to provide incentives  
27.8 to encourage teachers and principals to improve their knowledge and instructional skills in  
27.9 order to improve student learning and for school districts, intermediate school districts,  
27.10 and charter schools to recruit and retain highly qualified teachers and principals, encourage  
27.11 highly qualified teachers and principals to undertake challenging assignments, and support  
27.12 teachers' and principals' roles in improving students' educational achievement.

27.13 Subd. 1a. **Transitional planning year.** (a) To be eligible to participate in an  
27.14 alternative teacher and principal professional pay system, a school district, intermediate  
27.15 school district, or site, at least one school year before it expects to fully implement  
27.16 an alternative pay system, must:

27.17 (1) submit to the department a letter of intent executed by the school district or  
27.18 intermediate school district and the exclusive representative of the teachers and principals  
27.19 to complete a plan preparing for full implementation, consistent with subdivision 2,  
27.20 that may include, among other activities, training to evaluate teacher and principal  
27.21 performance, a restructured school day to develop integrated ongoing site-based  
27.22 professional development activities, release time to develop an alternative pay system  
27.23 agreement, and teacher, principal, and staff training on using multiple data sources; and

27.24 (2) agree to use up to two percent of basic revenue for staff development purposes,  
27.25 consistent with sections 122A.60 and 122A.61, to develop the alternative teacher and  
27.26 principal professional pay system agreement under this section.

27.27 (b) To be eligible to participate in an alternative teacher and principal professional  
27.28 pay system, a charter school, at least one school year before it expects to fully implement  
27.29 an alternative pay system, must:

27.30 (1) submit to the department a letter of intent executed by the charter school and the  
27.31 charter school board of directors;

27.32 (2) submit the record of a formal vote by the teachers employed at the charter  
27.33 school indicating at least 70 percent of all teachers agree to implement the alternative  
27.34 pay system; and

28.1 (3) agree to use up to two percent of basic revenue for staff development purposes,  
28.2 consistent with sections 122A.60 and 122A.61, to develop the alternative teacher and  
28.3 principal professional pay system.

28.4 (c) The commissioner may waive the planning year if the commissioner determines,  
28.5 based on the criteria under subdivision 2, that the school district, intermediate school  
28.6 district, site or charter school is ready to fully implement an alternative pay system.

28.7 Subd. 2. **Alternative teacher and principal professional pay system.** (a) To  
28.8 participate in this program, a school district, intermediate school district, school site, or  
28.9 charter school must have an educational improvement plan under section 122A.413 and an  
28.10 alternative teacher and principal professional pay system agreement under paragraph (b).  
28.11 A charter school participant also must comply with subdivision 2a.

28.12 (b) The alternative teacher and principal professional pay system agreement must:

28.13 (1) describe how teachers can achieve career advancement and how teachers and  
28.14 principals can achieve additional compensation;

28.15 (2) describe how the school district, intermediate school district, school site, or  
28.16 charter school will provide teachers with career advancement options that allow teachers  
28.17 to retain primary roles in student instruction and facilitate site-focused professional  
28.18 development that helps other teachers improve their skills;

28.19 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation  
28.20 paid before implementing the pay system from being reduced as a result of participating  
28.21 in this system, and base at least 60 percent of any compensation increase on teacher  
28.22 performance using:

28.23 (i) schoolwide student achievement gains under section 120B.35 or locally selected  
28.24 standardized assessment outcomes, or both;

28.25 (ii) measures of student achievement, including at least 35 percent linked to student  
28.26 achievement growth under section 120B.35 or another standardized student assessment  
28.27 approved by the commissioner; and

28.28 (iii) an objective evaluation program aligned with section 122A.411 that includes:

28.29 (A) individual teacher evaluations aligned with the educational improvement plan  
28.30 under section 122A.413 and the staff development plan under section 122A.60; and

28.31 (B) objective evaluations using multiple criteria conducted by a locally or regionally  
28.32 selected and periodically trained evaluation team that understands teaching and learning;

28.33 (4) prevent any principal's compensation paid before implementing the pay system  
28.34 from being reduced as a result of participating in this system, and base at least 60 percent  
28.35 of any compensation increase on performance using:

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29.1 (i) schoolwide student achievement gains under section 120B.35 or locally selected  
29.2 standardized assessment outcomes, or both;

29.3 (ii) measures of student achievement; and

29.4 (iii) an objective evaluation program aligned with section 122A.411 that includes:

29.5 (A) individual principal evaluations aligned with the educational improvement plan  
29.6 under section 122A.413 and the staff development plan under section 122A.60;

29.7 (B) objective evaluations using multiple criteria conducted by a locally or regionally  
29.8 selected and periodically trained evaluation team that understands teaching and learning;

29.9 and

29.10 (C) a peer review and assistance system to provide support for the full spectrum  
29.11 of teaching, including support for teachers and principals deemed both effective and  
29.12 ineffective, through the evaluation process under section 122A.411;

29.13 ~~(4)~~ (5) provide integrated ongoing site-based professional development activities to  
29.14 improve instructional skills and learning that are aligned with student needs under section  
29.15 122A.413, consistent with the staff development plan under section 122A.60 and led  
29.16 during the school day by trained teacher leaders such as master or mentor teachers;

29.17 ~~(5)~~ (6) allow any teacher in a participating school district, intermediate school  
29.18 district, school site, or charter school that implements an alternative pay system to  
29.19 participate in that system without any quota or other limit; and

29.20 ~~(6)~~ (7) encourage collaboration rather than competition among teachers and  
29.21 principals.

29.22 Subd. 2a. **Charter school applications.** For charter school applications, the board  
29.23 of directors of a charter school that satisfies the conditions under subdivisions 2 and 2b  
29.24 must submit to the commissioner an application that contains:

29.25 (1) an agreement to implement an alternative teacher and principal professional pay  
29.26 system under this section;

29.27 (2) a resolution by the charter school board of directors adopting the agreement; and

29.28 (3) the record of a formal vote by the teachers employed at the charter school  
29.29 indicating that at least 70 percent of all teachers agree to implement the alternative teacher  
29.30 and principal professional pay system, unless the charter school submits an alternative  
29.31 teacher and principal professional pay system agreement under this section before the first  
29.32 year of operation.

29.33 Alternative compensation revenue for a qualifying charter school must be calculated  
29.34 under section 126C.10, subdivision 34, paragraphs (a) and (b).

29.35 Subd. 2b. **Approval process.** (a) Consistent with the requirements of this section  
29.36 and sections 122A.413 and 122A.415, the department must prepare and transmit to

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30.1 interested school districts, intermediate school districts, school sites, and charter schools  
30.2 a standard form for applying to participate in the alternative teacher and principal  
30.3 professional pay system. The commissioner annually must establish three dates as  
30.4 deadlines by which interested applicants must submit an application to the commissioner  
30.5 under this section. An interested school district, intermediate school district, school site,  
30.6 or charter school must submit to the commissioner a completed application executed by  
30.7 the district superintendent and the exclusive bargaining representative of the teachers and  
30.8 principals if the applicant is a school district, intermediate school district, or school site,  
30.9 or executed by the charter school board of directors if the applicant is a charter school.  
30.10 The application must include the proposed alternative teacher and principal professional  
30.11 pay system agreement under subdivision 2. The department must review a completed  
30.12 application within 30 days of the most recent application deadline and recommend to the  
30.13 commissioner whether to approve or disapprove the application. The commissioner must  
30.14 approve applications on a first-come, first-served basis. The applicant's alternative teacher  
30.15 and principal professional pay system agreement must be legally binding on the applicant  
30.16 and the collective bargaining ~~representative~~ representatives before the applicant receives  
30.17 alternative compensation revenue. The commissioner must approve or disapprove an  
30.18 application based on the requirements under subdivisions 2 and 2a.

30.19 (b) If the commissioner disapproves an application, the commissioner must give the  
30.20 applicant timely notice of the specific reasons in detail for disapproving the application.  
30.21 The applicant may revise and resubmit its application and related documents to the  
30.22 commissioner within 30 days of receiving notice of the commissioner's disapproval and  
30.23 the commissioner must approve or disapprove the revised application, consistent with this  
30.24 subdivision. Applications that are revised and then approved are considered submitted on  
30.25 the date the applicant initially submitted the application.

30.26 Subd. 3. **Report; continued funding.** (a) Participating districts, intermediate  
30.27 school districts, school sites, and charter schools must report on the implementation and  
30.28 effectiveness of the alternative teacher and principal professional pay system, particularly  
30.29 addressing each requirement under subdivision 2 and make annual recommendations by  
30.30 June 15 to their school boards. The school board or board of directors shall transmit a  
30.31 copy of the report with a summary of the findings and recommendations of the district,  
30.32 intermediate school district, school site, or charter school to the commissioner.

30.33 (b) If the commissioner determines that a school district, intermediate school district,  
30.34 school site, or charter school that receives alternative teacher and principal compensation  
30.35 revenue is not complying with the requirements of this section, the commissioner  
30.36 may withhold funding from that participant. Before making the determination, the

31.1 commissioner must notify the participant of any deficiencies and provide the participant  
31.2 an opportunity to comply.

31.3 Subd. 4. **Planning and staff development.** A school district that qualifies to  
31.4 participate in the alternative teacher and principal professional pay system transitional  
31.5 planning year under subdivision 1a may use up to two percent of basic revenue that would  
31.6 otherwise be reserved under section 122A.61 for complying with the planning and staff  
31.7 development activities under this section.

31.8 Sec. 28. Minnesota Statutes 2008, section 122A.60, as amended by Laws 2009, chapter  
31.9 96, article 2, section 28, is amended to read:

31.10 **122A.60 STAFF DEVELOPMENT PROGRAM.**

31.11 Subdivision 1. **Staff development committee.** A school board must use the revenue  
31.12 authorized in section 122A.61 for ~~in-service~~ education ~~for~~ programs under section  
31.13 120B.22, subdivision 2, or for staff development and teacher and principal training plans  
31.14 under this section. The board must establish an advisory staff development committee  
31.15 to develop the plan, assist site professional development teams in developing a site plan  
31.16 consistent with the goals of the plan, and evaluate staff development efforts at the site  
31.17 level. A majority of the advisory committee and the site professional development team  
31.18 must be teachers and principals representing various grade levels, subject areas, and  
31.19 special education. The advisory committee must also include nonteaching staff, parents,  
31.20 and administrators.

31.21 Subd. 1a. **Effective staff development activities.** (a) Staff development activities  
31.22 must be aligned with the district and school site staff development plans, based on student  
31.23 achievement data, focused on student learning goals, and used in the classroom setting.

31.24 Activities must:

31.25 (1) focus on the school classroom and ~~research-based~~ scientifically based research  
31.26 strategies that improve student learning;

31.27 (2) provide opportunities for teachers to practice and improve their instructional  
31.28 skills over time and receive instruction-based observations using objective standards-based  
31.29 assessments to assist in the professional growth process;

31.30 (3) provide regular and ongoing opportunities for teachers and principals to use  
31.31 student data as part of their daily work to increase student achievement;

31.32 (4) enhance teacher and principal content knowledge and instructional skills;

31.33 (5) align with state and local academic standards;

31.34 (6) provide job-embedded, integrated professional development opportunities during  
31.35 teacher and principal contract day to build professional relationships, foster collaboration

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32.1 among principals and staff ~~who provide instruction~~ to identify instructional strategies to  
32.2 meet student learning goals, plan for instruction, practice new teaching strategies, review  
32.3 the results of implementing strategies, and provide opportunities for teacher-to-teacher  
32.4 and principal-to-principal coaching and mentoring; and

32.5 (7) align with the plan of the district or site for ~~an alternative teacher professional~~  
32.6 ~~pay system~~ those participating in an alternative teacher and principal professional pay  
32.7 system under section 122A.414.

32.8 Staff development activities may also include curriculum development and curriculum  
32.9 training programs, and activities that provide teachers and principals and other members  
32.10 of site-based teams training to enhance team performance. The school district also may  
32.11 implement other staff development activities required by law and activities associated with  
32.12 professional teacher and principal compensation models.

32.13 (b) Release time provided for teachers to supervise students on field trips and school  
32.14 activities, or independent tasks not associated with enhancing the teacher's knowledge  
32.15 and instructional skills, such as preparing report cards, calculating grades, or organizing  
32.16 classroom materials, may not be counted as staff development time that is financed with  
32.17 staff development reserved revenue under section 122A.61.

32.18 Subd. 2. **Contents of plan.** The plan must be based on student achievement and  
32.19 include student learning goals, the staff development outcomes under subdivision 3, the  
32.20 means to achieve the outcomes, and procedures for evaluating progress at each school  
32.21 site toward meeting education outcomes, consistent with relicensure requirements under  
32.22 section 122A.18, subdivision 2, paragraph (b). The plan also must:

32.23 (1) support stable and productive professional communities achieved through  
32.24 ongoing and schoolwide progress and growth in teaching practice;

32.25 (2) emphasize coaching, professional learning communities, classroom action  
32.26 research, and other job-embedded models;

32.27 (3) maintain a strong subject matter focus premised on students' learning goals;

32.28 (4) ensure specialized preparation and learning about issues related to teaching  
32.29 students with special needs and limited English proficiency; and

32.30 (5) reinforce national and state standards of effective teaching practice.

32.31 Subd. 3. **Staff development outcomes.** The advisory staff development committee  
32.32 must adopt a staff development plan for increasing teacher and principal effectiveness and  
32.33 improving student achievement. The plan must be consistent with education outcomes that  
32.34 the school board determines. The plan must include ongoing staff development activities  
32.35 that contribute toward continuous improvement in achievement of the following goals:



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33.1 (1) improve student achievement of state and local education standards in all areas  
33.2 of the curriculum by using best practices methods and scientifically based research;

33.3 (2) effectively meet the needs of a diverse student population, including at-risk  
33.4 children, children with disabilities, and gifted children, within the regular classroom  
33.5 and other settings;

33.6 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse  
33.7 student population that is consistent with the state education diversity rule and the district's  
33.8 education diversity plan;

33.9 (4) improve staff collaboration and develop mentoring and peer coaching programs  
33.10 for teachers ~~new to the school or district~~ and principals in their first five years;

33.11 (5) effectively teach and model violence prevention policy and curriculum that  
33.12 address early intervention alternatives, issues of harassment, and teach nonviolent  
33.13 alternatives for conflict resolution; and

33.14 (6) provide teachers and other members of site-based management teams with  
33.15 appropriate management and financial management skills.

33.16 Subd. 4. **Staff development report.** (a) By October ~~15~~1 of each year, the district  
33.17 and site staff development committees shall write and submit a report of staff development  
33.18 activities and expenditures for the previous year, in the form and manner determined by  
33.19 the commissioner. The report, signed by the district superintendent and staff development  
33.20 chair, must include assessment and evaluation data indicating progress toward district and  
33.21 site staff development goals based on teaching and learning outcomes, including the  
33.22 percentage of teachers and other staff involved in instruction who participate in effective  
33.23 staff development activities under subdivision 3.

33.24 (b) The report must break down expenditures for:

33.25 (1) curriculum development and curriculum training programs; and

33.26 (2) staff development training models, workshops, and conferences, and the cost of  
33.27 releasing teachers or providing substitute teachers for staff development purposes.

33.28 The report also must indicate whether the expenditures were incurred at the district  
33.29 level or the school site level, and whether the school site expenditures were made possible  
33.30 by grants to school sites that demonstrate exemplary use of allocated staff development  
33.31 revenue. These expenditures must be reported using the uniform financial and accounting  
33.32 and reporting standards.

33.33 (c) The commissioner shall report the staff development progress and expenditure  
33.34 data to the house of representatives and senate committees having jurisdiction over  
33.35 education by February 15 each year.

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34.1 Sec. 29. Minnesota Statutes 2008, section 122A.61, subdivision 1, is amended to read:

34.2 Subdivision 1. **Staff development revenue.** A district is required to reserve  
34.3 an amount equal to at least two percent of the basic revenue under section 126C.10,  
34.4 subdivision 2, for ~~in-service education for~~ programs under section 120B.22, subdivision 2,  
34.5 ~~for~~ with the primary purpose of creating and implementing district and school site staff  
34.6 development plans, including. Funds may also be used to support plans for challenging  
34.7 instructional activities and experiences under section 122A.60, ~~and for curriculum~~  
34.8 ~~development and programs, other in-service education, teachers' workshops, teacher~~  
34.9 ~~conferences, the cost of substitute teachers staff development purposes,~~ preservice and  
34.10 in-service education for special education professionals and paraprofessionals, and other  
34.11 related costs for staff development efforts. A district may annually waive the requirement  
34.12 to reserve their basic revenue under this section if a majority vote of the licensed teachers  
34.13 in the district and a majority vote of the school board agree to a resolution to waive the  
34.14 requirement. A district in statutory operating debt is exempt from reserving basic revenue  
34.15 according to this section. Districts may expend an additional amount of unreserved  
34.16 revenue for staff development based on their needs. With the exception of amounts  
34.17 reserved for staff development from revenues allocated directly to school sites, the board  
34.18 must initially allocate 50 percent of the reserved revenue to each school site in the district  
34.19 on a per teacher basis, which must be retained by the school site until used. The board may  
34.20 retain 25 percent to be used for district wide staff development efforts. The remaining  
34.21 25 percent of the revenue must be used to make grants to school sites for best practices  
34.22 methods. A grant may be used for any purpose authorized under section 120B.22,  
34.23 subdivision 2, 122A.60, ~~or for the costs of curriculum development and programs, other~~  
34.24 ~~in-service education, teachers' workshops, teacher conferences, substitute teachers for~~  
34.25 ~~staff development purposes, and other staff development efforts, and determined by~~  
34.26 ~~the site professional development team.~~ The site professional development team must  
34.27 demonstrate to the school board the extent to which staff at the site have met the outcomes  
34.28 of the program. The board may withhold a portion of initial allocation of revenue if the  
34.29 staff development outcomes are not being met.

34.30 Sec. 30. Minnesota Statutes 2008, section 123B.09, subdivision 8, is amended to read:

34.31 Subd. 8. **Duties.** The board must superintend and manage the schools of the  
34.32 district; adopt rules for their organization, government, and instruction; keep registers; and  
34.33 prescribe textbooks and courses of study. The board may enter into an agreement with a  
34.34 postsecondary institution for secondary or postsecondary nonsectarian courses to be taught  
34.35 at a secondary school, nonsectarian postsecondary institution, or another location. The

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35.1 board must not enter into an agreement which limits a district superintendent's duty to  
35.2 assign and reassign teachers or administrators to the schools in which the teachers will  
35.3 teach or the administrators will administer.

35.4 Sec. 31. Minnesota Statutes 2009 Supplement, section 123B.143, subdivision 1,  
35.5 is amended to read:

35.6 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary  
35.7 school must employ a superintendent who shall be an ex officio nonvoting member of the  
35.8 school board. The authority for selection and employment of a superintendent must be  
35.9 vested in the board in all cases. An individual employed by a board as a superintendent  
35.10 shall have an initial employment contract for a period of time no longer than three years  
35.11 from the date of employment. Any subsequent employment contract must not exceed a  
35.12 period of three years. A board, at its discretion, may or may not renew an employment  
35.13 contract. A board must not, by action or inaction, extend the duration of an existing  
35.14 employment contract. Beginning 365 days prior to the expiration date of an existing  
35.15 employment contract, a board may negotiate and enter into a subsequent employment  
35.16 contract to take effect upon the expiration of the existing contract. A subsequent contract  
35.17 must be contingent upon the employee completing the terms of an existing contract. If a  
35.18 contract between a board and a superintendent is terminated prior to the date specified in  
35.19 the contract, the board may not enter into another superintendent contract with that same  
35.20 individual that has a term that extends beyond the date specified in the terminated contract.  
35.21 A board may terminate a superintendent during the term of an employment contract for any  
35.22 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall  
35.23 not rely upon an employment contract with a board to assert any other continuing contract  
35.24 rights in the position of superintendent under section 122A.40. Notwithstanding the  
35.25 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law  
35.26 to the contrary, no individual shall have a right to employment as a superintendent based  
35.27 on order of employment in any district. If two or more districts enter into an agreement for  
35.28 the purchase or sharing of the services of a superintendent, the contracting districts have  
35.29 the absolute right to select one of the individuals employed to serve as superintendent  
35.30 in one of the contracting districts and no individual has a right to employment as the  
35.31 superintendent to provide all or part of the services based on order of employment in a  
35.32 contracting district. The superintendent of a district shall perform the following:

35.33 (1) visit and supervise the schools in the district, report and make recommendations  
35.34 about their condition when advisable or on request by the board;

35.35 (2) recommend to the board employment and dismissal of teachers;

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36.1 (3) before the start of the school year, and at other times as needed, assign highly  
36.2 effective teachers and administrators, as defined in section 122A.411, to schools to best  
36.3 meet student and school needs as determined by the superintendent;

36.4 ~~(3)~~ (4) superintend school grading practices and examinations for promotions;

36.5 ~~(4)~~ (5) make reports required by the commissioner; and

36.6 ~~(5)~~ (6) perform other duties prescribed by the board.

36.7 For purposes of this section, "school" includes a public school under section 120A.22,  
36.8 subdivision 4, or a nonpublic school under section 120A.22, subdivision 4, that elects to  
36.9 comply with this section, and charter schools under section 124D.10.

36.10 Sec. 32. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 4, is  
36.11 amended to read:

36.12 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
36.13 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
36.14 1, or a group of individuals that includes one or more licensed teachers under section  
36.15 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
36.16 authorizer's affidavit under paragraph (b). The school must be organized and operated  
36.17 as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and  
36.18 the provisions under the applicable chapter shall apply to the school except as provided  
36.19 in this section.

36.20 Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
36.21 section and section 124D.11, may create a corporation for the purpose of establishing a  
36.22 charter school.

36.23 (b) Before the operators may establish and operate a school, the authorizer must file  
36.24 an affidavit with the commissioner stating its intent to charter a school. An authorizer  
36.25 must file a separate affidavit for each school it intends to charter. The affidavit must  
36.26 state the terms and conditions under which the authorizer would charter a school and  
36.27 how the authorizer intends to oversee the fiscal and student performance of the charter  
36.28 school and to comply with the terms of the written contract between the authorizer  
36.29 and the charter school board of directors under subdivision 6. The commissioner must  
36.30 approve or disapprove the authorizer's affidavit within 60 business days of receipt of the  
36.31 affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify  
36.32 the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business  
36.33 days to address the deficiencies. If the authorizer does not address deficiencies to the  
36.34 commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain

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37.1 commissioner approval precludes an authorizer from chartering the school that is the  
37.2 subject of this affidavit.

37.3 (c) The authorizer may prevent an approved charter school from opening for  
37.4 operation if, among other grounds, the charter school violates this section or does not meet  
37.5 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
37.6 process or are stipulated in the charter school contract.

37.7 (d) The operators authorized to organize and operate a school, before entering into a  
37.8 contract or other agreement for professional or other services, goods, or facilities, must  
37.9 incorporate as a cooperative under chapter 308A or as a nonprofit corporation under  
37.10 chapter 317A and must establish a board of directors composed of at least five members  
37.11 who are not related parties until a timely election for members of the ongoing charter  
37.12 school board of directors is held according to the school's articles and bylaws under  
37.13 paragraph (f). A charter school board of directors must be composed of at least five  
37.14 members who are not related parties. Staff members employed at the school, including  
37.15 teachers providing instruction under a contract with a cooperative, and all parents or legal  
37.16 guardians of children enrolled in the school are the voters eligible to elect the members  
37.17 of the school's board of directors. A charter school must notify eligible voters of the  
37.18 school board election dates at least 30 days before the election. Board of director meetings  
37.19 must comply with chapter 13D.

37.20 (e) Upon the request of an individual, the charter school must make available in  
37.21 a timely fashion the minutes of meetings of the board of directors, and of members  
37.22 and committees having any board-delegated authority; financial statements showing all  
37.23 operations and transactions affecting income, surplus, and deficit during the school's last  
37.24 annual accounting period; and a balance sheet summarizing assets and liabilities on the  
37.25 closing date of the accounting period. A charter school also must post on its official Web  
37.26 site information identifying its authorizer and indicate how to contact that authorizer and  
37.27 include that same information about its authorizer in other school materials that it makes  
37.28 available to the public.

37.29 (f) Every charter school board member shall attend department-approved training  
37.30 on board governance, the board's role and responsibilities, employment policies and  
37.31 practices, and financial management. A board member who does not begin the required  
37.32 training within six months of being seated and complete the required training within 12  
37.33 months of being seated on the board is ineligible to continue to serve as a board member.

37.34 (g) The ongoing board must be elected before the school completes its third year  
37.35 of operation. Board elections must be held during a time when school is in session. The  
37.36 charter school board of directors shall be composed of at least five nonrelated members

38.1 and include: (i) at least one licensed teacher employed at the school or a licensed teacher  
38.2 providing instruction under a contract between the charter school and a cooperative; (ii) the  
38.3 parent or legal guardian of a student enrolled in the charter school; and (iii) an interested  
38.4 community member who is not employed by the charter school and does not have a  
38.5 child enrolled in the school. The board may be a teacher majority board composed of  
38.6 teachers described in this paragraph. The chief financial officer and the chief administrator  
38.7 are ex-officio nonvoting board members. Board bylaws shall outline the process and  
38.8 procedures for changing the board's governance model, consistent with chapter 317A. A  
38.9 board may change its governance model only:

38.10 (1) by a majority vote of the board of directors and the licensed teachers employed  
38.11 by the school, including licensed teachers providing instruction under a contract between  
38.12 the school and a cooperative; and

38.13 (2) with the authorizer's approval.

38.14 Any change in board governance must conform with the board structure established  
38.15 under this paragraph.

38.16 (h) The granting or renewal of a charter by an authorizer must not be conditioned  
38.17 upon the bargaining unit status of the employees of the school.

38.18 (i) The granting or renewal of a charter school by an authorizer must not be  
38.19 contingent on the charter school being required to contract, lease, or purchase services  
38.20 from the authorizer. Any potential contract, lease, or purchase of service from an  
38.21 authorizer must be disclosed to the commissioner, accepted through an open bidding  
38.22 process, and be a separate contract from the charter contract. The school must document  
38.23 the open bidding process. An authorizer must not enter into a contract to provide  
38.24 management and financial services for a school that it authorizes, unless the school  
38.25 documents that it received at least two competitive bids.

38.26 (j) An authorizer may permit the board of directors of a charter school to expand  
38.27 the operation of the charter school to ~~additional sites or to add additional grades~~ locations  
38.28 or grades at the school beyond those described in the authorizer's original affidavit  
38.29 as approved by the commissioner only after submitting a supplemental affidavit for  
38.30 approval to the commissioner in a form and manner prescribed by the commissioner.  
38.31 The supplemental affidavit must show that:

38.32 (1) the expansion proposed by the charter school is supported by need and projected  
38.33 enrollment;

38.34 (2) the charter school expansion is warranted, at a minimum, by longitudinal data  
38.35 demonstrating students' improved academic performance and growth on statewide  
38.36 assessments under chapter 120B;

39.1 (3) the charter school is fiscally sound and has the financial capacity to implement  
39.2 the proposed expansion; and

39.3 (4) the authorizer finds that the charter school has the management capacity to  
39.4 carry out its expansion.

39.5 (k) Notwithstanding paragraph (j), an authorizer may permit the board of directors  
39.6 of a high-performing charter school to expand the existing charter to include a new  
39.7 separate school beyond that described in the authorizer's original affidavit as approved  
39.8 by the commissioner only after submitting a supplemental affidavit for approval to the  
39.9 commissioner in a form and manner prescribed by the commissioner. A new separate  
39.10 school must conduct a separate lottery and enrollment process. A supplemental affidavit  
39.11 must be submitted for each new separate school and show that:

39.12 (1) the new separate school proposed by the authorizer is supported by need and  
39.13 projected enrollment;

39.14 (2) the new separate school is warranted, at a minimum, by longitudinal data  
39.15 demonstrating the existing charter school's students' improved academic performance and  
39.16 growth on statewide assessments under chapter 120B;

39.17 (3) the existing charter school is fiscally sound and the charter school board has the  
39.18 capacity to implement and govern the new separate school; and

39.19 (4) the authorizer finds that the charter school board has capacity to carry out and  
39.20 oversee the new separate school.

39.21 ~~(k)~~ (l) The commissioner shall have 30 business days to review and comment on the  
39.22 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in  
39.23 the supplemental affidavit and the authorizer then has 30 business days to address, to the  
39.24 commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school  
39.25 may not expand grades ~~or~~, add sites, or start a new separate school until the commissioner  
39.26 has approved the supplemental affidavit. The commissioner's approval or disapproval of  
39.27 a supplemental affidavit is final.

39.28 Sec. 33. Minnesota Statutes 2008, section 127A.05, is amended by adding a  
39.29 subdivision to read:

39.30 Subd. 7. Authority to intervene. The commissioner of education shall have the  
39.31 authority to intervene directly in the state's persistently lowest achieving schools and  
39.32 charter schools and in school districts and charter schools that are in improvement or  
39.33 corrective action status under the Elementary and Secondary Education Act.

39.34 Sec. 34. **ALTERNATIVE TEACHER PREPARATION REPORTS.**

40.1 The Board of Teaching must submit an interim report on the effectiveness of the  
40.2 alternative teacher preparation program under Minnesota Statutes, section 122A.245, to  
40.3 the house of representatives and senate committees having jurisdiction over kindergarten  
40.4 through grade 12 education by February 15, 2012, and a final report by February 15, 2014.

40.5 Sec. 35. **RULEMAKING AUTHORITY.**

40.6 The commissioner of education shall adopt rules consistent with chapter 14 which  
40.7 provide English language proficiency standards for instruction of students identified  
40.8 as limited English proficient under Minnesota Statutes, sections 124D.58 to 124D.64.  
40.9 The English language proficiency standards must encompass the language domains of  
40.10 listening, speaking, reading, and writing. The English language proficiency standards must  
40.11 reflect social and academic dimensions of acquiring a second language that are accepted  
40.12 of English language learners in prekindergarten through grade 12. The English language  
40.13 proficiency standards must address the specific contexts for language acquisition in the  
40.14 areas of social and instructional settings as well as academic language encountered in  
40.15 language arts, mathematics, science, and social studies. The English language proficiency  
40.16 standards must express the progression of language development through language  
40.17 proficiency levels. The English language proficiency standards must be implemented  
40.18 for all limited English proficient students beginning in the 2011-2012 school year and  
40.19 assessed beginning in the 2012-2013 school year.

40.20 Sec. 36. **REPEALER.**

40.21 Minnesota Statutes 2008, section 122A.24, is repealed.