

1.1 A bill for an act

1.2 relating to education; modifying teacher evaluations and tenure; requiring
1.3 reports; amending Minnesota Statutes 2010, sections 120B.35, subdivision 1;
1.4 120B.36, subdivision 1; 122A.40, subdivisions 5, 6, 7, 8, 9, 10, 11, by adding
1.5 a subdivision; 122A.41, subdivisions 2, 3, 4, 5, 6, 14; 122A.60; 122A.61,
1.6 subdivision 1; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147,
1.7 subdivision 3; 124D.10, subdivision 11; proposing coding for new law in
1.8 Minnesota Statutes, chapter 122A.

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

1.10 **ARTICLE 1**

1.11 **TEACHER EVALUATION AND PROFESSIONAL DEVELOPMENT**

1.12 Section 1. Minnesota Statutes 2010, section 120B.35, subdivision 1, is amended to read:

1.13 Subdivision 1. **School and student indicators of growth and achievement.**

1.14 The commissioner must develop and implement a system for measuring and reporting
1.15 academic achievement and individual student growth, consistent with the statewide
1.16 educational accountability and reporting system. The system components must measure
1.17 and separately report the adequate yearly progress of schools and the growth of individual
1.18 students: students' current achievement in schools under subdivision 2; and individual
1.19 students' educational growth over time under subdivision 3. The commissioner annually
1.20 must report a student's growth and progress toward grade-level proficiency under section
1.21 120B.299 as it relates to applicable state academic standards and the statewide assessments
1.22 aligned with those standards. The system also must include statewide measures of student
1.23 academic growth that identify schools with high levels of growth, and also schools with
1.24 low levels of growth that need improvement. When determining a school's effect, the data
1.25 must include both statewide measures of student achievement and, to the extent annual

2.1 tests are administered, indicators of achievement growth that take into account a student's
2.2 prior achievement. Indicators of achievement and prior achievement must be based on
2.3 highly reliable statewide or districtwide assessments. Indicators that take into account a
2.4 student's prior achievement must not be used to disregard a school's low achievement or to
2.5 exclude a school from a program to improve low achievement levels.

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to growth
2.7 data beginning in the 2012-2013 school year.

2.8 Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 6, is amended to read:

2.9 Subd. 6. **Professional development and mentoring for probationary teachers.**

2.10 (a) A school board and the exclusive representative of the teachers in the district must
2.11 collaborate in establishing a professional development model for probationary teachers,
2.12 consistent with subdivision 8, that uses a district's professional development resources,
2.13 including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to
2.14 improve teaching and learning.

2.15 (b) A school board and an exclusive representative of the teachers in the district
2.16 must develop a probationary teacher peer review process through joint agreement. The
2.17 process may include having trained observers serve as mentors or coaches or having
2.18 teachers participate in professional learning communities.

2.19 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
2.20 later.

2.21 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 8, is amended to read:

2.22 Subd. 8. **Professional development and peer coaching for continuing contract**

2.23 **teachers.** (a) A school board and the exclusive representative of the teachers in the district
2.24 must collaborate in establishing a professional development model for continuing contract
2.25 teachers, consistent with subdivision 6, that uses a district's professional development
2.26 resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61,
2.27 to improve teaching and learning.

2.28 (b) A school board and an exclusive representative of the teachers in the district shall
2.29 develop a peer review process for continuing contract teachers through joint agreement.
2.30 The process may include having trained observers serve as peer coaches or having
2.31 teachers participate in professional learning communities.

2.32 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
2.33 later.

3.1 Sec. 4. Minnesota Statutes 2010, section 122A.41, subdivision 3, is amended to read:

3.2 Subd. 3. **Professional development and mentoring for probationary teachers.**

3.3 (a) A school board and the exclusive representative of the teachers in the district must
3.4 collaborate in establishing a professional development model for probationary teachers,
3.5 consistent with subdivision 5, that uses a district's professional development resources,
3.6 including those under sections 122A.414, if applicable, 122A.60, and 122A.61, to
3.7 improve teaching and learning.

3.8 (b) A board and an exclusive representative of the teachers in the district must
3.9 develop a probationary teacher peer review process through joint agreement. The process
3.10 may include having trained observers serve as mentors or coaches or having teachers
3.11 participate in professional learning communities.

3.12 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
3.13 later.

3.14 Sec. 5. Minnesota Statutes 2010, section 122A.41, subdivision 5, is amended to read:

3.15 Subd. 5. **Professional development and peer coaching for continuing contract**

3.16 **teachers.** (a) A school board and the exclusive representative of the teachers in the district
3.17 must collaborate in establishing a professional development model for probationary
3.18 teachers, consistent with subdivision 3, that uses a district's professional development
3.19 resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61,
3.20 to improve teaching and learning.

3.21 (b) A school board and an exclusive representative of the teachers in the district must
3.22 develop a peer review process for nonprobationary teachers through joint agreement. The
3.23 process may include having trained observers serve as peer coaches or having teachers
3.24 participate in professional learning communities.

3.25 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
3.26 later.

3.27 Sec. 6. **[122A.411] TEACHER EVALUATIONS.**

3.28 **Subdivision 1. Evaluation structure.** A teacher evaluation structure is established
3.29 to provide information about teacher effectiveness for teachers, districts, and charter
3.30 schools to use in developing and improving teacher performance and student learning.

3.31 The three-part structure contains:

3.32 (1) a teacher appraisal framework that identifies performance measures for
3.33 determining teacher effectiveness;

4.1 (2) a mechanism for translating the performance data into a five-part teacher
4.2 effectiveness rating scale; and

4.3 (3) a four-tier status designation that identifies teachers as standard, advanced,
4.4 distinguished, or exemplary based on a teacher's effectiveness rating over time.

4.5 Subd. 2. **Teacher appraisal framework.** (a) Each school district and charter
4.6 school must create and implement a teacher appraisal framework. The framework must
4.7 translate performance measures and scores under this subdivision into five performance
4.8 effectiveness rating scores where "5" is the highest rating and "1" is the lowest rating. The
4.9 department, in collaboration with the Board of Teaching, must make available to districts
4.10 and charter schools appraisal frameworks and other materials from evidence-based
4.11 sources to assist districts and charter schools in implementing an appraisal framework,
4.12 consistent with this section.

4.13 (b) If statewide assessment results are available under section 120B.35, these results
4.14 are the basis for 50 percent of a teacher's total appraisal.

4.15 (c) If statewide assessment results are unavailable, 40 percent of a teacher's total
4.16 appraisal must consist of results from districtwide assessments of state and local standards
4.17 and another ten percent of the teacher's total appraisal must consist of results from
4.18 teacher-developed assessments.

4.19 (d) If no districtwide assessment results are available, 50 percent of a teacher's total
4.20 appraisal must consist of teacher-developed and administrator-approved assessments of
4.21 state and local standards. A school administrator shall meet with teachers at least annually
4.22 under this paragraph to review, modify if needed, and approve local course and grade-level
4.23 expectations for student achievement and growth.

4.24 (e) A charter school or a school board, in consultation with its teachers, must
4.25 identify the performance measures used as a basis for the other 50 percent of a teacher's
4.26 total appraisal under this subdivision. The appraisal must include data from parent surveys
4.27 and at least one annual evaluation performed by a trained school administrator. Other
4.28 performance measures may include student surveys, peer observations and review, teacher
4.29 performance portfolios, video classroom observations with teacher reflection after viewing
4.30 videos, measures approved as part of an educational improvement plan under section
4.31 122A.413, and other highly reliable research-based measures.

4.32 Subd. 3. **Teacher performance effectiveness ratings.** (a) Beginning in the
4.33 2012-2013 school year and consistent with subdivision 2, a school district or charter
4.34 school annually must use the following scale to determine a teacher performance
4.35 effectiveness rating and corresponding status designation under subdivision 4 for each

5.1 teacher who teaches a subject for which statewide assessment results are available under
5.2 section 120B.35:

5.3 (1) a teacher is "highly effective" if the teacher's appraisal shows that the teacher's
5.4 students, on average, achieved one and one-half or more years of growth on statewide
5.5 assessments and the teacher received a "5" performance rating under the district or charter
5.6 school appraisal framework;

5.7 (2) a teacher is "effective" if the teacher's appraisal shows that the teacher's students,
5.8 on average, achieved at least one year of growth on statewide assessments and the teacher
5.9 received a "4" performance rating under the district or charter school appraisal framework;

5.10 (3) a teacher is "average" if the teacher's appraisal shows that the teacher's students,
5.11 on average, achieved at least 0.9 years of growth on statewide student assessments and the
5.12 teacher received a "3" performance rating under the district or charter school appraisal
5.13 framework;

5.14 (4) a teacher "needs improvement" if the teacher's appraisal shows that the teacher's
5.15 students, on average, achieved between 0.5 and 0.9 years of growth on statewide
5.16 assessments or the teacher received a "2" or lower performance rating under the district or
5.17 charter school appraisal framework; and

5.18 (5) a teacher is "ineffective" if the teacher's appraisal shows that the teacher's
5.19 students, on average, achieved less than one-half year of growth on statewide assessments
5.20 and the teacher received a "1" performance rating under the district or charter school
5.21 appraisal framework.

5.22 (b) Beginning in the 2012-2013 school year and consistent with subdivision 2, a
5.23 school district or charter school annually must use a teacher performance effectiveness
5.24 rating scale developed under this paragraph and corresponding status designation under
5.25 subdivision 4 for each teacher who teaches a subject for which no statewide assessment
5.26 data exist. The district or charter school, in consultation with its teachers, must define low,
5.27 medium, and high academic growth and progress toward grade-level proficiency for
5.28 purposes of establishing teacher performance effectiveness ratings so that a teacher is
5.29 rated:

5.30 (1) "highly effective" if the teacher receives a "5" performance rating under the
5.31 district or charter school appraisal framework;

5.32 (2) "effective" if the teacher receives a "4" performance rating under the district or
5.33 charter school appraisal framework;

5.34 (3) "average" if the teacher receives a "3" performance rating under the district or
5.35 charter school appraisal framework;

6.1 (4) "needs improvement" if the teacher receives a "2" performance rating under the
6.2 district or charter school appraisal framework; and

6.3 (5) "ineffective" if the teacher receives a "1" performance rating under the district or
6.4 charter school appraisal framework.

6.5 Subd. 4. **Teacher status designations.** (a) Beginning no later than the 2012-2013
6.6 school year, a school district or charter school shall establish a four-tier status designation
6.7 for identifying teachers' effectiveness, consistent with this section, using measures
6.8 of teacher performance and student learning as they relate to meeting state and local
6.9 education standards.

6.10 (b) To receive a "standard" designation, a probationary teacher during the three-year
6.11 probationary period must receive at least one rating of "average," "effective," or "highly
6.12 effective" under the district or charter school appraisal framework and meet applicable
6.13 professional development requirements.

6.14 (c) A licensed teacher who has a "standard" designation must receive a rating
6.15 of "average," "effective," or "highly effective" in four years out of each five-year
6.16 employment period and meet applicable professional development requirements to receive
6.17 an "advanced" status designation.

6.18 (d) A teacher who receives a "highly effective" rating in three years out of a five-year
6.19 employment period and meets applicable professional development requirements receives
6.20 a "distinguished" status designation.

6.21 (e) A teacher who receives a "highly effective" rating in seven years during two
6.22 consecutive five-year employment periods and meets applicable professional development
6.23 requirements receives an "exemplary" status designation.

6.24 (f) A teacher who receives a "distinguished" or "exemplary" status designation
6.25 keeps that designation for the remainder of the five-year employment period in which the
6.26 teacher received the designation.

6.27 Subd. 5. **Data gathering and analysis.** Beginning in the 2012-2013 school
6.28 year, the department, in consultation with the Board of Teaching, shall assist a school
6.29 district or charter school in collecting and aggregating student data needed to implement
6.30 subdivisions 2, 3, and 4. If the school district or charter school and the department agree
6.31 that an ongoing need exists for department assistance, the district or charter school and the
6.32 department shall enter into a data-sharing agreement. Any data on individual students or
6.33 teachers received, collected, or created that are used to generate summary data under this
6.34 section are nonpublic data under chapter 13.

7.1 Sec. 7. Minnesota Statutes 2010, section 122A.60, is amended to read:

7.2 **122A.60 STAFF DEVELOPMENT PROGRAM.**

7.3 Subdivision 1. **Staff development committee.** A school board must use the revenue
7.4 authorized in section 122A.61 for ~~in-service~~ education ~~for~~ programs under section
7.5 120B.22, subdivision 2, or for staff development and teacher training plans under this
7.6 section. The board must establish an advisory staff development committee to develop the
7.7 plan, assist site professional development teams in developing a site plan consistent with
7.8 the goals of the plan, and evaluate staff development efforts at the site level. A majority
7.9 of the advisory committee and the site professional development team must be teachers
7.10 representing various grade levels, subject areas, and special education. The advisory
7.11 committee must also include nonteaching staff, parents, and administrators.

7.12 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
7.13 must be aligned with district and school site staff development plans, based on student
7.14 achievement and growth data, and focused on student learning goals. Activities must:

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

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

7.20 (3) provide regular opportunities for teachers to use student data as part of their
7.21 daily work to increase student achievement;

7.22 (4) enhance teacher content knowledge and instructional skills;

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

7.24 (6) provide job-embedded or integrated professional development opportunities
7.25 during the teacher contract day to build professional relationships, foster collaboration
7.26 among principals and staff ~~who provide instruction~~ to identify instructional strategies
7.27 to meet students' learning goals, plan instruction, practice new teaching strategies,
7.28 and review the results of implementing those strategies, and provide opportunities for
7.29 teacher-to-teacher coaching and mentoring; and

7.30 (7) align with the plan of the district or site for those participating in an alternative
7.31 teacher professional pay system under section 122A.414.

7.32 Staff development activities also may include curriculum development and curriculum
7.33 training programs, and activities that provide teachers and other members of site-based
7.34 teams training to enhance team performance. The school district also may implement other
7.35 staff development activities required by law and activities associated with professional
7.36 teacher compensation models.

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

8.6 Subd. 2. **Contents of plan.** The plan must be based on student achievement
8.7 and growth and include student learning goals, the staff development outcomes under
8.8 subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress
8.9 at each school site toward meeting education outcomes, consistent with relicensure
8.10 requirements under section 122A.18, subdivision 4. The plan also must:

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

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

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

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

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

8.19 Subd. 3. **Staff development outcomes.** The advisory staff development committee
8.20 must adopt a staff development plan increasing teacher effectiveness and student learning
8.21 and for improving student achievement. The plan must be consistent with education
8.22 outcomes that the school board determines. The plan must include ongoing staff
8.23 development activities that contribute toward continuous improvement in achievement of
8.24 the following goals:

8.25 (1) improve student achievement of state and local ~~education~~ academic standards in
8.26 all areas of the curriculum by using best practices methods and benchmark assessments
8.27 aligned with academic standards;

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

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

8.34 (4) improve staff collaboration and develop mentoring and peer coaching programs
8.35 for teachers ~~new to the school or district~~ in their first five years of teaching;

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

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

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

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

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

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

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

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

9.26 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 9.27 later.

9.28 Sec. 8. Minnesota Statutes 2010, section 122A.61, subdivision 1, is amended to read:

9.29 Subdivision 1. **Staff development revenue.** A district is required to reserve
 9.30 an amount equal to at least two percent of the basic revenue under section 126C.10,
 9.31 subdivision 2, for ~~in-service~~ education for programs under section 120B.22, subdivision 2,
 9.32 ~~for~~ with the primary purpose of creating and implementing district and school site staff
 9.33 development plans, including. Funds also may be used to support plans for challenging
 9.34 instructional activities and experiences under section 122A.60, ~~and for curriculum~~
 9.35 ~~development and programs, other in-service education, teachers' workshops, teacher~~

10.1 ~~conferences, the cost of substitute teachers staff development purposes,~~ preservice and
 10.2 in-service education for special education professionals and paraprofessionals, and other
 10.3 related costs for staff development efforts. A district may annually waive the requirement
 10.4 to reserve their basic revenue under this section if a majority vote of the licensed teachers
 10.5 in the district and a majority vote of the school board agree to a resolution to waive the
 10.6 requirement. A district in statutory operating debt is exempt from reserving basic revenue
 10.7 according to this section. Districts may expend an additional amount of unreserved
 10.8 revenue for staff development based on their needs. With the exception of amounts
 10.9 reserved for staff development from revenues allocated directly to school sites, the board
 10.10 must initially allocate 50 percent of the reserved revenue to each school site in the district
 10.11 on a per teacher basis, which must be retained by the school site until used. The board may
 10.12 retain 25 percent to be used for district wide staff development efforts. The remaining
 10.13 25 percent of the revenue must be used to make grants to school sites for best practices
 10.14 methods. A grant may be used for any purpose authorized under section 120B.22,
 10.15 subdivision 2, or 122A.60, ~~or for the costs of curriculum development and programs,~~
 10.16 ~~other in-service education, teachers' workshops, teacher conferences, substitute teachers~~
 10.17 ~~for staff development purposes, and other staff development efforts, and determined by~~
 10.18 ~~the site professional development team.~~ The site professional development team must
 10.19 demonstrate to the school board the extent to which staff at the site have met the outcomes
 10.20 of the program. The board may withhold a portion of initial allocation of revenue if the
 10.21 staff development outcomes are not being met.

10.22 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 10.23 later.

10.24 Sec. 9. **APPRAISAL IMPLEMENTATION TIMELINE.**

10.25 Consistent with Minnesota Statutes, section 122A.411, districts and charter schools
 10.26 shall implement the teacher appraisal framework according to the following timeline:

10.27 (1) in the 2011-2012 school year, develop an appraisal framework and a system
 10.28 to collect data;

10.29 (2) in the 2012-2013 school year, implement the teacher appraisal framework and
 10.30 data collection system as a pilot program; and

10.31 (3) beginning in the 2013-2014 school year, fully implement the teacher appraisal
 10.32 framework and data collection system.

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

11.1 **ARTICLE 2**

11.2 **TEACHER EMPLOYMENT**

11.3 Section 1. Minnesota Statutes 2010, section 120B.36, subdivision 1, is amended to read:

11.4 Subdivision 1. **School performance report cards.** (a) The commissioner
11.5 shall report student academic performance under section 120B.35, subdivision 2; the
11.6 percentages of students showing low, medium, and high growth under section 120B.35,
11.7 subdivision 3, paragraph (b); school safety and student engagement and connection
11.8 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section
11.9 120B.35, subdivision 3, paragraph (c); two separate student-to-teacher ratios that clearly
11.10 indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for
11.11 purposes of determining these ratios; staff characteristics excluding salaries; the number
11.12 of teachers in each performance effectiveness rating category under section 122A.411,
11.13 subdivision 3, by school site; student enrollment demographics; district mobility; and
11.14 extracurricular activities. The report also must indicate a school's adequate yearly progress
11.15 status, and must not set any designations applicable to high- and low-performing schools
11.16 due solely to adequate yearly progress status.

11.17 (b) The commissioner shall develop, annually update, and post on the department
11.18 Web site school performance report cards.

11.19 (c) The commissioner must make available performance report cards by the
11.20 beginning of each school year.

11.21 (d) A school or district may appeal its adequate yearly progress status in writing to
11.22 the commissioner within 30 days of receiving the notice of its status. The commissioner's
11.23 decision to uphold or deny an appeal is final.

11.24 (e) School performance report card data are nonpublic data under section 13.02,
11.25 subdivision 9, until not later than ten days after the appeal procedure described in
11.26 paragraph (d) concludes. The department shall annually post school performance report
11.27 cards to its public Web site no later than September 1.

11.28 **EFFECTIVE DATE.** This section is effective July 1, 2014.

11.29 Sec. 2. Minnesota Statutes 2010, section 122A.40, subdivision 5, is amended to read:

11.30 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's
11.31 first teaching experience in Minnesota in a single district is deemed to be a probationary
11.32 period of employment, and after completion thereof, the probationary period in each
11.33 district in which the teacher is thereafter employed shall be one year. The school board
11.34 must issue an annual employment contract and adopt a plan for written evaluation of

12.1 teachers during the probationary period that complies with section 122A.411. During the
12.2 a probationary teacher's first year of employment, the board may terminate the teacher
12.3 at will. Evaluation must occur at least three times each year for a teacher performing
12.4 services on 120 or more school days, at least two times each year for a teacher performing
12.5 services on 60 to 119 school days, and at least one time each year for a teacher performing
12.6 services on fewer than 60 school days. Days devoted to parent-teacher conferences,
12.7 teachers' workshops, and other staff development opportunities and days on which a
12.8 teacher is absent from school must not be included in determining the number of school
12.9 days on which a teacher performs services. ~~Except as otherwise provided in paragraph~~
12.10 ~~(b), during the probationary period any annual contract with any teacher may or may~~
12.11 ~~not be renewed as the school board shall see fit. However,~~ The board must give any
12.12 ~~such~~ probationary teacher whose contract it declines to renew for the following school
12.13 year written notice to that effect before July 1. If the teacher requests reasons for any
12.14 nonrenewal of a teaching contract, the board must give the teacher its reason in writing,
12.15 including a statement that appropriate supervision was furnished describing the nature and
12.16 the extent of such supervision furnished the teacher during the employment by the board,
12.17 within ten days after receiving such request. The school board may, after a hearing held
12.18 upon due notice, discharge a teacher during the probationary period for cause, effective
12.19 immediately, under section 122A.44.

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

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

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

12.32 (e) A district must decide whether to issue a contract to a probationary classroom
12.33 teacher at the end of the teacher's probationary period based on:

12.34 (1) the teacher's professional growth plan based on standards of effective professional
12.35 practice, student learning goals, and teacher evaluations under this subdivision that
12.36 comply with section 122A.411;

13.1 (2) the teacher's appraisal results and performance effectiveness rating under section
 13.2 122A.411; and

13.3 (3) other locally selected criteria aligned to instructional practices in teaching and
 13.4 learning.

13.5 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
 13.6 later.

13.7 Sec. 3. Minnesota Statutes 2010, section 122A.40, subdivision 7, is amended to read:

13.8 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who
 13.9 has completed a probationary period in any district, and who has not been discharged or
 13.10 advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have
 13.11 a ~~continuing~~ renewable five-year contract with ~~such~~ the district where contract terms and
 13.12 conditions, including salary and salary increases, are established based either on the length
 13.13 of the school calendar or an extended school calendar under section 120A.415. ~~Thereafter,~~
 13.14 The teacher's contract must remain in full force and effect, except as modified by mutual
 13.15 consent of the board and the teacher, until terminated by a majority roll call vote of the full
 13.16 membership of the board prior to April 1 upon one of the grounds specified in subdivision
 13.17 9 or July 1 upon one of the grounds specified in subdivision 10 or 11, or until the teacher
 13.18 is discharged pursuant to subdivision 13, or by the written resignation of the teacher
 13.19 submitted prior to April 1. If an agreement as to the terms and conditions of employment
 13.20 for the succeeding school year has not been adopted pursuant to the provisions of sections
 13.21 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation is extended to the
 13.22 30th calendar day following the adoption of ~~said~~ the contract ~~in compliance with~~ under
 13.23 section 179A.20, subdivision 5. ~~Such~~ Written resignation by the teacher is effective ~~as~~
 13.24 ~~of~~ on June 30 if submitted ~~prior to~~ before that date and the ~~teachers'~~ teacher's right of
 13.25 resignation for the next school year ~~then beginning~~ shall cease on July 15.

13.26 (b) Before a teacher's contract is terminated by the board, the board must notify
 13.27 the teacher in writing and state its ground for the proposed termination in reasonable
 13.28 detail together with a statement that the teacher may make a written request for a hearing
 13.29 before the board within 14 days after receipt of such notification. If the grounds are those
 13.30 specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration
 13.31 under subdivision 15. Within 14 days after receipt of this notification the teacher may
 13.32 make a written request for a hearing before the board or an arbitrator and it shall be
 13.33 granted upon reasonable notice to the teacher of the date set for hearing, before final action
 13.34 is taken. If no hearing is requested within such period, it shall be deemed acquiescence by
 13.35 the teacher to the board's action. ~~Such~~ The teacher's termination ~~shall take effect at the~~

14.1 ~~close of the school year in which the contract is terminated in the manner aforesaid must~~
14.2 comply with subdivision 9 or 13. Such A contract may be terminated at any time by mutual
14.3 consent of the board and the teacher and this section does not affect the powers of a board
14.4 to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

14.5 ~~(b)~~ (c) A teacher electing to have a continuing contract based on the extended school
14.6 calendar under section 120A.415 must participate in staff development training under
14.7 subdivision 7a and shall receive an increased base salary.

14.8 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
14.9 later.

14.10 Sec. 4. Minnesota Statutes 2010, section 122A.40, is amended by adding a subdivision
14.11 to read:

14.12 Subd. 7b. **Teacher employment.** (a) A school district must use a teacher appraisal
14.13 framework to make informed decisions about teacher development and performance.
14.14 Teachers must participate in ongoing professional development to improve teaching and
14.15 learning throughout a term of employment.

14.16 (b) After completing the initial three-year probationary period without discharge, a
14.17 teacher who is reemployed by a school board continues in service and holds that position
14.18 during good behavior and efficient and competent service for a renewable five-year term.
14.19 The terms and conditions of a teacher's employment contract, including salary and salary
14.20 increases, must be based either on the length of the school year or an extended school
14.21 calendar under section 120A.415.

14.22 (c) At the end of every five-year term, the school board either must continue or
14.23 terminate a teacher's employment based on:

14.24 (1) a portfolio of the teacher's five-year professional growth plan based on standards
14.25 of professional practice, student learning, and successful teacher evaluations, consistent
14.26 with section 122A.411, that are conducted at least twice per year by a trained school
14.27 administrator;

14.28 (2) the teacher's appraisal results and performance effectiveness rating under section
14.29 122A.411; and

14.30 (3) other locally selected criteria aligned to instructional practices in teaching and
14.31 learning.

14.32 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
14.33 later.

15.1 Sec. 5. Minnesota Statutes 2010, section 122A.40, subdivision 9, is amended to read:

15.2 Subd. 9. **Grounds for termination.** (a) 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)~~ (1) inefficiency;

15.5 ~~(b)~~ (2) neglect of duty, or persistent violation of school laws, rules, regulations,
15.6 or directives;

15.7 ~~(c)~~ (3) conduct unbecoming a teacher which materially impairs the teacher's
15.8 educational effectiveness;

15.9 ~~(d)~~ (4) other good and sufficient grounds rendering the teacher unfit to perform the
15.10 teacher's duties; or

15.11 (5) the teacher is ineffective under section 122A.411 and not recommended by the
15.12 district for continued employment under this section.

15.13 (b) A contract must not be terminated upon one of the grounds specified in clause
15.14 under paragraph (a), (b), (c), or (d), clause (5), unless the teacher fails to correct the
15.15 deficiency after being given written notice of the specific items of complaint and
15.16 reasonable time within which 180 days after receiving the notice to remedy them.

15.17 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
15.18 later.

15.19 Sec. 6. Minnesota Statutes 2010, section 122A.40, subdivision 10, is amended to read:

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

15.32 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
15.33 later.

16.1 Sec. 7. Minnesota Statutes 2010, section 122A.40, subdivision 11, is amended to read:

16.2 Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested
16.3 leave of absence, without pay or fringe benefits, as many teachers as may be necessary
16.4 because of discontinuance of position, lack of pupils, financial limitations, or merger of
16.5 classes caused by consolidation of districts. The unrequested leave is effective at the close
16.6 of the school year. In placing teachers on unrequested leave, the board is governed by
16.7 ~~the following provisions: paragraphs (b) to (k).~~

16.8 ~~(a) The board may place probationary teachers on unrequested leave first in the~~
16.9 ~~inverse order of their employment. A teacher who has acquired continuing contract rights~~
16.10 ~~must not be placed on unrequested leave of absence while probationary teachers are~~
16.11 ~~retained in positions for which the teacher who has acquired continuing contract rights is~~
16.12 ~~licensed;~~

16.13 (b) Teachers ~~who have acquired continuing contract rights~~ shall be placed on
16.14 unrequested leave of absence in fields in which they are licensed in the following order:

16.15 (1) teachers with a "needs improvement" or "ineffective" rating under section
16.16 122A.411 in the inverse order in which they were employed by the school district;

16.17 (2) teachers with an "average" rating under section 122A.411 with four or more
16.18 years of teaching experience in the inverse order in which they were employed by the
16.19 school district;

16.20 (3) teachers with an "effective" rating under section 122A.411 with fewer than
16.21 four years of teaching experience in the inverse order in which they were employed by
16.22 the school district;

16.23 (4) teachers with a "highly effective" rating under section 122A.411 in the inverse
16.24 order in which they were employed by the school district;

16.25 (5) teachers with a "distinguished" rating under section 122A.411 in the inverse
16.26 order in which they were employed by the school district; and

16.27 (6) teachers with an "exemplary" rating under section 122A.411 in the inverse order
16.28 in which they were employed by the school district.

16.29 (c) In the case of equal seniority within a clause of paragraph (b), the order in which
16.30 teachers who have acquired continuing contract rights shall be placed on unrequested
16.31 leave of absence in fields in which they are licensed is negotiable;

16.32 ~~(e) Notwithstanding the provisions of clause (b), a teacher is not entitled to exercise~~
16.33 ~~any seniority when that exercise results in that teacher being retained by the district in a~~
16.34 ~~field for which the teacher holds only a provisional license, as defined by the board of~~
16.35 ~~teaching, unless that exercise of seniority results in the placement on unrequested leave of~~

17.1 ~~absence of another teacher who also holds a provisional license in the same field. The~~
17.2 ~~provisions of this clause do not apply to vocational education licenses;~~

17.3 (d) Notwithstanding ~~clauses (a),~~ paragraphs (b) and (c), if ~~the placing of a~~
17.4 ~~probationary teacher on unrequested leave before a teacher who has acquired continuing~~
17.5 ~~rights, the placing of a teacher who has acquired continuing contract rights on unrequested~~
17.6 ~~leave before another teacher who has acquired continuing contract rights but who has~~
17.7 ~~greater seniority, or the restriction~~ restrictions imposed by the provisions of ~~clause~~
17.8 paragraph (b) or (c) would place the district in violation of its affirmative action program,
17.9 the district may retain the ~~probationary teacher, the teacher with less seniority, or the~~
17.10 ~~provisionally licensed teacher,~~ with a lower designated status or less seniority.

17.11 (e) Teachers placed on unrequested leave of absence must be reinstated to the
17.12 positions from which they have been given leaves of absence or, if not available, to
17.13 other available positions in the school district in fields in which they are licensed.
17.14 Reinstatement must be in the inverse order of placement on leave of absence. ~~A teacher~~
17.15 ~~must not be reinstated to a position in a field in which the teacher holds only a provisional~~
17.16 ~~license, other than a vocational education license, while another teacher who holds a~~
17.17 ~~nonprovisional license in the same field remains on unrequested leave.~~ The order of
17.18 reinstatement of teachers who have equal seniority and who are placed on unrequested
17.19 leave in the same school year is negotiable~~;~~.

17.20 (f) Appointment of a new teacher must not be made while there is available, on
17.21 unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the
17.22 teacher fails to advise the school board within 30 days of the date of notification that a
17.23 position is available to that teacher who may return to employment and assume the duties
17.24 of the position to which appointed on a future date determined by the board~~;~~.

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

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

17.29 (i) The unrequested leave of absence of a teacher who is placed on unrequested leave
17.30 of absence and who is not reinstated shall continue ~~for a period of five years~~ until that
17.31 teacher's contract expires under subdivision 7b, after which the right to reinstatement shall
17.32 terminate. The teacher's right to reinstatement shall also terminate if the teacher fails to
17.33 file with the board by April 1 of any year a written statement requesting reinstatement~~;~~.

17.34 (j) The same provisions applicable to terminations of probationary or continuing
17.35 contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of
17.36 absence~~;~~.

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

18.4 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
18.5 later.

18.6 Sec. 8. Minnesota Statutes 2010, section 122A.41, subdivision 2, is amended to read:

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

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

18.34 (c) A probationary teacher must complete at least 60 days of teaching service each
18.35 year during the probationary period. Days devoted to parent-teacher conferences, teachers'

19.1 workshops, and other staff development opportunities and days on which a teacher is
 19.2 absent from school do not count as days of teaching service under this paragraph.

19.3 (d) A district must decide whether to issue a contract to a probationary classroom
 19.4 teacher at the end of the teacher's probationary period based on:

19.5 (1) a portfolio of the teacher's professional growth plan based on standards of
 19.6 effective professional practice, student learning goals, and successful teacher evaluations,
 19.7 consistent with section 122A.411, that are conducted at least twice per year by a trained
 19.8 school administrator;

19.9 (2) the teacher's appraisal results and performance effectiveness rating under section
 19.10 122A.411; and

19.11 (3) other locally selected criteria aligned to instructional practices in teaching and
 19.12 learning.

19.13 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
 19.14 later.

19.15 Sec. 9. Minnesota Statutes 2010, section 122A.41, subdivision 4, is amended to read:

19.16 Subd. 4. ~~Period of service after probationary period; discharge or demotion~~
 19.17 **Teacher employment.** (a) A school district must use a teacher appraisal framework
 19.18 to make informed decisions about teacher development and performance. Teachers
 19.19 must participate in ongoing professional development to improve teaching and learning
 19.20 throughout a term of employment.

19.21 (b) After ~~the completion of such~~ completing the initial three-year probationary
 19.22 period; without discharge, ~~such teachers as are thereupon~~ a teacher who is reemployed
 19.23 shall continue in service and hold ~~their respective~~ that position during good behavior and
 19.24 efficient and competent service for a renewable five-year term and must not be discharged
 19.25 or demoted except for cause after a hearing. The terms and conditions of a teacher's
 19.26 employment contract, including salary and salary increases, must be based either on the
 19.27 length of the school year or an extended school calendar under section 120A.415.

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

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

19.34 (e) At the end of every five-year term, the school board must either continue or
 19.35 terminate a teacher's employment based on:

20.1 (1) a portfolio of the teacher's five-year professional growth plan based on standards
20.2 of professional practice, student learning, and successful teacher evaluations, consistent
20.3 with section 122A.411, that are conducted at least twice per year by a trained school
20.4 administrator;

20.5 (2) the teacher's appraisal results and performance effectiveness rating under section
20.6 122A.411; and

20.7 (3) other locally selected criteria aligned to instructional practices in teaching and
20.8 learning.

20.9 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
20.10 later.

20.11 Sec. 10. Minnesota Statutes 2010, section 122A.41, subdivision 6, is amended to read:

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

20.15 (1) immoral character, conduct unbecoming a teacher, or insubordination;

20.16 (2) failure without justifiable cause to teach without first securing the written release
20.17 of the school board having the care, management, or control of the school in which the
20.18 teacher is employed;

20.19 (3) inefficiency in teaching or in the management of a school;

20.20 (4) affliction with active tuberculosis or other communicable disease must be
20.21 considered as cause for removal or suspension while the teacher is suffering from such
20.22 disability; ~~or~~

20.23 (5) discontinuance of position or lack of pupils; or

20.24 (6) the teacher is ineffective under section 122A.411 and not recommended by the
20.25 district for employment under this section.

20.26 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
20.27 discriminatory practice described in section 363A.13. A contract must not be discharged
20.28 on the grounds specified in clause (6) unless the teacher fails to correct the deficiency
20.29 after being given written notice of the specific items of complaint and 180 days within
20.30 which to remedy them.

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

21.1 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
 21.2 later.

21.3 Sec. 11. Minnesota Statutes 2010, section 122A.41, subdivision 14, is amended to read:

21.4 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**
 21.5 **given.** (a) A teacher whose services are terminated on account of discontinuance of
 21.6 position or lack of pupils must receive first consideration for other positions in the district
 21.7 for which that teacher is qualified. In the event it becomes necessary to discontinue one
 21.8 or more positions, in making such discontinuance, teachers must be discontinued in any
 21.9 department in the following order:

21.10 (1) teachers with a "needs improvement" or "ineffective" rating under section
 21.11 122A.411 in the inverse order in which they were employed, unless a board and the
 21.12 exclusive representative of teachers in the district negotiate a plan providing otherwise;

21.13 ~~(b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise~~
 21.14 ~~any seniority when that exercise results in that teacher being retained by the district in~~
 21.15 ~~a field for which the teacher holds only a provisional license, as defined by the Board~~
 21.16 ~~of Teaching, unless that exercise of seniority results in the termination of services, on~~
 21.17 ~~account of discontinuance of position or lack of pupils, of another teacher who also~~
 21.18 ~~holds a provisional license in the same field. The provisions of this clause do not apply~~
 21.19 ~~to vocational education licenses.~~

21.20 ~~(c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated~~
 21.21 ~~to a position in a field in which the teacher holds only a provisional license, other than a~~
 21.22 ~~vocational education license, while another teacher who holds a nonprovisional license in~~
 21.23 ~~the same field is available for reinstatement.~~

21.24 (2) teachers with an "average" rating under section 122A.411 with four or more
 21.25 years of teaching experience in the inverse order in which they were employed by the
 21.26 school district;

21.27 (3) teachers with an "effective" rating under section 122A.411 with fewer than
 21.28 four years of teaching experience in the inverse order in which they were employed by
 21.29 the school district;

21.30 (4) teachers with a "highly effective" rating under section 122A.411 in the inverse
 21.31 order in which they were employed by the school district;

21.32 (5) teachers with a "distinguished" rating under section 122A.411 in the inverse
 21.33 order in which they were employed by the school district; and

21.34 (6) teachers with an "exemplary" rating under section 122A.411 in the inverse order
 21.35 in which they were employed by the school district.

22.1 The superintendent may exempt from the effects of this subdivision those teachers
22.2 who, in the superintendent's judgment, are able to provide instruction that similarly
22.3 licensed teachers cannot provide or whose subject area license meets unmet district needs
22.4 for student instruction.

22.5 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
22.6 later.

22.7 Sec. 12. **[122A.418] TEACHER EFFECTIVENESS-BASED BONUSES.**

22.8 (a) A teacher with a "distinguished" rating under section 122A.411 shall receive an
22.9 annual bonus equal to ten percent of the teacher's base salary until the teacher no longer
22.10 has a "distinguished" rating.

22.11 (b) A teacher with an "exemplary" rating under section 122A.411 shall receive an
22.12 annual bonus equal to 20 percent of the teacher's base salary until the teacher no longer
22.13 has an "exemplary" rating.

22.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

22.15 Sec. 13. Minnesota Statutes 2010, section 123B.09, subdivision 8, is amended to read:

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

22.21 Sec. 14. Minnesota Statutes 2010, section 123B.143, subdivision 1, is amended to read:

22.22 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary
22.23 school must employ a superintendent who shall be an ex officio nonvoting member of the
22.24 school board. The authority for selection and employment of a superintendent must be
22.25 vested in the board in all cases. An individual employed by a board as a superintendent
22.26 shall have an initial employment contract for a period of time no longer than three years
22.27 from the date of employment. Any subsequent employment contract must not exceed a
22.28 period of three years. A board, at its discretion, may or may not renew an employment
22.29 contract. A board must not, by action or inaction, extend the duration of an existing
22.30 employment contract. Beginning 365 days prior to the expiration date of an existing
22.31 employment contract, a board may negotiate and enter into a subsequent employment
22.32 contract to take effect upon the expiration of the existing contract. A subsequent contract

23.1 must be contingent upon the employee completing the terms of an existing contract. If a
 23.2 contract between a board and a superintendent is terminated prior to the date specified in
 23.3 the contract, the board may not enter into another superintendent contract with that same
 23.4 individual that has a term that extends beyond the date specified in the terminated contract.
 23.5 A board may terminate a superintendent during the term of an employment contract for any
 23.6 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall
 23.7 not rely upon an employment contract with a board to assert any other continuing contract
 23.8 rights in the position of superintendent under section 122A.40. Notwithstanding the
 23.9 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law
 23.10 to the contrary, no individual shall have a right to employment as a superintendent based
 23.11 on order of employment in any district. If two or more districts enter into an agreement for
 23.12 the purchase or sharing of the services of a superintendent, the contracting districts have
 23.13 the absolute right to select one of the individuals employed to serve as superintendent
 23.14 in one of the contracting districts and no individual has a right to employment as the
 23.15 superintendent to provide all or part of the services based on order of employment in a
 23.16 contracting district. The superintendent of a district shall perform the following:

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

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

23.20 (3) annually evaluate each school principal assigned responsibility for supervising
 23.21 a school building within the district, consistent with section 123B.147, subdivision 3,
 23.22 paragraph (b);

23.23 (4) superintend school grading practices and examinations for promotions;

23.24 ~~(4)~~ (5) make reports required by the commissioner; and

23.25 ~~(5)~~ (6) perform other duties prescribed by the board.

23.26 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 23.27 later.

23.28 Sec. 15. Minnesota Statutes 2010, section 123B.147, subdivision 3, is amended to read:

23.29 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative,
 23.30 supervisory, and instructional leadership services, under the supervision of the
 23.31 superintendent of schools of the district and ~~in accordance with~~ according to the policies,
 23.32 rules, and regulations of the school board of education, for the planning, management,
 23.33 operation, and evaluation of the education program of the building or buildings to which
 23.34 the principal is assigned.

24.1 (b) To enhance a principal's leadership skills, support and improve teaching
 24.2 practices, school performance, and student achievement, and attract and retain highly
 24.3 effective teachers, a district must develop and implement a performance-based system for
 24.4 annually evaluating school principals assigned to supervise a school building within the
 24.5 district. The evaluation must be designed to improve teaching and learning by supporting
 24.6 the principal in shaping the school's professional environment and developing teacher
 24.7 quality, performance, and effectiveness. The annual evaluation must:

24.8 (1) support and improve a principal's instructional leadership, organizational
 24.9 management, and professional development, and strengthen the principal's capacity in the
 24.10 areas of instruction, supervision, evaluation, and teacher development;

24.11 (2) include formative and summative evaluations;

24.12 (3) be consistent with a principal's job description, a district's long-term plans and
 24.13 goals, and the principal's own professional multiyear growth plans and goals, all of which
 24.14 must support the principal's leadership behaviors and practices, rigorous curriculum,
 24.15 school performance, and high-quality instruction;

24.16 (4) include on-the-job observations and previous evaluations;

24.17 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
 24.18 processes, and strengths and weaknesses in exercising leadership in pursuit of school
 24.19 success;

24.20 (6) use longitudinal data on student academic growth as an evaluation component
 24.21 and incorporate district achievement goals and targets; and

24.22 (7) be linked to professional development that emphasizes improved teaching and
 24.23 learning, curriculum and instruction, student learning, and a collaborative professional
 24.24 culture.

24.25 The provisions of this paragraph are intended to provide districts with sufficient
 24.26 flexibility to accommodate district needs and goals related to developing, supporting,
 24.27 and evaluating principals.

24.28 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 24.29 later.

24.30 Sec. 16. Minnesota Statutes 2010, section 124D.10, subdivision 11, is amended to read:

24.31 Subd. 11. **Employment and other operating matters.** (a) A charter school must
 24.32 employ or contract with necessary teachers, as defined by section 122A.15, subdivision
 24.33 1, who hold valid licenses to perform the particular service for which they are employed
 24.34 in the school. The charter school's state aid may be reduced under section 127A.43
 24.35 if the school employs a teacher who is not appropriately licensed or approved by the

25.1 board of teaching. The school may employ necessary employees who are not required to
25.2 hold teaching licenses to perform duties other than teaching and may contract for other
25.3 services. The school may discharge teachers and nonlicensed employees. The school must
25.4 create and implement a teacher evaluation structure under section 122A.411 to use in
25.5 developing and improving teacher performance and student learning. Teacher evaluations
25.6 undertaken under this paragraph do not create additional due process rights for teachers
25.7 employed or otherwise working at the school. The charter school board is subject to
25.8 section 181.932. When offering employment to a prospective employee, a charter school
25.9 must give that employee a written description of the terms and conditions of employment
25.10 and the school's personnel policies.

25.11 (b) A person, without holding a valid administrator's license, may perform
25.12 administrative, supervisory, or instructional leadership duties. The board of directors shall
25.13 establish qualifications for persons that hold administrative, supervisory, or instructional
25.14 leadership roles. The qualifications shall include at least the following areas: instruction
25.15 and assessment; human resource and personnel management; financial management;
25.16 legal and compliance management; effective communication; and board, authorizer, and
25.17 community relationships. The board of directors shall use those qualifications as the basis
25.18 for job descriptions, hiring, and performance evaluations of those who hold administrative,
25.19 supervisory, or instructional leadership roles. The board of directors and an individual
25.20 who does not hold a valid administrative license and who serves in an administrative,
25.21 supervisory, or instructional leadership position shall develop a professional development
25.22 plan. Documentation of the implementation of the professional development plan of these
25.23 persons shall be included in the school's annual report.

25.24 (c) The board of directors also shall decide matters related to the operation of the
25.25 school, including budgeting, curriculum and operating procedures.

25.26 Sec. 17. **ADVISORY TASK FORCE ON IMPLEMENTING TEACHER**
25.27 **EVALUATION STRUCTURE.**

25.28 Consistent with Minnesota Statutes, section 122A.411, and related sections, the
25.29 commissioner of education shall convene a nine-member advisory task force to make
25.30 recommendations related to implementing the state's teacher evaluation structure. Task
25.31 force members shall include: one representative each from the Minnesota Chamber of
25.32 Commerce, the Minnesota Business Partnership, the Minnesota Assessment Group, the
25.33 Minnesota Association of School Administrators, and the Minnesota Elementary and
25.34 Secondary School Principals Association, appointed by the respective organizations;
25.35 two representatives from Education Minnesota, one of whom must be a currently

26.1 licensed classroom teacher teaching in a first class city school district, appointed by
26.2 Education Minnesota; and two parents of students currently enrolled in Minnesota public
26.3 schools, one of whom must be a parent of color, appointed by the Minnesota Parent
26.4 Teacher Organization. The commissioner or the commissioner's designee shall serve as a
26.5 nonvoting member of the task force and shall provide technical assistance to the task force
26.6 upon request. The terms, compensation, and removal of advisory task force members
26.7 shall be as provided in Minnesota Statutes, section 15.059, except that the task force
26.8 shall continue until it is specifically terminated by the legislature. The commissioner of
26.9 education may reimburse task force members from the Department of Education's current
26.10 operating budget but may not compensate task force members for task force activities.
26.11 The task force must periodically review the statutory sections that compose this act and
26.12 recommend to the commissioner any changes needed to fully and effectively implement
26.13 the teacher evaluation structure, including any statutory changes needed to accomplish the
26.14 recommendations. The advisory task force must not recommend changing that part of
26.15 the teacher appraisal framework under Minnesota Statutes, section 122A.411, that bases
26.16 50 percent of a teacher's total appraisal on statewide assessment results under section
26.17 120B.35. The commissioner must report the task force recommendations to the education
26.18 policy and finance committees of the legislature at the start of the next legislative session
26.19 after receiving those recommendations.

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

26.21 Sec. 18. **IMPLEMENTING A PERFORMANCE-BASED EVALUATION**
26.22 **SYSTEM FOR PRINCIPALS.**

26.23 (a) To implement the requirements of Minnesota Statutes, sections 123B.143,
26.24 subdivision 1, clause (3), and 123B.147, subdivision 3, paragraph (b), the commissioner of
26.25 education, the Minnesota Association of Secondary School Principals, and the Minnesota
26.26 Association of Elementary School Principals must convene a group of recognized and
26.27 qualified experts and interested stakeholders, including principals, superintendents,
26.28 teachers, school board members, and parents, among other stakeholders, to develop a
26.29 performance-based system model for annually evaluating school principals. In developing
26.30 the system model, the group must at least consider how principals develop and maintain:

26.31 (1) high standards for student performance;

26.32 (2) rigorous curriculum;

26.33 (3) quality instruction;

26.34 (4) a culture of learning and professional behavior;

26.35 (5) connections to external communities;

27.1 (6) systemic performance accountability; and
27.2 (7) leadership behaviors that create effective schools and improve school
27.3 performance, including how to plan for, implement, support, advocate for, communicate
27.4 about, and monitor continuous and improved learning.

27.5 The group also may consider whether to establish a multitiered evaluation system
27.6 that supports newly licensed principals in becoming highly skilled school leaders and
27.7 provides opportunities for advanced learning for more experienced school leaders.

27.8 (b) The commissioner, the Minnesota Association of Secondary School Principals,
27.9 and the Minnesota Association of Elementary School Principals must submit a
27.10 written report and all the group's working papers to the education committees of the
27.11 legislature by February 1, 2012, discussing the group's responses to paragraph (a) and its
27.12 recommendations for a performance-based system model for annually evaluating school
27.13 principals. The group convened under this section expires June 1, 2012.

27.14 **EFFECTIVE DATE.** This section is effective the day following final enactment
27.15 and applies to principal evaluations beginning in the 2013-2014 school year and later.