

1.1 ..... moves to amend H.F. No. 945, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **TEACHER EVALUATION AND PROFESSIONAL DEVELOPMENT**

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

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

1.7 The commissioner must develop and implement a system for measuring and reporting  
1.8 academic achievement and individual student growth, consistent with the statewide  
1.9 educational accountability and reporting system. The system components must measure  
1.10 and separately report the adequate yearly progress of schools and the growth of individual  
1.11 students: students' current achievement in schools under subdivision 2; and individual  
1.12 students' educational growth over time under subdivision 3. The commissioner annually  
1.13 must report a student's growth and progress toward grade-level proficiency under section  
1.14 120B.299 as it relates to applicable state academic standards and the statewide assessments  
1.15 aligned with those standards. The system also must include statewide measures of student  
1.16 academic growth that identify schools with high levels of growth, and also schools with  
1.17 low levels of growth that need improvement. When determining a school's effect, the data  
1.18 must include both statewide measures of student achievement and, to the extent annual  
1.19 tests are administered, indicators of achievement growth that take into account a student's  
1.20 prior achievement. Indicators of achievement and prior achievement must be based on  
1.21 highly reliable statewide or districtwide assessments. Indicators that take into account a  
1.22 student's prior achievement must not be used to disregard a school's low achievement or to  
1.23 exclude a school from a program to improve low achievement levels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.8 Subd. 5. **Professional development and peer coaching for continuing contract**  
 3.9 **teachers.** (a) A school board and the exclusive representative of the teachers in the district  
 3.10 must collaborate in establishing a professional development model for probationary  
 3.11 teachers, consistent with subdivision 3, that uses a district's professional development  
 3.12 resources, including those under sections 122A.414, if applicable, 122A.60, and 122A.61,  
 3.13 to improve teaching and learning.

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

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

3.20 Sec. 6. **122A.411 TEACHER EVALUATIONS.**

3.21 Subdivision 1. **Evaluation structure.** A teacher evaluation structure is established  
 3.22 to provide information about teacher effectiveness for teachers under section 122A.06,  
 3.23 subdivision 2, districts, and charter schools to use in developing and improving teacher  
 3.24 performance and student learning. The three-part structure contains:

3.25 (1) a teacher appraisal framework that identifies performance measures for  
 3.26 determining teacher effectiveness;

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

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

3.31 Subd. 2. **Teacher appraisal framework.** (a) Each school district and charter  
 3.32 school must create and implement a teacher appraisal framework. The framework must  
 3.33 translate performance measures and scores under this subdivision into five performance

4.1 effectiveness rating scores where "5" is the highest rating and "1" is the lowest rating. The  
4.2 department, in collaboration with the Board of Teaching, must make available to districts  
4.3 and charter schools appraisal frameworks and other materials from evidence-based  
4.4 sources to assist districts and charter schools in implementing an appraisal framework,  
4.5 consistent with this section.

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

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

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

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

4.25 Subd. 3. **Teacher performance effectiveness ratings.** (a) Beginning in the  
4.26 2012-2013 school year and consistent with subdivision 2, a school district or charter  
4.27 school annually must use the following scale to determine a teacher performance  
4.28 effectiveness rating and corresponding status designation under subdivision 4 for each  
4.29 teacher who teaches a subject for which statewide assessment results are available under  
4.30 section 120B.35:

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

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

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

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

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

5.16 A teacher who does not meet both the growth and performance rating requirements in  
5.17 any clause (1) to (4) receives the next lower effectiveness rating that immediately follows  
5.18 the clause where the teacher met either the growth or the performance rating requirement.

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

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

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

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

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

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

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

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

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

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

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

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

6.23 (g) A teacher who does not meet the requirements of a particular status designation  
6.24 under paragraph (c), (d), or (e) receives the next lower status designation under this  
6.25 subdivision. A teacher who does not meet the requirement of a standard designation under  
6.26 paragraph (b) has no status designation.

6.27 Subd. 5. **Data gathering and analysis.** (a) 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.

6.35 (b) Beginning in 2014, the department annually by June 30 shall submit summary  
6.36 data on teachers' effectiveness under paragraph (a) to the Minnesota teacher preparation

7.1 program or institution that prepared the teachers covered in that year's district and charter  
 7.2 school reports to the department.

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

7.4 **122A.60 STAFF DEVELOPMENT PROGRAM.**

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

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

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

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

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

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

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

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

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

7.34 Staff development activities also may include curriculum development and curriculum  
 7.35 training programs, and activities that provide teachers and other members of site-based

8.1 teams training to enhance team performance. The school district also may implement other  
8.2 staff development activities required by law and activities associated with professional  
8.3 teacher compensation models.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.26 Sec. 9. Minnesota Statutes 2010, section 126C.10, subdivision 2, is amended to read:

10.27 Subd. 2. **Basic revenue.** The basic revenue for each district equals the formula  
 10.28 allowance times the adjusted marginal cost pupil units for the school year. The formula  
 10.29 allowance for fiscal year 2007 is \$4,974. The formula allowance for fiscal year 2008 is  
 10.30 \$5,074 ~~and~~, the formula allowance for fiscal year 2009 ~~and subsequent years~~ through  
 10.31 fiscal year 2013 is \$5,124, and the formula allowance for fiscal year 2014 and subsequent  
 10.32 years is \$5,174.

10.33 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2013  
 10.34 and later.

11.1 Sec. 10. **APPRAISAL IMPLEMENTATION TIMELINE.**

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

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

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

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

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

11.11 **ARTICLE 2**

11.12 **TEACHER EMPLOYMENT**

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

11.14 Subdivision 1. **School performance report cards.** (a) The commissioner  
 11.15 shall report student academic performance under section 120B.35, subdivision 2; the  
 11.16 percentages of students showing low, medium, and high growth under section 120B.35,  
 11.17 subdivision 3, paragraph (b); school safety and student engagement and connection  
 11.18 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section  
 11.19 120B.35, subdivision 3, paragraph (c); two separate student-to-teacher ratios that clearly  
 11.20 indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for  
 11.21 purposes of determining these ratios; staff characteristics excluding salaries; the number  
 11.22 of teachers in each performance effectiveness rating category under section 122A.411,  
 11.23 subdivision 3, by school site; student enrollment demographics; district mobility; and  
 11.24 extracurricular activities. The report also must indicate a school's adequate yearly progress  
 11.25 status, and must not set any designations applicable to high- and low-performing schools  
 11.26 due solely to adequate yearly progress status.

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

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

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

11.34 (e) School performance report card data are nonpublic data under section 13.02,  
 11.35 subdivision 9, until not later than ten days after the appeal procedure described in

12.1 paragraph (d) concludes. The department shall annually post school performance report  
12.2 cards to its public Web site no later than September 1.

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

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

12.5 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
12.6 first teaching experience in Minnesota in a single district is deemed to be a probationary  
12.7 period of employment, and after completion thereof, the probationary period in each  
12.8 district in which the teacher is thereafter employed shall be one year. The school board  
12.9 must issue an annual employment contract and adopt a plan for written evaluation of  
12.10 teachers during the probationary period that complies with section 122A.411. During the  
12.11 a probationary teacher's first year of employment, the board may terminate the teacher  
12.12 at will. Evaluation must occur at least three times each year for a teacher performing  
12.13 services on 120 or more school days, at least two times each year for a teacher performing  
12.14 services on 60 to 119 school days, and at least one time each year for a teacher performing  
12.15 services on fewer than 60 school days. Days devoted to parent-teacher conferences,  
12.16 teachers' workshops, and other staff development opportunities and days on which a  
12.17 teacher is absent from school must not be included in determining the number of school  
12.18 days on which a teacher performs services. ~~Except as otherwise provided in paragraph~~  
12.19 ~~(b), during the probationary period any annual contract with any teacher may or may~~  
12.20 ~~not be renewed as the school board shall see fit. However,~~ The board must give any  
12.21 ~~such~~ probationary teacher whose contract it declines to renew for the following school  
12.22 year written notice to that effect before July 1. If the teacher requests reasons for any  
12.23 nonrenewal of a teaching contract, the board must give the teacher its reason in writing,  
12.24 including a statement that appropriate supervision was furnished describing the nature and  
12.25 the extent of such supervision furnished the teacher during the employment by the board,  
12.26 within ten days after receiving such request. The school board may, after a hearing held  
12.27 upon due notice, discharge a teacher during the probationary period for cause, effective  
12.28 immediately, under section 122A.44.

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

12.32 (c) A probationary teacher whose first three years of consecutive employment are  
12.33 interrupted for active military service and who promptly resumes teaching consistent with  
12.34 federal reemployment timelines for uniformed service personnel under United States

13.1 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
 13.2 for purposes of paragraph (a).

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

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

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

13.12 (2) the teacher's appraisal results and performance effectiveness rating under section  
 13.13 122A.411; and

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

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

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

13.19 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who  
 13.20 has completed a probationary period in any district, and who has not been discharged or  
 13.21 advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have  
 13.22 a ~~continuing~~ renewable five-year contract with ~~such~~ the district where contract terms and  
 13.23 conditions, including salary and salary increases, are established based either on the length  
 13.24 of the school calendar or an extended school calendar under section 120A.415. ~~Thereafter,~~  
 13.25 The teacher's contract must remain in full force and effect, except as modified by mutual  
 13.26 consent of the board and the teacher, until terminated by a majority roll call vote of the full  
 13.27 membership of the board prior to April 1 upon one of the grounds specified in subdivision  
 13.28 9 or July 1 upon one of the grounds specified in subdivision 10 or 11, or until the teacher  
 13.29 is discharged pursuant to subdivision 13, or by the written resignation of the teacher  
 13.30 submitted prior to April 1. If an agreement as to the terms and conditions of employment  
 13.31 for the succeeding school year has not been adopted pursuant to the provisions of sections  
 13.32 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation is extended to the  
 13.33 30th calendar day following the adoption of ~~said~~ the contract ~~in compliance with~~ under  
 13.34 section 179A.20, subdivision 5. ~~Such~~ Written resignation by the teacher is effective ~~as~~

14.1 ~~of~~ on June 30 if submitted ~~prior to~~ before that date and the ~~teachers'~~ teacher's right of  
 14.2 resignation for the next school year ~~then beginning~~ shall cease on July 15.

14.3 (b) Before a teacher's contract is terminated by the board, the board must notify  
 14.4 the teacher in writing and state its ground for the proposed termination in reasonable  
 14.5 detail together with a statement that the teacher may make a written request for a hearing  
 14.6 before the board within 14 days after receipt of such notification. If the grounds are those  
 14.7 specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration  
 14.8 under subdivision 15. Within 14 days after receipt of this notification the teacher may  
 14.9 make a written request for a hearing before the board or an arbitrator and it shall be  
 14.10 granted upon reasonable notice to the teacher of the date set for hearing, before final action  
 14.11 is taken. If no hearing is requested within such period, it shall be deemed acquiescence by  
 14.12 the teacher to the board's action. ~~Such~~ The teacher's termination shall take effect at the  
 14.13 ~~close of the school year in which the contract is terminated in the manner aforesaid must~~  
 14.14 comply with subdivision 9 or 13. ~~Such~~ A contract may be terminated at any time by mutual  
 14.15 consent of the board and the teacher and this section does not affect the powers of a board  
 14.16 to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

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

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

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

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

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

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

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

15.5 (2) the teacher's appraisal results and performance effectiveness rating under section  
 15.6 122A.411; and

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

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

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

15.12 Subd. 9. **Grounds for termination.** (a) A continuing contract may be terminated,  
 15.13 effective at the close of the school year, upon any of the following grounds:

15.14 ~~(a)~~ (1) inefficiency;

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

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

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

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

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

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

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

15.30 Subd. 10. **Negotiated unrequested leave of absence.** The school board and the  
 15.31 exclusive bargaining representative of the teachers may negotiate a plan providing for  
 15.32 unrequested leave of absence without pay or fringe benefits for as many teachers as may  
 15.33 be necessary because of discontinuance of position, lack of pupils, financial limitations, or

16.1 merger of classes caused by consolidation of districts. Failing to successfully negotiate  
16.2 such a plan, the provisions of subdivision 11 shall apply. ~~The negotiated plan must not~~  
16.3 ~~include provisions which would result in the exercise of seniority by a teacher holding a~~  
16.4 ~~provisional license, other than a vocational education license, contrary to the provisions of~~  
16.5 ~~subdivision 11, clause (c), or the reinstatement of a teacher holding a provisional license,~~  
16.6 ~~other than a vocational education license, contrary to the provisions of subdivision 11,~~  
16.7 ~~clause (c).~~ The provisions of section 179A.16 do not apply for the purposes of this  
16.8 subdivision.

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

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

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

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

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

16.25 (1) teachers with a "needs improvement" or "ineffective" rating under section  
16.26 122A.411 in the inverse order in which they were employed by the school district;

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

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

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



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

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

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

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

17.14 ~~(d) Notwithstanding clauses (a), paragraphs (b) and (c), if the placing of a~~  
17.15 ~~probationary teacher on unrequested leave before a teacher who has acquired continuing~~  
17.16 ~~rights, the placing of a teacher who has acquired continuing contract rights on unrequested~~  
17.17 ~~leave before another teacher who has acquired continuing contract rights but who has~~  
17.18 ~~greater seniority, or the restriction restrictions imposed by the provisions of clause~~  
17.19 ~~paragraph (b) or (c) would place the district in violation of its affirmative action program,~~  
17.20 ~~the district may retain the probationary teacher, the teacher with less seniority, or the~~  
17.21 ~~provisionally licensed teacher, with a lower designated status or less seniority.~~

17.22 (e) Teachers placed on unrequested leave of absence must be reinstated to the  
17.23 positions from which they have been given leaves of absence or, if not available, to  
17.24 other available positions in the school district in fields in which they are licensed.  
17.25 Reinstatement must be in the inverse order of placement on leave of absence. ~~A teacher~~  
17.26 ~~must not be reinstated to a position in a field in which the teacher holds only a provisional~~  
17.27 ~~license, other than a vocational education license, while another teacher who holds a~~  
17.28 ~~nonprovisional license in the same field remains on unrequested leave. The order of~~  
17.29 ~~reinstatement of teachers who have equal seniority and who are placed on unrequested~~  
17.30 ~~leave in the same school year is negotiable;.~~

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

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

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

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

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

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

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

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

18.19 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
 18.20 the public schools in cities of the first class during the first three years of consecutive  
 18.21 employment shall be deemed to be in a probationary period of employment ~~during which~~  
 18.22 ~~period any annual contract with any teacher may, or may not, be renewed as the school~~  
 18.23 ~~board, after consulting with the peer review committee charged with evaluating the~~  
 18.24 ~~probationary teachers under subdivision 3, shall see fit. The school site management team~~  
 18.25 ~~or the school board if there is no school site management team, shall~~ issue an annual  
 18.26 employment contract and adopt a plan for a written evaluation of teachers during the  
 18.27 probationary period ~~according to subdivision 3~~ that is consistent with section 122A.411.  
 18.28 During the a probationary teacher's first year of employment, the board may terminate  
 18.29 the teacher at will. Evaluation ~~by the peer review committee charged with evaluating of~~  
 18.30 ~~probationary teachers under subdivision 3~~ shall occur at least three times each year for a  
 18.31 teacher performing services on 120 or more school days, at least two times each year for a  
 18.32 teacher performing services on 60 to 119 school days, and at least one time each year for a  
 18.33 teacher performing services on fewer than 60 school days. Days devoted to parent-teacher  
 18.34 conferences, teachers' workshops, and other staff development opportunities and days on  
 18.35 which a teacher is absent from school shall not be included in determining the number of

19.1 school days on which a teacher performs services. The school board may, during such  
 19.2 probationary period, discharge or demote a teacher for any of the causes as specified in  
 19.3 this code. A written statement of the cause of such discharge or demotion shall be given to  
 19.4 the teacher by the school board at least 30 days before such removal or demotion shall  
 19.5 become effective, and the teacher so notified shall have no right of appeal therefrom.

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

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

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

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

19.21 (2) the teacher's appraisal results and performance effectiveness rating under section  
 19.22 122A.411; and

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

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

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

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

19.33 (b) After the completion of such completing the initial three-year probationary  
 19.34 period; without discharge, such teachers as are thereupon a teacher who is reemployed  
 19.35 shall continue in service and hold their respective that position during good behavior and

20.1 efficient and competent service for a renewable five-year term and must not be discharged  
 20.2 or demoted except for cause after a hearing. The terms and conditions of a teacher's  
 20.3 employment contract, including salary and salary increases, must be based either on the  
 20.4 length of the school year or an extended school calendar under section 120A.415.

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

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

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

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

20.17 (2) the teacher's appraisal results and performance effectiveness rating under section  
 20.18 122A.411; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.20 (1) teachers with a "needs improvement" or "ineffective" rating under section  
 21.21 122A.411 in the inverse order in which they were employed, unless a board and the  
 21.22 exclusive representative of teachers in the district negotiate a plan providing otherwise;

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

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

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

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

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

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

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

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

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

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

22.20 (a) A teacher with a "distinguished" rating under section 122A.411 shall receive  
 22.21 an annual bonus equal to ten percent of the teacher's base salary as long as the teacher  
 22.22 maintains a "distinguished" rating.

22.23 (b) A teacher with an "exemplary" rating under section 122A.411 shall receive  
 22.24 an annual bonus equal to 20 percent of the teacher's base salary as long as the teacher  
 22.25 maintains an "exemplary" rating.

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

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

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

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

23.2 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary  
23.3 school must employ a superintendent who shall be an ex officio nonvoting member of the  
23.4 school board. The authority for selection and employment of a superintendent must be  
23.5 vested in the board in all cases. An individual employed by a board as a superintendent  
23.6 shall have an initial employment contract for a period of time no longer than three years  
23.7 from the date of employment. Any subsequent employment contract must not exceed a  
23.8 period of three years. A board, at its discretion, may or may not renew an employment  
23.9 contract. A board must not, by action or inaction, extend the duration of an existing  
23.10 employment contract. Beginning 365 days prior to the expiration date of an existing  
23.11 employment contract, a board may negotiate and enter into a subsequent employment  
23.12 contract to take effect upon the expiration of the existing contract. A subsequent contract  
23.13 must be contingent upon the employee completing the terms of an existing contract. If a  
23.14 contract between a board and a superintendent is terminated prior to the date specified in  
23.15 the contract, the board may not enter into another superintendent contract with that same  
23.16 individual that has a term that extends beyond the date specified in the terminated contract.  
23.17 A board may terminate a superintendent during the term of an employment contract for any  
23.18 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall  
23.19 not rely upon an employment contract with a board to assert any other continuing contract  
23.20 rights in the position of superintendent under section 122A.40. Notwithstanding the  
23.21 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law  
23.22 to the contrary, no individual shall have a right to employment as a superintendent based  
23.23 on order of employment in any district. If two or more districts enter into an agreement for  
23.24 the purchase or sharing of the services of a superintendent, the contracting districts have  
23.25 the absolute right to select one of the individuals employed to serve as superintendent  
23.26 in one of the contracting districts and no individual has a right to employment as the  
23.27 superintendent to provide all or part of the services based on order of employment in a  
23.28 contracting district. The superintendent of a district shall perform the following:

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

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

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

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

23.36 ~~(4)~~ (5) make reports required by the commissioner; and

24.1 ~~(5)~~ (6) perform other duties prescribed by the board.

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

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

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

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

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

24.21 (2) include formative and summative evaluations;

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

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

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

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

24.32 (7) be linked to professional development that emphasizes improved teaching and  
 24.33 learning, curriculum and instruction, student learning, and a collaborative professional  
 24.34 culture.



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

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

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

25.7 Subd. 11. **Employment and other operating matters.** (a) A charter school must  
25.8 employ or contract with necessary teachers, as defined by section 122A.15, subdivision  
25.9 1, who hold valid licenses to perform the particular service for which they are employed  
25.10 in the school. The charter school's state aid may be reduced under section 127A.43  
25.11 if the school employs a teacher who is not appropriately licensed or approved by the  
25.12 board of teaching. The school may employ necessary employees who are not required to  
25.13 hold teaching licenses to perform duties other than teaching and may contract for other  
25.14 services. The school may discharge teachers and nonlicensed employees. The school must  
25.15 create and implement a teacher evaluation structure under section 122A.411 to use in  
25.16 developing and improving teacher performance and student learning. Teacher evaluations  
25.17 undertaken under this paragraph do not create additional due process rights for teachers  
25.18 employed or otherwise working at the school. The charter school board is subject to  
25.19 section 181.932. When offering employment to a prospective employee, a charter school  
25.20 must give that employee a written description of the terms and conditions of employment  
25.21 and the school's personnel policies.

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

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

26.3 **Sec. 17. ADVISORY TASK FORCE ON IMPLEMENTING TEACHER**  
 26.4 **EVALUATION STRUCTURE.**

26.5 Consistent with Minnesota Statutes, section 122A.411, and related sections, the  
 26.6 commissioner of education shall convene a nine-member advisory task force to make  
 26.7 recommendations related to implementing the state's teacher evaluation structure. Task  
 26.8 force members shall include: one representative each from the Minnesota Chamber of  
 26.9 Commerce, the Minnesota Business Partnership, the Minnesota Assessment Group, the  
 26.10 Minnesota Association of School Administrators, and the Minnesota Elementary and  
 26.11 Secondary School Principals Association, appointed by the respective organizations;  
 26.12 two representatives from Education Minnesota, one of whom must be a currently  
 26.13 licensed classroom teacher teaching in a first class city school district, appointed by  
 26.14 Education Minnesota; and two parents of students currently enrolled in Minnesota public  
 26.15 schools, one of whom must be a parent of color, appointed by the Minnesota Parent  
 26.16 Teacher Organization. The commissioner or the commissioner's designee shall serve as a  
 26.17 nonvoting member of the task force and shall provide technical assistance to the task force  
 26.18 upon request. The terms, compensation, and removal of advisory task force members  
 26.19 shall be as provided in Minnesota Statutes, section 15.059, except that the task force  
 26.20 shall continue until it is specifically terminated by the legislature. The commissioner of  
 26.21 education may reimburse task force members from the Department of Education's current  
 26.22 operating budget but may not compensate task force members for task force activities.  
 26.23 The task force must periodically review the statutory sections that compose this act and  
 26.24 recommend to the commissioner any changes needed to fully and effectively implement  
 26.25 the teacher evaluation structure, including any statutory changes needed to accomplish the  
 26.26 recommendations. The advisory task force must not recommend changing that part of  
 26.27 the teacher appraisal framework under Minnesota Statutes, section 122A.411, that bases  
 26.28 50 percent of a teacher's total appraisal on statewide assessment results under section  
 26.29 120B.35. The commissioner must report the task force recommendations to the education  
 26.30 policy and finance committees of the legislature at the start of the next legislative session  
 26.31 after receiving those recommendations.

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

26.33 **Sec. 18. IMPLEMENTING A PERFORMANCE-BASED EVALUATION**  
 26.34 **SYSTEM FOR PRINCIPALS.**

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

27.9 (1) high standards for student performance;

27.10 (2) rigorous curriculum;

27.11 (3) quality instruction;

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

27.13 (5) connections to external communities;

27.14 (6) systemic performance accountability; and

27.15 (7) leadership behaviors that create effective schools and improve school

27.16 performance, including how to plan for, implement, support, advocate for, communicate  
27.17 about, and monitor continuous and improved learning.

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

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

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

27.29 Amend the title accordingly