

# HOUSE RESEARCH

## Bill Summary

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### Overview

Requires teacher candidates to pass Minnesota's college-level reading, writing, and math skills exams or attain essentially equivalent ACT or SAT passing scores. Amends the teacher licensure via portfolio process by directing the Board of Teaching to notify candidates who submit a portfolio as part of the licensure via portfolio process whether or not the education department approved the portfolio and inform candidates how to revise a disapproved portfolio. Directs the Board of Teaching to develop criteria and procedures and adopt rules by January 1, 2016, to expedite the process for issuing a Minnesota teaching license to qualified out-of-state teacher licensure candidates and to enter into teacher licensure agreements with adjoining states. Allows nonprofit corporations organized for an education-related purpose to provide teacher preparation programs leading to a limited term license. Allows school districts and charter schools to hire nonlicensed community experts without need for prior Board of Teaching approval. Requires school districts, beginning in the 2017-2018 school year, to place teachers, which may include probationary teachers, on unrequested leave of absence or discontinue or terminate teachers based on their licensure field, evaluation outcomes and effectiveness category or rating, and other locally agreed-to criteria such as teacher seniority. Prohibits school administrators from placing students in consecutive school years in the classroom of ineffective teachers unless other teachers are unavailable. Establishes a process for consolidated districts to assign teachers based on their effectiveness and seniority. For the 2017-2018 school year and later, requires teacher employment contracts under PELRA to contain a negotiated unrequested leave of absence plan or a plan for discontinuing or terminating teachers. Directs the Board of Teaching to report

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to the legislature on the number and substance of agreements to grant full licensure to qualified applicants from adjoining states. Repeals current statutory unrequested leave of absence provisions (Minn. Stat. § 122A.40, subd. 11) beginning in the 2017-2018 school year.

- 1 License and rules.** (b) Directs the Board of Teaching to allow teacher licensure candidates to submit essentially equivalent ACT or SAT passing scores in lieu of the college-level skills test scores (MTLE). Allows the Board of Teaching to issue up to two temporary, one-year teaching licenses to otherwise qualified teacher candidates who have not passed the MTLE or attained the requisite ACT or SAT passing scores. Exempts from this requirement teacher candidates for whom English is a second language if they meet content and pedagogy requirements and apply for a license to teach a foreign language.

(o) Directs the Board of Teaching to adopt rules by January 1, 2016, to license out-of-state teacher candidates. Requires the rules to permit applicants to demonstrate their qualifications through the board's recognition of a teaching license from another state in a similar content field, completion of a state-approved teacher preparation program, teaching experience as the teacher of record in a similar licensure field, depth of content knowledge, depth of knowledge regarding content methods or general pedagogy, professional development in and contribution to a specific content field, or classroom performance measured by student growth on normed assessments or effectiveness documented on local evaluations. Requires the rules to include criteria for determining a "similar content field" and "similar licensure area."

Makes this section effective immediately and applicable to all candidates seeking initial teacher licensure, including those holding a temporary, one-year teaching license.

- 2 Teacher and support personnel qualifications.** (a) Requires the Board of Teaching to license qualified out-of-state teacher candidates.

(b), (c) Direct the Board of Teaching to allow teacher licensure candidates to submit requisite essentially equivalent ACT or SAT passing scores in lieu of the college-level skills test scores (MTLE). Allow the Board of Teaching to issue up to two temporary, one-year teaching licenses to otherwise qualified teacher candidates who have not passed the MTLE or attained the requisite ACT or SAT passing scores. Exempt from this requirement teacher candidates for whom English is a second language if they meet content and pedagogy requirements and apply for a license to teach a foreign language. Strike from the list of items required in the Board of Teaching's annual legislative report the number of candidates who have taken the reading, writing, and math skills tests multiple times.

Makes this section effective immediately and applicable to all candidates seeking initial teacher licensure, including those holding a temporary, one-year teaching license.

- 3 Grounds for revocation, suspension, or denial.** Directs the Board of Teaching and the Board of School Administrators, whichever has jurisdiction, to refuse to issue or renew or to automatically revoke an individual's teaching license without the right to a hearing upon receiving a certified copy of a conviction showing that the individual was convicted of a specific crime, including first and second degree sex trafficking, engaging in hiring or agreeing to hire a minor to engage in prostitution, soliciting children to engage in sexual

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conduct or communicating sexually explicit materials to children, interfering with privacy, stalking a minor victim, and other offenses requiring the individual to register as a predatory offender, among other listed crimes.

- 4** **Licensure via portfolio.** (d) Requires the Board of Teaching to notify candidates who submit a portfolio for teacher licensure whether or not the educator licensing division at the Minnesota Department of Education approved their portfolio and to inform candidates whose portfolios are not approved how to revise their portfolio to successfully demonstrate the requisite competence. Allows a teacher candidate to resubmit a portfolio at any time and requires the department to approve or disapprove the resubmitted portfolio within 60 days.

Makes this section effective immediately and applicable to all portfolios submitted to the educator licensing division at the Minnesota Department of Education after that date.

- 5** **Applicants trained in other states.**

**Subd. 1. Preparation equivalency.** Strikes language giving the Board of Teaching discretion to issue a Minnesota teaching license to an out-of-state candidate whose diploma or degree is essentially equivalent in content to that required by a Minnesota postsecondary institution providing teacher preparation. Directs the board to establish criteria and streamlined procedures by January 1, 2016, to recognize the experience and credentials of an out-of-state applicant for a Minnesota teaching license and allow the applicant to demonstrate their qualifications for licensure based on performance measures the board adopts by January 1, 2016.

**Subd. 2. Applicants licensed in other states.** (a) Directs the Board of Teaching to issue a Minnesota teaching license to an out-of-state applicant who meets certain specified criteria, including either: (1) field specific teaching methods, student teaching, or equivalent experience; or (2) at least two years of teaching experience as the teacher of record in a similar licensure field.

(b) Allows the Board of Teaching to issue a standard license based on an out-of-state applicant's teaching experiences and exams.

(c) Directs the Board of Teaching to issue a Minnesota teaching license to an out-of-state applicant who either: (1) completed field-specific teaching methods, student teaching or equivalent experience; or (2) has at least two years of teaching experience as the teacher of record in a similar licensure field, among other criteria.

(d) Directs the Board of Teaching to issue up to three temporary one-year teaching licenses to an out-of-state applicant who holds an out-of-state teaching license to teach in a similar content field and similar grade levels, among other criteria.

(e) Directs the Board of Teaching to issue up to three temporary one-year teaching licenses to an out-of-state applicant who holds an out-of-state teaching license to teach in a similar content field and similar grade levels.

(h) Allows the Board of Teaching to issue a Minnesota teaching license to an out-of-state applicant who obtains qualifying scores on board-approved content and pedagogy tests and the college-level skills exams or the ACT or SAT.

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(i) Directs the Board of Teaching to require an out-of-state applicant to pass the reading, writing, and math college-level skills examination or demonstrate attainment of ACT or SAT essentially equivalent passing scores.

**Subd. 3. Teacher licensure agreements with adjoining states.** (a) Directs the Board of Teaching to enter into interstate agreements for teacher licensure that allow fully certified teachers from adjoining states to transfer their certification to Minnesota and receive a Minnesota teaching license without need to complete exams or other preparation requirements. Directs the board to enter into these agreements only after determining that teacher licensure requirements in the adjoining state are comparable to Minnesota requirements. Allows the board to limit agreements to particular content areas or grade levels based on established priorities or identified shortages. Excludes from this paragraph those teachers holding provisional licenses.

Makes this section effective July 1, 2015.

- 6 Requirements.** (a) Allows both a nonprofit corporation organized for an education-related purpose that partners with a college or university offering a board-approved teacher preparation program and a nonprofit corporation organized for an education-related purpose, after consulting with a college or university offering a board-approved teacher preparation program, to provide teacher preparation programs that allow candidates to acquire limited term licenses in preparation for acquiring a standard teaching license.
- (b) Requires a person with a limited term license, before becoming the teacher of record, to first take the reading, writing, and math college-level skills tests or demonstrate attainment of essentially equivalent ACT or SAT passing scores.
- (c) Clarifies that a limited term license is not a provisional license.
- 7 Program approval; disapproval.** (b) Requires “nontraditional means” to include a portfolio of previous experiences, teaching experience, educator evaluations, certificates marking the completion of education training programs, and other essentially equivalent demonstrations.
- (c) Allows the Board of Teaching to use nontraditional criteria to determine the qualifications of program instructors.
- (d) Allows the board to recognize instructors holding only a bachelor’s degree.
- 8 Standard license.** Directs the Board of Teaching to issue a Minnesota teaching license to a qualified candidate who satisfies alternative teacher preparation program requirements, attains qualifying scores on board-approved college-level skills, pedagogy, and content tests, and is recommended for licensure or, for an out-of-state candidate, demonstrates other applicable licensure qualifications.
- 9 Nonlicensed community experts; variance.**
- Subd. 1. Authorization.** Allows school districts and charter schools to hire nonlicensed community experts after trying to obtain acceptable licensed teachers for the particular course or subject area.

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**Subd. 2. Reports; criteria.** Directs school districts and charter schools to report to the Board of Teaching when using a variance to hire local nonlicensed teaching personnel.

**Subd. 3. Comment on variance.** Allows the Board of Teaching to comment on a district or charter school report on using a variance and requires the district or charter school to post the comment on its official Web site.

Makes this section effective immediately and applicable to nonlicensed community experts hired after that date.

- 10 Exemption for technical education instructors.** With the approval of the local employer school board, exempts a part-time vocational or career and technical education program teacher from teacher licensure requirements.

Makes this section effective immediately and applicable to all technical education instructors hired after that date.

- 11 Probationary period.** (a) Allows a local school board to negotiate an unrequested leave of absence plan for probationary teachers as an alternative to a probationary teacher's at-will employment status.

Makes this section effective immediately.

- 12 Development, evaluation, and peer coaching for continuing contract teachers.** (d) Prohibits school administrators from placing students in kindergarten through grade 4 in consecutive school years in the classroom of a teacher with the lowest evaluation rating in the previous school year unless no other teacher at the school teaches that grade. Prohibits school administrators from placing students in grades 5 to 12 in consecutive school years in the classroom of a teacher with the lowest evaluation rating in the previous school year unless no other teacher at the school teaches that subject area and grade.

Makes this section effective for the 2017-2018 school year and later.

- 13 Negotiated unrequested leave of absence.** (a) Requires the school board and the exclusive bargaining representative of the teachers to negotiate an unrequested leave of absence plan. Precludes teachers holding provisional teaching licenses from exercising seniority unless the teacher is a vocational education teacher and a vocational education license is required for the teaching position.

(b) Beginning in the 2017-2018 school year, requires school boards to place teachers on unrequested leave of absence based on their licensure field, evaluation outcomes and effectiveness category or rating, and other locally determined criteria such as teacher seniority. Allows both probationary and continuing contract teachers to be included within an effectiveness category or rating. Does not require a school board to reassign a teacher with more seniority to accommodate the seniority claims of a similarly licensed and effective teacher with less seniority. Prohibits a school board from using a teacher's remuneration to make unrequested leave of absence decisions. Requires all teacher employment contracts to include the negotiated unrequested leave of absence plan. Directs the school board to publish its unrequested leave of absence plan in a readily accessible format.

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(c) Allows a teacher who is notified of being placed on unrequested leave of absence to submit to the school board within 14 days a request for a hearing before a neutral hearing officer to establish whether the district met certain teacher evaluation requirements: for probationary teachers, all required evaluations were provided; a three-year teacher professional review and evaluation cycle was established for the teacher; any summative evaluation of the teacher was performed by a qualified and trained evaluator; a peer review evaluation occurred in the those years without a summative evaluation; and, if the teacher did not meet professional teaching standards, an improvement process with goals and time lines was established. Requires the school board and the exclusive representative of the teachers to agree on a panel of people and a process to select the neutral hearing officer. Requires the hearing officer to issue a decision within 14 days of the hearing request. Allows the school board and the exclusive representative of the teachers to negotiate a different process to determine whether the teacher evaluation requirements were met.

(d) Defines a provisional license as a teaching license issued by the Board of Teaching under a waiver or variance.

Makes this section effective immediately and applicable to negotiated unrequested leave of absence plans agreed to on or after that date.

**14 Unrequested leave of absence.** (a) Allows a school board to place teachers on unrequested leave of absence, without compensation, due to the discontinuation of a position, lack of pupils, financial limitations, or a merger of classes caused by district consolidation or reorganization.

(b) Makes the provisions of this subdivision on unrequested leaves of absence applicable through the 2017-2018 school year only.

(e) Allows teachers holding a provisional vocational education license required for an available position to exercise their seniority. Prevents other teachers who hold provisional licenses in other fields from exercising their seniority unless the implicated teachers both hold provisional licenses in the same field.

(g) For purposes of unrequested leaves of absence and recall, does not require a school board to reassign a teacher in order to accommodate the seniority claims of a less senior, similarly licensed and effective teacher.

(l) Makes the five-year right to reinstatement applicable to teachers placed on unrequested leave of absence who are categorized as effective or better under the district's teacher development and evaluation agreement. Requires teachers on unrequested leave of absence to annually submit to the school board by April 1 a request for reinstatement in the next school year.

(m) Terminates after one school year the right to reinstatement of those teachers placed on unrequested leave of absence who are categorized as ineffective or less. Also terminates the right to reinstatement of those teachers placed on unrequested leave of absence who fail to submit to the school board by April 1 a request for reinstatement in the next school year.

Makes this section effective immediately.

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- 15 Probationary period; discharge or demotion.** (a) Allows a local school board to negotiate a plan for discontinuing or terminating probationary teachers as an alternative to a probationary teacher's at-will employment status.
- Makes this section effective immediately.
- 16 Development, evaluation, and peer coaching for continuing contract teachers.** (d) Prohibits school administrators from placing students in kindergarten through grade 4 in consecutive school years in the classroom of a teacher with the lowest evaluation rating in the previous school year unless no other teacher at the school teaches that grade. Prohibits school administrators from placing students in grades 5 to 12 in consecutive school years in the classroom of a teacher with the lowest evaluation rating in the previous school year unless no other teacher at the school teaches that subject area and grade.
- Makes this section effective for the 2017-2018 school year and later.
- 17 Services terminated by discontinuance or lack of pupils; preference given.** (a) For purposes of discontinuing teaching positions in first class city school districts through the 2017-2018 school year, requires the school board first to consider other positions in the district for which the teacher is qualified and to discontinue teachers in the inverse order of their employment.
- (b) For the 2017-2018 school year and later, requires the school board of a first class city school district and the exclusive representative of the teachers to negotiate a plan to discontinue and terminate teachers based on their licensure field, evaluation outcomes and effectiveness category or rating, and other locally determined criteria such as teacher seniority. Allows both probationary and continuing contract teachers to be included within an effectiveness category or rating. Does not require a school board to reassign a teacher with more seniority to accommodate the seniority claims of a similarly licensed and effective teacher with less seniority. Prohibits a school board from using a teacher's remuneration to make unrequested leave of absence decisions. Requires all teacher employment contracts to include the negotiated plan for discontinuing or terminating teachers. Directs the school board to publish its plan for discontinuing or terminating teachers in a readily accessible format.
- (c) Allows a teacher who is notified of being discontinued or terminated to submit to the school board within 14 days a request for a hearing before a neutral hearing officer to establish whether the district met certain teacher evaluation requirements: for probationary teachers, all required evaluations were provided; a three-year teacher professional review and evaluation cycle was established for the teacher; any summative evaluation of the teacher was performed by a qualified and trained evaluator; a peer review evaluation occurred in the those years without a summative evaluation; and, if the teacher did not meet professional teaching standards, an improvement process with goals and time lines was established. Requires the school board and the exclusive representative of the teachers to agree on a panel of people and a process to select the neutral hearing officer. Requires the hearing officer to issue a decision within 14 days of the hearing request. Allows the school board and the exclusive representative of the teachers to negotiate a different process to determine whether the teacher evaluation requirements were met.

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(d) Through the 2016-2017 school year, allows teachers holding a provisional vocational education license required for an available position to exercise their seniority. Prevents other teachers who hold provisional licenses in other fields from exercising their seniority unless the implicated teachers both hold provisional licenses in the same field.

Makes this section effective immediately and applicable to negotiated plans for discontinuing or terminating teachers after that date.

**18**     **Teacher assignment.** (a) For purposes of district consolidation, assigns the most effective teacher with the greatest seniority to the district receiving the most students and alternately assigns the remaining teachers from most to least effective and with most to least seniority within each effectiveness category or rating.

(c) Makes the provisions of this section applicable to the extent they conform to other provisions governing teacher development and evaluation and unrequested leaves of absence.

Makes this section effective immediately.

**19**     **Unrequested leave of absence for teachers.** For purposes of PELRA, beginning in the 2017-2018 school year and later, prohibits a school board and the exclusive representative of the teachers from executing an employment contract unless it contains an unrequested leave of absence plan or a plan for discontinuing or terminating teachers.

Makes this section effective immediately.

**20**     **Teacher licensure agreements with adjoining states.** Directs the Board of Teaching to report to the legislature by February 15, 2016, on the number of agreements, the participating states, and the content of the agreements entered into between August 1 and December 31, 2015, to grant full licensure to qualified out-of-state teaching candidates.

Makes this section effective immediately.

**21**     **Repealer.** Repeals the statutory unrequested leave of absence plan for teachers generally.

Makes this section effective for the 2017-2018 school year and later.