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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 333

01/11/2023 Authored by Quam
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying provisions for teachers licensed in another state
1.3 to teach in Minnesota; amending Minnesota Statutes 2022, sections 122A.185,
1.4 subdivision 1; 122A.40, subdivision 5; 122A.41, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:

1.7 Subdivision 1. Tests. (a) The Professional Educator Licensing and Standards Board
1.8 must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted
1.9 examination of skills in reading, writing, and mathematics before being granted a Tier 4
1.10 teaching license under section 122A.184 to provide direct instruction to pupils in elementary,
1.11 secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier
1.12 3 license to provide direct instruction to pupils in elementary, secondary, or special education
1.13 programs if candidates meet the other requirements in section 122A.181, 122A.182, or
1.14 122A.183, respectively.

1.15 (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to
1.16 pass an examination of general pedagogical knowledge and examinations of licensure field
1.17 specific content. The content examination requirement does not apply if no relevant content
1.18 exam exists. A candidate who successfully completed a teacher preparation program and
1.19 passed licensure examinations in another state is not required to pass additional similar
1.20 examinations in Minnesota.

1.21 (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
1.22 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
1.23 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge

2.1 and understanding of the foundations of reading development, development of reading  
2.2 comprehension and reading assessment and instruction, and the ability to integrate that  
2.3 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
2.4 4.

2.5 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills  
2.6 examination does not apply to nonnative English speakers, as verified by qualified Minnesota  
2.7 school district personnel or Minnesota higher education faculty, who, after meeting the  
2.8 content and pedagogy requirements under this subdivision, apply for a teaching license to  
2.9 provide direct instruction in their native language or world language instruction under section  
2.10 120B.022, subdivision 1.

2.11 Sec. 2. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:

2.12 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first  
2.13 teaching experience in Minnesota in a single district is deemed to be a probationary period  
2.14 of employment, and, the probationary period in each district in which the teacher is thereafter  
2.15 employed shall be one year. The school board must adopt a plan for written evaluation of  
2.16 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
2.17 must occur at least three times periodically throughout each school year for a teacher  
2.18 performing services during that school year; the first evaluation must occur within the first  
2.19 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
2.20 and other staff development opportunities and days on which a teacher is absent from school  
2.21 must not be included in determining the number of school days on which a teacher performs  
2.22 services. Except as otherwise provided in paragraph (b), during the probationary period any  
2.23 annual contract with any teacher may or may not be renewed as the school board shall see  
2.24 fit. However, the board must give any such teacher whose contract it declines to renew for  
2.25 the following school year written notice to that effect before July 1. If the teacher requests  
2.26 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
2.27 in writing, including a statement that appropriate supervision was furnished describing the  
2.28 nature and the extent of such supervision furnished the teacher during the employment by  
2.29 the board, within ten days after receiving such request. The school board may, after a hearing  
2.30 held upon due notice, discharge a teacher during the probationary period for cause, effective  
2.31 immediately, under section 122A.44.

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

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

3.6 (d) A probationary teacher whose first three years of consecutive employment are  
3.7 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
3.8 months of when the leave began is considered to have a consecutive teaching experience  
3.9 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
3.10 three years of teaching service immediately before and after the leave.

3.11 (e) A probationary teacher must complete at least 120 days of teaching service each year  
3.12 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
3.13 workshops, and other staff development opportunities and days on which a teacher is absent  
3.14 from school do not count as days of teaching service under this paragraph.

3.15 (f) Notwithstanding any law to the contrary, a teacher with three consecutive years of  
3.16 teaching experience in another state who served a probationary period in another state must  
3.17 serve a probationary period of no longer than one year in a Minnesota school district.

3.18 Sec. 3. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:

3.19 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public  
3.20 schools in cities of the first class during the first three years of consecutive employment  
3.21 shall be deemed to be in a probationary period of employment during which period any  
3.22 annual contract with any teacher may, or may not, be renewed as the school board, after  
3.23 consulting with the peer review committee charged with evaluating the probationary teachers  
3.24 under subdivision 3, shall see fit. The school site management team or the school board if  
3.25 there is no school site management team, shall adopt a plan for a written evaluation of  
3.26 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
3.27 the peer review committee charged with evaluating probationary teachers under subdivision  
3.28 3 shall occur at least three times periodically throughout each school year for a teacher  
3.29 performing services during that school year; the first evaluation must occur within the first  
3.30 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
3.31 and other staff development opportunities and days on which a teacher is absent from school  
3.32 shall not be included in determining the number of school days on which a teacher performs  
3.33 services. The school board may, during such probationary period, discharge or demote a  
3.34 teacher for any of the causes as specified in this code. A written statement of the cause of

4.1 such discharge or demotion shall be given to the teacher by the school board at least 30  
4.2 days before such removal or demotion shall become effective, and the teacher so notified  
4.3 shall have no right of appeal therefrom.

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

4.9 (c) A probationary teacher whose first three years of consecutive employment are  
4.10 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
4.11 months of when the leave began is considered to have a consecutive teaching experience  
4.12 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
4.13 three years of teaching service immediately before and after the leave.

4.14 (d) A probationary teacher must complete at least 120 days of teaching service each year  
4.15 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
4.16 workshops, and other staff development opportunities and days on which a teacher is absent  
4.17 from school do not count as days of teaching service under this paragraph.

4.18 (e) Notwithstanding any law to the contrary, a teacher with three consecutive years of  
4.19 teaching experience in another state who served a probationary period in another state must  
4.20 serve a probationary period of no longer than one year in a Minnesota school district.