

SENATE
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EIGHTY-NINTH SESSION

S.F. No. 767

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A bill for an act

1.1 relating to education; clarifying the requirements for issuing Minnesota teaching
 1.2 licenses to out-of-state applicants; amending Minnesota Statutes 2014, sections
 1.3 122A.23, subdivision 1; 122A.40, subdivisions 5, 7; 122A.41, subdivisions 2, 4;
 1.4 repealing Minnesota Statutes 2014, section 122A.23, subdivision 2.
 1.5

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

1.7 Section 1. Minnesota Statutes 2014, section 122A.23, subdivision 1, is amended to read:

1.8 Subdivision 1. **Preparation equivalency.** (a) When a license to teach is authorized
 1.9 to be issued to any holder of a diploma or a degree of a Minnesota state university, or of the
 1.10 University of Minnesota, or of a liberal arts university, or a technical training institution,
 1.11 ~~such license may also, in the discretion of the Board of Teaching or the commissioner of~~
 1.12 ~~education, whichever has jurisdiction, be issued~~ may issue such license to any holder of a
 1.13 diploma or a degree of a teacher training institution of equivalent rank and standing of any
 1.14 other state. The diploma or degree must be granted by virtue of completing a course in
 1.15 teacher preparation essentially equivalent in content to that required by such Minnesota
 1.16 state university or the University of Minnesota or a liberal arts university in Minnesota
 1.17 or a technical training institution as preliminary to the granting of a diploma or a degree
 1.18 of the same rank and class. For purposes of granting a Minnesota teaching license to a
 1.19 person who receives a diploma or degree from a state-accredited, out-of-state teacher
 1.20 training program leading to licensure, the Board of Teaching must ~~establish criteria and~~
 1.21 ~~streamlined procedures to~~ recognize the experience and professional credentials of the
 1.22 person holding the out-of-state diploma or degree and ~~allow that person to demonstrate~~
 1.23 ~~to the board the person's qualifications for receiving~~ issue a Minnesota teaching license
 1.24 ~~based on performance measures the board adopts under this section~~ to that person if the
 1.25 person meets the applicable requirements under (1) section 122A.40, subdivisions 5 and

2.1 7, for a continuing contract or section 122A.41, subdivisions 2 and 4, for tenure, and (2)
2.2 section 123B.03, subdivision 1, paragraph (d), for a criminal history background check of
2.3 nonstate residents offered employment in a school.

2.4 (b) The Board of Teaching must issue a temporary one-year teaching license to an
2.5 out-of-state applicant under this subdivision who notifies the board, in the form and manner
2.6 prescribed by the board, of an offer of employment from a local school district. Consistent
2.7 with the three-year probationary period required under section 122A.40, subdivision 5, or
2.8 122A.41, subdivision 2, the board must issue an additional one-year teaching license to the
2.9 applicant each time the employing school district renews the applicant's annual teaching
2.10 contract during the probationary period and notifies the board of the renewal before July 1.

2.11 **EFFECTIVE DATE.** This section is effective July 1, 2015.

2.12 Sec. 2. Minnesota Statutes 2014, section 122A.40, subdivision 5, is amended to read:

2.13 Subd. 5. **Probationary period; new-to-the-profession and out-of-state teachers.**

2.14 (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in
2.15 a single district, whether the teacher is new to the teaching profession or new to the state
2.16 and holds a valid out-of-state teaching license under section 122A.23, subdivision 1, is
2.17 deemed to be a probationary period of employment, and, the probationary period in each
2.18 district in which the teacher is thereafter employed shall be one year. The school board
2.19 must adopt a plan for written evaluation of teachers during the probationary period that
2.20 is consistent with subdivision 8. Evaluation must occur at least three times periodically
2.21 throughout each school year for a teacher performing services during that school year; the
2.22 first evaluation must occur within the first 90 days of teaching service. Days devoted to
2.23 parent-teacher conferences, teachers' workshops, and other staff development opportunities
2.24 and days on which a teacher is absent from school must not be included in determining the
2.25 number of school days on which a teacher performs services. Except as otherwise provided
2.26 in paragraph (b), during the probationary period any annual contract with any teacher may
2.27 or may not be renewed as the school board shall see fit. However, the board must give
2.28 any such teacher whose contract it declines to renew for the following school year written
2.29 notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of
2.30 a teaching contract, the board must give the teacher its reason in writing, including a
2.31 statement that appropriate supervision was furnished describing the nature and the extent
2.32 of such supervision furnished the teacher during the employment by the board, within ten
2.33 days after receiving such request. The school board may, after a hearing held upon due
2.34 notice, discharge a teacher during the probationary period for cause, effective immediately,

3.1 under section 122A.44. A school board that renews the annual contract of an out-of-state
3.2 teacher under this paragraph must notify the Board of Teaching of its action before July 1.

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

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

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

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

3.20 **EFFECTIVE DATE.** This section is effective July 1, 2015.

3.21 Sec. 3. Minnesota Statutes 2014, section 122A.40, subdivision 7, is amended to read:

3.22 Subd. 7. **Termination of contract after probationary period.** (a) A teacher who
3.23 has completed a probationary period in any district, and who has not been discharged or
3.24 advised of a refusal to renew the teacher's contract under subdivision 5, shall elect to have
3.25 a continuing contract with such district where contract terms and conditions, including
3.26 salary and salary increases, are established based either on the length of the school calendar
3.27 or an extended school calendar under section 120A.415. Thereafter, the teacher's contract
3.28 must remain in full force and effect, except as modified by mutual consent of the board and
3.29 the teacher, until terminated by a majority roll call vote of the full membership of the board
3.30 prior to April 1 upon one of the grounds specified in subdivision 9 or July 1 upon one of
3.31 the grounds specified in subdivision 10 or 11, or until the teacher is discharged pursuant to
3.32 subdivision 13, or by the written resignation of the teacher submitted prior to April 1. If an
3.33 agreement as to the terms and conditions of employment for the succeeding school year has
3.34 not been adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March
3.35 1, the teacher's right of resignation is extended to the 30th calendar day following the

4.1 adoption of said contract in compliance with section 179A.20, subdivision 5. Such written
4.2 resignation by the teacher is effective as of June 30 if submitted prior to that date and the
4.3 teachers' right of resignation for the school year then beginning shall cease on July 15.

4.4 Before a teacher's contract is terminated by the board, the board must notify the teacher in
4.5 writing and state its ground for the proposed termination in reasonable detail together with a
4.6 statement that the teacher may make a written request for a hearing before the board within
4.7 14 days after receipt of such notification. If the grounds are those specified in subdivision
4.8 9 or 13, the notice must also state a teacher may request arbitration under subdivision 15.
4.9 Within 14 days after receipt of this notification the teacher may make a written request for
4.10 a hearing before the board or an arbitrator and it shall be granted upon reasonable notice to
4.11 the teacher of the date set for hearing, before final action is taken. If no hearing is requested
4.12 within such period, it shall be deemed acquiescence by the teacher to the board's action.
4.13 Such termination shall take effect at the close of the school year in which the contract is
4.14 terminated in the manner aforesaid. Such contract may be terminated at any time by mutual
4.15 consent of the board and the teacher and this section does not affect the powers of a board
4.16 to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

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

4.20 (c) A probationary teacher holding a valid out-of-state teaching license under section
4.21 122A.23, subdivision 1, who completes the probationary period under subdivision 5,
4.22 is not discharged or advised of a board's refusal to renew the teacher's contract during
4.23 the probationary period, and is eligible for a continuing contract, is eligible to receive a
4.24 Minnesota teaching license under section 122A.23, subdivision 1.

4.25 **EFFECTIVE DATE.** This section is effective July 1, 2015.

4.26 Sec. 4. Minnesota Statutes 2014, section 122A.41, subdivision 2, is amended to read:

4.27 Subd. 2. **Probationary period for new-to-the-profession and out-of-state**
4.28 **teachers; discharge or demotion.** (a) All teachers in the public schools in cities of the
4.29 first class during the first three years of consecutive employment shall be deemed to be in a
4.30 probationary period of employment, whether the teacher is new to the teaching profession
4.31 or new to the state and holds a valid out-of-state teaching license under section 122A.23,
4.32 subdivision 1, during which period any annual contract with any teacher may, or may not,
4.33 be renewed as the school board, after consulting with the peer review committee charged
4.34 with evaluating the probationary teachers under subdivision 3, shall see fit. The school site
4.35 management team or the school board if there is no school site management team, shall

5.1 adopt a plan for a written evaluation of teachers during the probationary period according
 5.2 to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating
 5.3 probationary teachers under subdivision 3 shall occur at least three times periodically
 5.4 throughout each school year for a teacher performing services during that school
 5.5 year; the first evaluation must occur within the first 90 days of teaching service. Days
 5.6 devoted to parent-teacher conferences, teachers' workshops, and other staff development
 5.7 opportunities and days on which a teacher is absent from school shall not be included in
 5.8 determining the number of school days on which a teacher performs services. The school
 5.9 board may, during such probationary period, discharge or demote a teacher for any of the
 5.10 causes as specified in this code. A written statement of the cause of such discharge or
 5.11 demotion shall be given to the teacher by the school board at least 30 days before such
 5.12 removal or demotion shall become effective, and the teacher so notified shall have no right
 5.13 of appeal therefrom. A school board that renews the annual contract of an out-of-state
 5.14 teacher under this paragraph must notify the Board of Teaching of its action before July 1.

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

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

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

5.29 **EFFECTIVE DATE.** This section is effective July 1, 2015.

5.30 Sec. 5. Minnesota Statutes 2014, section 122A.41, subdivision 4, is amended to read:

5.31 Subd. 4. **Period of service after probationary period; discharge or demotion.** (a)
 5.32 After the completion of such probationary period, without discharge, such teachers as are
 5.33 thereupon reemployed shall continue in service and hold their respective position during
 5.34 good behavior and efficient and competent service and must not be discharged or demoted
 5.35 except for cause after a hearing. The terms and conditions of a teacher's employment

6.1 contract, including salary and salary increases, must be based either on the length of the
6.2 school year or an extended school calendar under section 120A.415.

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

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

6.9 (d) A probationary teacher holding a valid out-of-state teaching license under section
6.10 122A.23, subdivision 1, who completes the probationary period under subdivision 2, is
6.11 not discharged or advised of a board's refusal to renew the teacher's contract during the
6.12 probationary period, and is eligible to have a continuing contract, is eligible to receive a
6.13 Minnesota teaching license under section 122A.23, subdivision 1.

6.14 **EFFECTIVE DATE.** This section is effective July 1, 2015.

6.15 Sec. 6. **REPEALER.**

6.16 Minnesota Statutes 2014, section 122A.23, subdivision 2, is repealed July 1, 2015.

122A.23 APPLICANTS TRAINED IN OTHER STATES.

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

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

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

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

(c) The Board of Teaching, consistent with board rules and paragraph (h), must issue up to three one-year temporary teaching licenses to an applicant who holds or held an out-of-state teaching license to teach the same content field and grade levels, where the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, but has not successfully completed all exams and human relations preparation components required by the Board of Teaching.

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

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

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

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

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

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

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

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

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

(h) The Board of Teaching must require an applicant for a teaching license or a temporary teaching license under this subdivision to pass a skills examination in reading, writing, and mathematics or demonstrate, consistent with section 122A.09, subdivision 4, the applicant's attainment of either the requisite composite ACT Plus Writing or SAT score before the board issues the license unless, notwithstanding other provisions of this subdivision, an applicable board-approved National Association of State Directors of Teacher Education interstate reciprocity agreement exists to allow fully certified teachers from other states to transfer their certification to Minnesota.