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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1935

02/25/2014 Authored by Erickson, S.; Woodard and Myhra
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; establishing a prohibition against placing students with
1.3 ineffective teachers; amending Minnesota Statutes 2013 Supplement, sections
1.4 122A.40, subdivision 8; 122A.41, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8,
1.7 is amended to read:

1.8 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
1.9 **teachers.** (a) To improve student learning and success, a school board and an exclusive
1.10 representative of the teachers in the district, consistent with paragraph (b), may develop
1.11 a teacher evaluation and peer review process for probationary and continuing contract
1.12 teachers through joint agreement. If a school board and the exclusive representative of the
1.13 teachers do not agree to an annual teacher evaluation and peer review process, then the
1.14 school board and the exclusive representative of the teachers must implement the plan
1.15 for evaluation and review under paragraph (c). The process must include having trained
1.16 observers serve as peer coaches or having teachers participate in professional learning
1.17 communities, consistent with paragraph (b).

1.18 (b) To develop, improve, and support qualified teachers and effective teaching
1.19 practices and improve student learning and success, the annual evaluation process for
1.20 teachers:

1.21 (1) must, for probationary teachers, provide for all evaluations required under
1.22 subdivision 5;

1.23 (2) must establish a three-year professional review cycle for each teacher that
1.24 includes an individual growth and development plan, a peer review process, the

2.1 opportunity to participate in a professional learning community under paragraph (a), and
2.2 at least one summative evaluation performed by a qualified and trained evaluator such as a
2.3 school administrator. For the years when a tenured teacher is not evaluated by a qualified
2.4 and trained evaluator, the teacher must be evaluated by a peer review;

2.5 (3) must be based on professional teaching standards established in rule;

2.6 (4) must coordinate staff development activities under sections 122A.60 and
2.7 122A.61 with this evaluation process and teachers' evaluation outcomes;

2.8 (5) may provide time during the school day and school year for peer coaching and
2.9 teacher collaboration;

2.10 (6) may include mentoring and induction programs;

2.11 (7) must include an option for teachers to develop and present a portfolio
2.12 demonstrating evidence of reflection and professional growth, consistent with section
2.13 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
2.14 based on student work samples and examples of teachers' work, which may include video
2.15 among other activities for the summative evaluation;

2.16 (8) must use data from valid and reliable assessments aligned to state and local
2.17 academic standards and must use state and local measures of student growth that may
2.18 include value-added models or student learning goals to determine 35 percent of teacher
2.19 evaluation results;

2.20 (9) must use longitudinal data on student engagement and connection, and other
2.21 student outcome measures explicitly aligned with the elements of curriculum for which
2.22 teachers are responsible;

2.23 (10) must require qualified and trained evaluators such as school administrators to
2.24 perform summative evaluations;

2.25 (11) must give teachers not meeting professional teaching standards under clauses
2.26 (3) through (10) support to improve through a teacher improvement process that includes
2.27 established goals and timelines; and

2.28 (12) must discipline a teacher for not making adequate progress in the teacher
2.29 improvement process under clause (11) that may include a last chance warning,
2.30 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
2.31 other discipline a school administrator determines is appropriate.

2.32 Data on individual teachers generated under this subdivision are personnel data
2.33 under section 13.43.

2.34 (c) The department, in consultation with parents who may represent parent
2.35 organizations and teacher and administrator representatives appointed by their respective
2.36 organizations, representing the Board of Teaching, the Minnesota Association of School

3.1 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
 3.2 and Secondary Principals Associations, Education Minnesota, and representatives of
 3.3 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
 3.4 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
 3.5 in teacher evaluation, must create and publish a teacher evaluation process that complies
 3.6 with the requirements in paragraph (b) and applies to all teachers under this section and
 3.7 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher
 3.8 evaluation and peer review process. The teacher evaluation process created under this
 3.9 subdivision does not create additional due process rights for probationary teachers under
 3.10 subdivision 5.

3.11 (d) Consistent with the measures of teacher effectiveness under this subdivision:

3.12 (1) for students in kindergarten through grade 4, a school administrator must not
 3.13 place a student in consecutive school years in the classroom of a teacher with the lowest
 3.14 evaluation rating in the previous school year unless no other teacher at the school teaches
 3.15 that grade; and

3.16 (2) for students in grades 5 through 12, a school administrator must not place
 3.17 students in consecutive school years in the classroom of a teacher with the lowest
 3.18 evaluation rating in the previous school year unless no other teacher at the school teaches
 3.19 that subject area and grade.

3.20 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 3.21 later.

3.22 Sec. 2. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is
 3.23 amended to read:

3.24 **Subd. 5. Development, evaluation, and peer coaching for continuing contract**
 3.25 **teachers.** (a) To improve student learning and success, a school board and an exclusive
 3.26 representative of the teachers in the district, consistent with paragraph (b), may develop an
 3.27 annual teacher evaluation and peer review process for probationary and nonprobationary
 3.28 teachers through joint agreement. If a school board and the exclusive representative of
 3.29 the teachers in the district do not agree to an annual teacher evaluation and peer review
 3.30 process, then the school board and the exclusive representative of the teachers must
 3.31 implement the plan for evaluation and review developed under paragraph (c). The process
 3.32 must include having trained observers serve as peer coaches or having teachers participate
 3.33 in professional learning communities, consistent with paragraph (b).

4.1 (b) To develop, improve, and support qualified teachers and effective teaching
4.2 practices and improve student learning and success, the annual evaluation process for
4.3 teachers:

4.4 (1) must, for probationary teachers, provide for all evaluations required under
4.5 subdivision 2;

4.6 (2) must establish a three-year professional review cycle for each teacher that
4.7 includes an individual growth and development plan, a peer review process, the
4.8 opportunity to participate in a professional learning community under paragraph (a), and
4.9 at least one summative evaluation performed by a qualified and trained evaluator such
4.10 as a school administrator;

4.11 (3) must be based on professional teaching standards established in rule;

4.12 (4) must coordinate staff development activities under sections 122A.60 and
4.13 122A.61 with this evaluation process and teachers' evaluation outcomes;

4.14 (5) may provide time during the school day and school year for peer coaching and
4.15 teacher collaboration;

4.16 (6) may include mentoring and induction programs;

4.17 (7) must include an option for teachers to develop and present a portfolio
4.18 demonstrating evidence of reflection and professional growth, consistent with section
4.19 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
4.20 based on student work samples and examples of teachers' work, which may include video
4.21 among other activities for the summative evaluation;

4.22 (8) must use data from valid and reliable assessments aligned to state and local
4.23 academic standards and must use state and local measures of student growth that may
4.24 include value-added models or student learning goals to determine 35 percent of teacher
4.25 evaluation results;

4.26 (9) must use longitudinal data on student engagement and connection and other
4.27 student outcome measures explicitly aligned with the elements of curriculum for which
4.28 teachers are responsible;

4.29 (10) must require qualified and trained evaluators such as school administrators to
4.30 perform summative evaluations;

4.31 (11) must give teachers not meeting professional teaching standards under clauses
4.32 (3) through (10) support to improve through a teacher improvement process that includes
4.33 established goals and timelines; and

4.34 (12) must discipline a teacher for not making adequate progress in the teacher
4.35 improvement process under clause (11) that may include a last chance warning,

5.1 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
5.2 other discipline a school administrator determines is appropriate.

5.3 Data on individual teachers generated under this subdivision are personnel data
5.4 under section 13.43.

5.5 (c) The department, in consultation with parents who may represent parent
5.6 organizations and teacher and administrator representatives appointed by their respective
5.7 organizations, representing the Board of Teaching, the Minnesota Association of School
5.8 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
5.9 and Secondary Principals Associations, Education Minnesota, and representatives of
5.10 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
5.11 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
5.12 in teacher evaluation, must create and publish a teacher evaluation process that complies
5.13 with the requirements in paragraph (b) and applies to all teachers under this section and
5.14 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher
5.15 evaluation and peer review process. The teacher evaluation process created under this
5.16 subdivision does not create additional due process rights for probationary teachers under
5.17 subdivision 2.

5.18 (d) Consistent with the measures of teacher effectiveness under this subdivision:

5.19 (1) for students in kindergarten through grade 4, a school administrator must not
5.20 place a student in consecutive school years in the classroom of a teacher with the lowest
5.21 evaluation rating in the previous school year unless no other teacher at the school teaches
5.22 that grade; and

5.23 (2) for students in grades 5 through 12, a school administrator must not place
5.24 students in consecutive school years in the classroom of a teacher with the lowest
5.25 evaluation rating in the previous school year unless no other teacher at the school teaches
5.26 that subject area and grade.

5.27 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
5.28 later.

5.29 **Sec. 3. PROHIBITION AGAINST PLACING STUDENTS WITH**
5.30 **INEFFECTIVE TEACHERS; LEGISLATIVE REPORT.**

5.31 The commissioner must consult with the education stakeholders listed under
5.32 Minnesota Statutes, sections 122A.40, subdivision 8, paragraph (c), in reviewing the
5.33 policies under Minnesota Statutes, sections 122A.40, subdivision 8, paragraph (b), and
5.34 122A.41, subdivision 5, paragraph (b), and recommend to the education policy and finance

6.1 committees of the legislature by January 15, 2015, the funding and other mechanisms
6.2 required to implement those policies.

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