

Professional Educator Licensing and Standards Board

STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Relating to Issuance, Renewal, and Validity of Teaching Licenses; Licensure of Teachers with Out-of-State Credentials; and Technical Changes to Teaching Licenses; Rules 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Revisor's ID Number RD4369

INTRODUCTION

In 2015, Minn. Stat. 122A.23 was amended, changing the way teachers with out-of-state credentials can become licensed in Minnesota. Rulemaking opened to make the necessary changes to Board of Teaching (BOT) rule to align with statute, but also to clarify issuance of all licenses, attempting to keep parity between in and out-of-state trained teacher candidates. An initial draft was proposed and revised multiple times with stakeholder input, including a 60-day comment period.

The BOT Executive Director, with BOT member support, did not proceed with a SONAR when the legislature created a Study Group in the Fall of 2016 to look at tiered licensure and governance of teacher licensure.

The Study Group made recommendations to the legislature, and the legislature passed law in June 2017 redesigning teacher licensure and creating a tiered licensure structure. The statute says that the Profession Educator Licensing and Standards Board (PELSB) must adopt rule aligned to the new tiered licensure per Minn. Stat. 122A.09, Subd. 9(a). To adopt new rules by the July 1, 2018 implementation date of tiered licensure, the current Board of Teaching members directed staff to continue rulemaking under RD4369. BOT staff worked with the Office of the Revisor in June 2017 to redraft rule using language from the most recent rule draft under RD4369 and align with the new statutory language. The changes were so significant that BOT staff, under the direction of the BOT members, has spent five months meeting with numerous stakeholders, including three Open Meeting "work sessions" of BOT with stakeholders present, four public stakeholder meetings facilitated by BOT staff, and over twenty-five individual meetings with stakeholder organizations representing at least fifteen organizations.

The goal of this process was to produce a rule draft well-vetted by stakeholders for a public comment period prior to PELSB officially taking over January 2018. PELSB appointees started attending stakeholder meetings in October 2017 and have been reviewing rule drafts to assume leadership over the process in January 2018.

RD 4369 rule draft currently does the following:

- Makes technical changes to 8710.0310, 8710.4725, and 8710.4925
- Develops guidelines for application, renewal, and processing of tiered licensure in 8710.0311 to 8710.0314
- Designs a licensure type aligned to Minn. Stat. 122A.09, Subd. 9(b) in 8710.0320
- Designs a licensure type aligned to Minn. Stat. 122A.09, Subd 10(a) and (b) in 8710.0321
- Revises short-call and lifetime substitute licenses in 8710.0325-0326 to align to Minn. Stat. 122A.18, Subd. 7a
- Develops guidelines for application and processing of licensure via portfolio in 8710.0330 to align with Minn. Stat. 122A.18, Subd. 10
- Revises renewal rules in 8710.7000, 8710.7100, and 8710.7200 to align with Minn. Stat. 122A.187

RD 4369 rule draft currently repeals the following:

- 8700.7620 -- rules broadly outlining a licensure via portfolio process under the commissioner of education, replaced by 8710.0330
- 8710.0300, subparts 1, 1a, 2, 2a, 2b, 3, 5, 6, 7, 8, 9, 10, and 11 – previous versions of Issuance, Renewal, and Validity of license types, replaced by 8710.0310.
- 8710.0600 – rules relating to life licenses that no longer exist
- 8710.1000 – rules for substitute teachers replaced by 8710.0325 and 8710.0326
- 8710.1050 – rules for limited intern licenses that no longer exist
- 8710.1250 -- rules for temporary limited licenses that no longer exist
- 8710.1400 – rules for personnel variances replaced by 8710.0320
- 8710.1410 -- rules for nonrenewable licenses that no longer exist
- 8710.7100, subpart 2 – rule relating to scope of substitute teaching licenses, replaced by 8710.0325 and 8710.0326

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Alex Liuzzi at the Minnesota Board of Teaching, Highway 36 West, Roseville, MN 55113, 651-539-4180.

STATUTORY AUTHORITY

The Board of Teaching’s statutory authority to adopt the rules as initially proposed is stated in Minnesota Statutes section 122A.09, Subd. 9(a) and (b), which provides:

Professional Educator Licensing and Standards Board must adopt rules.

(a) The Professional Educator Licensing and Standards Board must adopt rules subject to the provisions of chapter 14 to implement sections 122B.363, 122A.05 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.182, 122A.183, 122A.184, 122A.185, 122A.186, 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29.

(b) The board must adopt rules relating to fields of licensure, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.

The Professional Educator Licensing and Standards Board's statutory authority to adopt the rules as currently proposed is stated in Minn. Stat. section 122A.09, Subd. 9(a) and (b), First Special Session, 2017.

Under these statutes PELSB has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

Persons	Benefits	Costs
Current teachers with a standard license	Automatically transferred to tiered licensure. May use professional growth plan within renewal process. Receive an extra year before renewal during the transition.	Some disruption in the renewal process. Renewal requirements include more specific elements. Confusion in adapting to a new licensure system and renewal process.
Current teachers with a non-standard license	Requirements change, but provide Tier 1 and Tier 2 options if offered a teaching position by a district. Article 3, Section 33 addresses a minimum transfer to tiered licensure for non-standard license types.	Confusion in adapting to a new licensure system. Additional application fees with new license types.
Current individuals on a special permission	Requirements change, but provide Tier 1 and Tier 2 options if offered a teaching position by a district.	Confusion in adapting to a new licensure system. Additional application fees with new license types.
Individuals without a bachelor's degree		Current law allows individuals to have a non-licensed community expert permission without a bachelor's degree. These individuals would not be able to work as a teacher-of-record as of July 1, 2018 unless in career and technical education or a career pathway field.

Aspiring teachers	Tier 1 and 2 options provide clarity on ways into the classroom before completing teacher preparation. Tier 3 adds pathways to full licensure without teacher preparation.	Evidence points to decrease rate of retention when an individual begins teaching without teacher preparation.
Career and Technical Education and career pathway teachers	Removes the requirement for a bachelor's degree and allows certification, associate's degree, or experience to be used in place of a bachelor's degree.	
Teachers who have not passed content and pedagogy exams	May be eligible for a Tier 2 license.	Prevents the teacher from receiving a Tier 3 license until exams are passed. Prevents out-of-state licensed teachers moving to Minnesota from receiving a Tier 3 teacher until they take state-specific exams.
Teachers who have not passed basic skills exams	Can receive an unlimited Tier 3 license instead of the current 1-year temporary licenses (renewal 3 times).	Prevents teachers from receiving a Tier 4 license until exam is passed.
Teachers with out-of-state credentials	Removes parity with Minnesota preparation, making the ability to receive a license simpler. Removes human relations requirement and reading strategies requirements from out-of-state teacher preparation.	Prevents the teacher from receiving a Tier 3 license until exams are passed (excepting basic skills exam).
Hiring Districts and Administration	Provides clarity and flexibility in the hiring process. Allows varied pathways into teaching without teacher preparation, including ways in which licensed candidates with full teacher preparation do not need to be considered. Required mentorship aligns to better retention and quality of teachers.	Adds requirements on length of time for postings to hire individual with lower tiers and requirement to justify why a higher tiered applicant was not acceptable. Adds the cost of mentorship for Tier 1 and Tier 2 teachers.
Teacher preparation providers	Tier 1 and Tier 2 teachers may choose to enter teacher preparation programs in order to progress to Tier 3.	Decreased student enrollment in preparation with increased pathways into teaching without teacher preparation.
Students receiving related services	Continue to receive qualified, trained individuals providing these services.	May cause shortages in some related service areas.
Parents/Families and B-12 students	Clarity on the type of preparation a teacher in their schools has. More	Expands the ability and ease for which districts can place individuals without

	reassurance about teacher ethics through additional background checks.	teacher preparation into the classroom, including those that have the same license type of teachers with full preparation. Evidence points to decrease in student achievement with untrained individuals in the classroom.
--	--	--

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

State Agency	Reason	Cost
Professional Educator Licensing and Standards Board	Writing a new online application system	\$2,500,000 (much of this cost was allocated in FY18 and FY19 appropriations)
Professional Educator Licensing and Standards Board	Staff time to learn, implement, and support teachers in the new system	\$120,000
Professional Educator Licensing and Standards Board	Additional revenue from Tier 1 and 2 license applications, and out-of-field and innovative program permissions	*\$285,000
Professional Educator Licensing and Standards Board	Staffing for changes in background checks procedures.	*\$80,000
Professional Educator Licensing and Standards Board	Staffing for increased work on teacher renewal processes.	*\$80,000
Professional Educator Licensing and Standards Board	Staffing to facilitate and support a robust portfolio review process	*\$80,000
Professional Educator Licensing and Standards Board	Reporting requirements on license and permissions, mentorship and evaluation data.	*\$40,000
Board of School Administrators	Staff to align administrator rules to new teacher rules.	*\$40,000

*Areas where state revenue will be effected.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

Statutory changes guide the majority of the proposed rules. From this statute, a balance was discussed with stakeholders between rules that may increase costs and are more intrusive, but improve assurances for quality teachers in the classroom.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

BOT members relied heavily on stakeholder input throughout the process. Alternative methods were considered that would not add additional background checks upon licensure renewal. Alternative methods were considered that would lessen reporting requirements from districts in the application process. Alternative methods were considered that would streamline the application process for districts and applicants in Tier 1 and Out of Field Permissions. All of these options were considered and settled on compromise language that removed some requirements, provided temporary solutions for districts, and kept some requirements. These decisions were made with stakeholders considering the needs of students and families to have quality educators, balanced with rules that may be less costly or intrusive to districts and applicants.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

Affected Parties	Reason	Cost
Teacher Preparation Providers	Candidates may not complete licensure programs when they can begin teaching on a Tier 2 while enrolled, and then after three years move to a Tier 3 without completion of the program.	Potentially hundreds of thousands.
Teacher Preparation Providers	Redesign of programs to align with teachers working on the job.	\$40,000 per licensure program
Teacher Preparation Providers	Realign advising requirements to understand and apply the new requirements around tiers and testing.	\$5000 per licensure program
Districts	Mentorship for Tier 1 and Tier 2 teachers.	\$10,000 per Tier 1 or 2 teacher.
Districts	Human Resources for hiring, filling out licensure applications, and learning the new application process.	Depends on size of district.
Districts	Additional professional development for teachers aligned to cultural competency training and English Learners training.	\$80,000/district
Applicants	Costs for Tier 1 and 2 license, and Out of Field and Innovative Program Permissions. Currently, applicants do not pay the costs of applications in these type of situations.	\$57/application
Relicensure Committees	If they choose to participate in the pilot program for licensure renewal, they may bear some additional costs.	Depends on pilot program.

*Stakeholders were asked at the October and November Stakeholder Rulemaking Meeting to provide financial impact to their agency and/or constituents. As of the writing of this SONAR,

no one responded to those requests. The numbers provided in the table represent best estimates from BOT staff.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

Without adopting this rule, areas outlined in Minn. Stat. 122A remain vague, without a clear process for implementation, and without guidelines and definitions to guide districts and teachers. This confusion may cost districts tens of thousands in human resource time dedicated to working through an undefined process. The new Professional Educator Licensing and Standards Board would need additional staff to manage questions and guide individuals and districts through the process until rules were adopted. PELSB would be unable to issue permissions to teachers requesting to teach out of field.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

There are two areas where federal regulations may be different:

1. Special Education Funding: Federal requirements of school districts on which license classification of teachers can work with special education students might conflict with Tier 1 and Tier 2 preparation requirements. This conflict might lead districts to be out of compliance with federal requirements and lead to confusion and lawsuits around adequate services offered to special education students.
2. Title II for Teacher Preparation Reporting: Federal reporting for teacher preparation providers require evidence of completion rate for graduates as well as different assessment data on each candidate. These rules remove teacher preparation as a requirement of becoming a teacher and will affect how candidates choose to move through preparation and may skew reporting data for these categories.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

The proposed rules add significantly to the requirements for teacher licensure and renewal. In adopting these rules, many other rules are removed that clarify and streamline teacher licensure. These rules simplify and clarify the teacher licensure process. Initially, the licensure process for teachers currently licensed, teachers with special permissions, districts, and those currently attempting to teach may appear complicated or confusing. However, once the changes are incorporated into a new online licensure system and stakeholders are made aware of the changes, the effect of the added rules should be offset by the reduction in complicated and confusing old licensure structures.

PERFORMANCE-BASED RULES

The new online application system should allow the Professional Educator Licensing and Standards Board to more easily track applicant and teacher data. The proposed rules provide a clear tiered licensure structure that can track applicants and active teachers and their movement in the tiered system. Information gathered from data in this system as well as continual meetings with districts, superintendents, and teachers should provide feedback on implementation and continued understanding of the new licensure system provided in this rule.

ADDITIONAL NOTICE

Additional Notice Plan provides notice:

- through Board of Teaching listserv
- through Special Education listserv
- through Rulemaking listserv
- through Standards and Rules Advisory Committee listserv
- through the Department of Education Superintendent mailing
- through Deans and Chairs mailing reaching all teacher preparation providers in Minnesota
- to relicensure chairpersons
- to Education Minnesota
- to Minnesota Association of Colleges of Teacher Education
- to a random selection of 100 individuals currently licensed pursuant to Minn. R. 8710.0400 (2017)
- to Minnesota Association of School Personnel Administrators
- to Minnesota School Boards Association
- to Minnesota Rural Educators Association
- to Minnesota Association of Alternative Programs
- to Department of Education Career and Technical Education Division
- to the Commissioner of the Department of Education
- to the Department of Education Special Education Division
- to EdAllies
- to Educators 4 Excellence
- to Minnesota Comeback
- to Teach for America
- to Minnesota Association of Charter Schools
- to Minnesota Association of Special Education
- to Minnesota Board of Social Workers
- to Minnesota Board of Nursing
- to Minnesota Board of Psychology
- to National Association of School Psychologists
- to Minnesota Department of Health

- to Minnesota Speech-Language-Hearing Association
- to Minnesota Physical Therapy Association
- to American Music Therapy Association
- to Council for Accreditation of Counseling and Related Educational Programs
- to Minnesota Board of Behavioral Health and Therapy
- to Commission of Deaf, Deaf-Blind, and Hard of Hearing Minnesotans
- to Minnesota Association of School Administrators
- to Minnesota Board of School Administrators
- to PACER Center
- to legislators and legislative staff on education committees in the Minnesota House and Senate
- to Minnesota Educational and Equity Partnership
- to the Department of Education Indian Education Division
- to Council on Asian-Pacific Minnesotans
- to Minnesota Council on Latino Affairs
- to Council for Minnesotans of African Heritage
- to Minnesota Indian Affairs Council
- to Minnesota State Council on Disability
- to all individuals currently holding a special permission granted by the Board of Teaching
- Early Childhood Workforce Group
- Advisory Council for Deaf and Hard of Hearing Minnesotans

The Notice Plan also includes giving notice required by statute. The rules and Notice of Intent to Adopt will be mailed to everyone who has registered to be on BOT's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. Notice will be given to the Legislature per Minnesota Statutes, section 14.116.

The Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, BOT will consult with Minnesota Management and Budget (MMB). The BOT Executive Director will do this by sending MMB copies of the documents that are sent to the Governor's Office for review and approval on the same day they are sent to the Governor's office. We will do this before the Board's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The BOT will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the BOT has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The agency has determined that they do not because the rules apply only to the issuance, renewal, and validity of teacher licenses as administered by the Professional Educator Licensing and Standards Board, prepared for by teacher preparation providers, and monitored by local school districts and school boards.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board of Teaching has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

BOT has made this determination based on the probable costs of complying with the proposed rule, as described in the Regulatory Analysis section of this SONAR.

LIST OF WITNESSES

BOT anticipates the following organizations will wish to have one or more representatives testify regarding the proposed rules:

- Education Minnesota
- Minnesota Association of Colleges of Teacher Education
- Minnesota Association of School Personnel Administrators
- Minnesota School Boards Association
- Minnesota Association of School Administrators
- Minnesota Rural Educators Association
- Minnesota Association of Alternative Programs
- EdAllies
- Educators 4 Excellence
- Teach for America
- Minnesota Association of Charter Schools
- Minnesota Association of Special Education
- Minnesota Board of Social Workers
- Minnesota Board of Nursing
- Minnesota Board of Psychology
- Minnesota Speech-Language-Hearing Association

BOT anticipates the following class of individuals will wish to testify regarding the proposed rules:

- Current teachers
- Aspiring teachers
- Teacher preparation faculty
- Teacher preparation leadership
- School administrators
- Teachers of color
- Special education teachers
- Montessori educators
- Related services teachers

RULE-BY-RULE ANALYSIS

Minnesota Statute, 2017, First Special Session, Chapter 5, provides significant specificity in requirements for a new tiered licensure system and requirements for individuals seeking those license types. Development of rule focused around three key elements that were used in the decision for each rule included in this draft.

1. The balance between district need and resources versus ensuring robust attempts to find Tier 3 or 4 licensed teachers with full preparation for teaching.
2. The balance between district need and resources versus ensuring quality educators with full preparation for teaching.
3. The balance between an applicant’s desire to be in the classroom versus maintain the profession of teaching through quality, rigorous preparation.

These elements were part of every stakeholder discussion regarding these rules and are reflected in the “reasonableness” description for each subpart in this rule.

Line(s)	Rule	Summary	Need and Reasonableness
1.10	8710.0310, Subp. 1 C	Simplified definition of “classroom teacher” and “teacher of record” from multiple statutes: Minn Stat. 122A.06, Subd. 2, 126C.12, Subd. 2, 136A.1791, Subd. 1, and 122A.15, Subd. 1. Included related services in this definition.	This includes related services as a licensed teacher within Tier 3 and 4, similar to current practice. Consolidating multiple definitions into one provides clarity and ease of application to rule.
1.16	8710.0310, Subp. 1 D	Add definition of cultural competency training.	Minn. Statute 120B.30, Subd. 1(q) referenced in 122A.181 and 122A.182 defines “cultural competence” as the “ability...to interact effectively”. In using this statute to apply to cultural competence training for Tier 1 and 2 teachers, stakeholders added more detail to the definition to ensure strong preparation of teachers to work with all students in all classrooms.

1.25	8710.0310, Subp. 1 F	Defines “good cause” from 122A.181, Subd. 3c for additional renewals for a Tier 1, Tier 2, or Out-of-Field Permission.	To ensure consistent application of criteria to approve districts to obtain additional renewals for Tier 1, Tier 2, and Out of Field applicants when higher tier or licensed in the field applicants are available, a clear definition of “good cause” is needed.
2.3	8710.0310, Subp. 1 G	Defines “innovative program” for innovative program permissions to comply with Minn. Stat. 122A.09, Subd. 10.	To ensure that only schools with this particular need utilize the innovative program permission, a clear definition is needed.
2.7	8710.0310, Subp. 1 H	Defines “professional license from another state” in Minn. Stat. 122A.183, Subd. 2(4), aligning criteria of this license with Minnesota trained Tier 3 criteria.	Confusion over how to process licenses from other states has been a challenge for statute, rule, and implementation in licensing. Many states provide provisional or emergency licenses with little or no teacher preparation. Aligning this definition to criteria for receiving a license in Minnesota is needed for parity and to prevent individuals from obtaining a license without training in another state in order to convert the license to a full Minnesota license without meeting other requirements.
2.12	8710.0310, Subp. 1 I	Defines “student teaching” aligned with purpose and length of Minnesota teacher preparation student teaching rule.	Ensures parity when utilizing “student teaching” as a criteria for preparation.
2.23	8710.0310, Subp. 1 K	Defines “teaching license” to broaden the scope of this definition.	Previously, an individual without preparation would receive a permission or a temporary license that was not considered a full or standard teaching license. Statute changed this definition by adding Tier 1 and Tier 2 as license types. This definition aligns to new statute.
3.8	8710.0310, Subp. 2. D	Restates Minn Statute 122A.18, Subd. 8 in rule, and adds the requirement for additional background checks upon renewal.	Current practice relies on the reporting of the licensee or district to learn of misconduct by licensed teachers. Adding a renewal requirement, more streamlined than a full BCA background check and at no cost to the licensee, will help ensure that all criminal misconduct is identified before renewing a teacher’s license.
3.17	8710.0310, Subp. 4	Based on Minn. Stat. 122A.09, Subd. 9(b), this subpart ensures that a teacher with a license in one tier does not teach out of that tier, excepting someone already on a Tier	This rule helps ensure that teachers on a higher tier are able to maintain that tier when filling other needs within a district. It builds the foundation for an Out-of-Field Permission. It provides the exception for a Tier 2 teacher who does not meet the criteria

		2 license who does not meet the qualifications for a Tier 2 license in another content area.	for a Tier 2 in another area. The district would simply apply for a Tier 1 license in that situation.
4.5	8710.0310, Subp. 6	Adds another type of “denial” for the appeals process.	Candidates who seek one license type and are issued a different license type have not been treated as denials. This clarification would help candidates access the appeals process more clearly when BOT does not grant the license type they seek.
4.13	8710.0310, Subp. 8	Expands report from the board.	Currently, BOT reports only on “special permissions.” This expansion of the report would include all permission and license types for public transparency.
4.17	Subp 1 for 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326	Explains the purpose for each license and permission type.	These sections provide clarity for applicants and districts, as well as clarify the fact that each license and permission type are aligned to licensure fields and certain types are aligned to district request.
4.22	Subp 2 for 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326	Clarifies who initiates an application for each license and permission type and when a district is required to provide additional information.	Current practice has permission and some temporary license types to be a district application process. This change to have the applicant initiate each application simplifies the online application system, ensures payment for all licenses aligned to Minn. Stat. 122A.21, Subd. 1, and ensures that the applicant is in control of the process.
5.1	8710.0311 Subp A 1-3	Minimum requirements for the applicant.	This language mirrors statute with technical additions to clarify where a degree must come from and that career and technical education and career pathway requirements must align to the assignment.
5.15	8710.0311 Subp 2.B (1)	Provides definition to the statutory requirement to post a position before hiring a Tier 1 applicant.	BOT built a relationship with a statewide job board. This rule aligns the posting requirements to that statewide job board to remove confusion when a district “posts” only on their website, for example, without broader outreach. Current posting requirements have been difficult to enforce minimum time requirements. “15 days” ensures a reasonable effort is made to hire a licensed teacher.

5.18	8710.0311 Subp 2.B (2)	Specifies the categories that align to “acceptable” teacher in 122A.181 Subd. 3(b)(1).	The rule here attempts to streamline the Tier 1 application process. If a district meets a-c in this section, the application needs no further review and can be issued. Only in situations where a licensed teacher, without a record of disciplinary action, may accept the position but is not offered the position, does the district need to explain why they will not offer that individual the position and the application would go before the full PELSB.
6.1	8710.0311 Subp2. B (2)	Explanation of what the district must provide to PELSB to be able to hire a Tier 1 teacher over a fully licensed teacher.	With much stakeholder input and many edits, this rule draft leaves the justification by the district open-ended. The rule draft also emphasizes the board’s authority to deny a request.
6.6	8710.0311 Subp 2.C	Based on Minn. Stat. 122A.181, Subd. 6, the district must have mentorship and evaluation of the Tier 1 teacher. However, they are not required for renewal, so the rule only asks the district to “affirm” these items in this section.	The rule placing these items in the application process ensures districts are aware of this requirement in statute and allows PELSB to track compliance.
6.7	8710.0311 Subp 2.C (1)	Based on statute 122A.181, Subd. 6(a), mentorship is required.	Based on stakeholder conversations and input from legislators there is confusion over language in statute. This rule draft would require mentorship, even if a district does not currently have a mentorship program, and would allow PELSB to adopt criteria of this mentorship. There is some concern that this is an undue burden on districts without mentorship programs. There is concern on the other side that a Tier 1 teacher should not be hired unless mentorship is available.
6.14	8710.0311 Subp 2.D	Background checks defined as a PELSB function based on Minn. Stat.122A.18, Subd. 8.	
6.15	8710.0311 Subp2. E	Provides the ability to issue a Tier 1 license in an emergency situation pending completion of other requirements.	This language in rule was a compromise between stakeholders who want to maintain a 15-day posting requirement and stakeholders who wanted no posting requirement.
7.1	8710.0311 Subp 4.A	For renewing a Tier 1 license, the posting requirement becomes 60 days, with exceptions for when a vacancy opens up after the initial posting period.	Stakeholders agreed that if a Tier 1 teacher is in the classroom, the district knows this position needs to be posted and can post, in the interest of the Tier 1 teacher and finding a higher tiered licensed teacher, early in the year for an extended length of time.

			Exceptions are possible when a higher tiered licensed teacher accepts the position, but then leaves the position.
7.18 13.12 37.10	8710.0311 Subp 3. D	The requirement for cultural competency training listed with alignment to statute and board-criteria, outlined in definitions, as required by Minn. Stat. 122A.181, Subd. 3(b)(3), 122A.182, Subd. 3, and 122A.187, Subd. 3.	This allows PELSB to adapt the requirements of the training as needs, definitions, and strategies aligned to cultural competence change in education.
7.20	8710.0311 Subp 3. E	Requirements for the district to report on the first year of the Tier 1 teacher	PELSB must renew a Tier 1 teacher based only on the requirements in Minn. Stat. 122A.181, Subd. 3. However, in the interest of public data regarding Tier 1 teachers, and the requirement for mentorship and evaluation, PELSB would require reporting on these items in the renewal process.
10.4	8710.0311 Subp 6C(1)	Statutory requirement that CTE and career pathway fields receive unlimited Tier 1 renewals.	PELSB will need to work with legislators and statute to define “career pathways”.
10.6	8710.0311 Subp 6C(2)	Statutory requirement that shortage areas receive unlimited Tier 1 renewals.	PELSB will work with legislators to clarify new definitions in statute around shortage areas and teachers of color. There are multiple interpretations from stakeholders and early drafts of rule attempted to use rule to define this area of statute. This rule draft instead defers directly to the statute and will work with legislators to clarify statute.
10.8 15.3	8710.0311 Subp 6. C	Statute allows PELSB to grant renewals beyond the maximum if requirements identified by PELSB are met.	This paragraph in rule provides a clear statement regarding what information is needed from the district regarding the applicant before approving additional renewals.
11.1 15.10	8710.0311 Subp 7	Related services removed from Tier 1 and Tier 2 licenses.	Stakeholders agreed that individuals without full preparation should not be able to work with students in related services areas. Stakeholders stated that untrained related service providers can “inflict serious and lasting harm” on students.
11.3 15.12	8710.0311 Subp 8	Describing the process for changing districts under a Tier 1 or 2 license.	Because a Tier 1 license is provided based on district need and evidence of attempts to hire, the applicant must reapply for a Tier 1 license under the new district within the academic year. This re-application within an academic year will not count toward an additional year of the minimum renewals.
12.10	8710.0312	Statutory requirement to issue a Tier	PELSB will need to develop an alignment of master

	Subp 2B(2)	2 license with a master's degree.	degree categories aligned to assignments.
13.18	8710.0312 Subp 4 C	For renewals, if an applicant is on a Tier 2 based on enrollment in teacher preparation, additional information on their progress is needed.	Stakeholders worked closely on this section and decided that the provider's definition of "meaningful progress" is the most appropriate measure considering different teacher preparation provider types. The applicant still has the ability to provide additional information if the provider denies meaningful progress.
17.2	8710.0313 Subp 2 (C)(2)	Added allowing related services preparation for Tier 3 license.	This rule ensures that related services, when defined as classroom teacher, fit under the requirements of a Tier 3 license.
17.5	8710.0313 Subp 2 (C)(3)	Clarification of statute around licensure via portfolio process.	Statutory language in Minn Stat 122A.183, Subd. 2(3) says "submission" of a portfolio. This rule language clarifies this to align with practice where an applicant must be "recommended" via portfolio process.
17.7	8710.0313 Subp 2 (C)(4)	Statutory requirement allowing a professional license from another state as an option for a Tier 3 license.	This rule aligns with the definition of "professional license from another state".
17.19	8710.0313 Subp 3 B	Renewal requirements for applicants who received a Tier 3 through the Tier 3 pathway outlined in Subp 3A and in Minn. Stat. 122A.183, Subd. 2(5).	Some stakeholders and all BOT members believe that there should be parity in Tier 3 requirements. All but one of the pathways to Tier 3 require preparation and/or evidence of meeting the Minnesota Standards of Effective Practice in MN Rule 8710.2000. This rule requires Tier 3 teachers who never had to meet these standards to evidence meeting the standards through their first three years of teaching. The rule outlines multiple pathways to evidence meeting the standards. There is continued concern from stakeholders that this is an additional renewal requirement for only one type of Tier 3 teacher, that a teacher who does not meet this upon renewal will return to a Tier 2 status and lose continuing contract rights, and that the renewal does not align with statutory intent.
18.13 21.5	8710.0313 Subp 6	Previous statute for out-of-state licensed teachers helps define a "restricted" license type. This section continues this process in rule.	The ability to provide a "restricted" license to someone with training not directly aligned to a Minnesota licensure rule helps streamline teachers from out-of-state to receive a license in Minnesota and begin teaching. Keeping this available to out-of-state teachers is significant to keep the current practice in effect.

18.21	8710.0313 Subp 6 (C)	Allowing Montessori credentials to align to a Tier 3 license.	Repealed 2015 Minn. Stat. 122A.09, Subd. 10(d) allowed the Board of Teaching to issue a one-year “standard” license to individuals trained in Montessori. This language in rule would continue to allow this exception for individuals with a different type of training than provided in PELSB rule to teach in public Montessori school settings.
20.18	8710.0314 Subp 3	This allows adding a Tier 4 license through teacher preparation or the portfolio process.	An initial license via portfolio keeps a teacher at a Tier 3. However, if an individual has completed teacher preparation and is on a Tier 4, the portfolio process can be used to add a license aligned to the teacher’s tier. This matches intent of legislators, the language in 122A.09, Subd. 9(b), and stakeholder agreement.
21.13	8710.0320	Based on statute 122A.09, Subd. 9(b), this rule allows a Tier 3 or 4 licensed teacher to teach outside of their licensure field without moving tiers.	This license type is similar to the current personnel variance used often by teachers and districts. BOT members and stakeholders agreed to add additional renewal years and to strengthen the process for attempting to hire a teacher licensed for the assignment.
24.5	8710.0320 Subp 6 A	Related services cannot apply for an Out-of-Field Permission and a teacher cannot fill a related services position with an out-of-field permission.	Similar to the reason to exempt related services from Tier 1 and Tier 2, stakeholders agreed that individuals must have required training and preparation to teach in related service areas.
24.7	8710.0320 Subp 6 B	Out-of-Field Permissions are restricted to the licensure area and district within the application.	There was stakeholder conversations as to whether an Out-of-Field Permission should be transferrable to a district and if the permission should only be limited when using it within a single licensure field. BOT members agreed to keep the current practice of a personnel variance and apply to the Out-of-Field Permission.
24.9	8710.0320 Subp 6 C	Summer school positions are exempt from the renewal limits.	This is current practice and allows district more flexibility in difficult-to-fill summer school positions. BOT members and stakeholders agreed to keep this practice.
24.11	8710.0321	Minn. Stat. 122A.09 Subd. 10(a) and (b) allow this type of license type for licensed teachers to teach multiple fields within “experimental” or “alternative” settings.	Currently called “experimental waivers”, this rule would broaden the definition only slightly to accurately reflect practice and the role of innovation in public schools.
25.1	8710.0325	Establishes a single Short-Call	This is a change from current practice of a 2-year

		Substitute license type good for 3 years.	and 5-year short call substitute license. The change would support districts in finding substitutes without identifying a hardship, and would incorporate the preparation and experience of the individual into the hiring process instead of licensure process for the short-term positions.
25.21	8710.0325 Subp 2A(4)	Based on Minn. Stat. 122A.18, Subd. 7a(a), this rule allows someone without a bachelor's degree to work as a short-call substitute if they have completed nearly all of their teacher preparation.	Stakeholders discussed expanding this to allow anyone without a bachelor's to work in a short-call substitute position. Based on language in Minn. Stat. 122A.18, Subd. 7a(a) that requires the individual to qualify for a Tier 1 license, the debate is whether someone who meets the career and technical education qualifications could apply to short-call substitutes, who are not bound to a specific licensure assignment.
26.21	8710.0326 Subp 5A and B	Defines type of substitute positions for lifetime substitute teachers based on Minn. Stat. 122A, Subd. 7a(b).	Separating out the ability of a lifetime substitute license to allow long-term substitute positions to occur when aligned to previous licensure field of the applicant from the ability to teach any licensure field on a short-call basis.
27.17	8710.0330 Subp 2	Defines the process for licensure via portfolio in rule.	This rule clarifies the two types of portfolios, the difference between initial and additional portfolios, and provides details on the process.
27.21	8710.0330 Subp 2 B(2)	Allows passing a board-adopted teacher performance assessment to replace completing a pedagogy portfolio.	Minnesota currently uses the edTPA for teacher preparation provider evaluation. The tool is aligned to 8710.2000 and includes a "threshold score" to measure effectiveness of teacher preparation providers. This rule would allow applicants to utilize this robust evaluation to replace the pedagogy portion of the portfolio.
28.4	8710.0330 Subp 2 D and E	Explains the panel of educators that review the pedagogy portfolio for initial licensure candidates.	This process, agreed upon by stakeholders, ensures a robust portfolio process for applicants with no current Tier 3 or 4 license. It strengthens the portfolio process for content portfolios as well, and remains aligned to statute.
29.8	8710.0330 Subp 3A	Adds a requirement for teaching and/or mentorship experience before applying for an initial license.	This was a previous requirement of the portfolio process. Stakeholders agreed that it should be added to the portfolio process in rule to ensure applicants without a Tier 3 or 4 license have some evidence of evaluated teaching prior to being issued a Tier 3 license.
31.8	8710.0330	Aligns criminal background check	Ensures that initial and additional licensure

	Subp 3E and F	requirements for licensure with the licensure via portfolio process.	candidates via portfolio receive the same background check requirements as individuals licensed through other pathways.
35.11	8710.7100 Subp 3B	Prorated clock hours for Tier 3 teachers.	Because a Tier 3 license is only valid for three years, BOT members and stakeholders agreed that the clock hour requirement of 125 hours should be prorated for Tier 3 teachers.
35.20	8710.7100 Subp 4	Alternative to clock hour requirements pilot program established. Program aligned with Minn. Stat. 122A.187, Subd. 3-6, 122A.40, Subd. 8, and 122A.60, Subd. 1, 1a, and 2.	BOT members sought revision of the clock hours renewal system and spent significant time with stakeholders and national organizations drafting ideas aligned to best practice in professional development. BOT members decided, with stakeholder input, to table those major changes at this point and develop a pilot program to test different options.
37.8	8710.7200 Subp 2a	Added new requirements from statute and reorganized previous requirements from Minn. Stat. 122A.187.	Cultural competency training and meeting the needs of English Learners added clarifying criteria to ensure robust professional development in these areas.
37.14	8710.7200 Subp 2a. A	Allows summative evaluation or improvement plan to apply to requirements in the subpart as aligned to Minn. Stat. 122A.187, Subd. 3(a).	Continued discussion on the implementation of this rule wrestles with how this will be provided to relicensing committees and if a professional growth plan can and/or should replace clock hour requirements.
38.14	8710.7200 Subp 2b	Renewal requirements specific to related services.	Based on current practice, related services have significant renewal requirements within their professional certifications. The renewal requirements in this rule subpart align to current practice and information from related services stakeholders.

All subparts not addressed above are either carried over from previous rule, reiteration of statute, or received no concern or discussion from stakeholders.

All repealed subparts remove licensure types and rule language that no longer exist in statute or repeat language in the new rule draft.

LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, BOT members anticipate that it will enter the following exhibits into the hearing record:

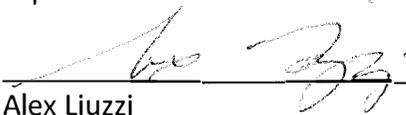
- Minnesota Laws, 2017, First Special Session, Chapter 5
- Attendance Sign-in for stakeholder meetings
- Minutes from BOT meetings

- Written stakeholder comments

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 11, 2017
December 11, 2017



Alex Liuzzi
Interim Executive Director

