

Professional Educator Licensing and Standards Board

STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Relating to Issuance, Renewal, and Validity of Teaching Licenses; Tiered Licensure; Licensure via Portfolio; 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 R-04534

INTRODUCTION

In 2016, a legislative Study Group was convened to make recommendations to the full legislature regarding changes to teacher licensure. The legislature passed law in June 2017 redesigning teacher licensure and creating a tiered licensure structure. The law gave the new Professional Educator Licensing and Standards Board (PELSB) the authority to adopt rule aligned to the new tiered licensure per Minn. Stat. 122A.09, Subd. 9(a). Before the creation of PELSB, the Board of Teaching convened stakeholders to create a first draft of rules aligned to tiered licensure under rule draft 4369. That rule draft became the starting point for rule 04534.

The new tiered licensure structure removes nearly all current license types and provides detailed requirements for each tier. This rule builds the structure around these requirements, providing definition and process to the requirements. Additionally, this rule provides definition and process to the licensure via portfolio process in statute, and aligns renewal requirements with recent changes to statute in 2017.

The purpose of this rule is to do 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, aligned to Minn. Stat. 122A.181-184.
- 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

This rule 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 Professional Educator Licensing and Standards Board, Suite 300, Highway 36 West, Roseville, MN 55113, 651-539-4180.

STATUTORY AUTHORITY

The PELSB’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”

There are two primary negative effects on current teachers and districts. 1) Out-of-state teachers will need to take and pass Minnesota-specific content and pedagogy licensure exams

before receiving a license unless the individual is first offered a teaching position. This statutory change prevents rule from streamlining licensure for out-of-state teachers. 2) Teachers without a bachelor's can no longer become teacher-of-record, closing a handful of "Grow Your Own" teacher preparation programs that move paraprofessionals into teaching through residency-experiences.

Persons	Benefits	Costs
Current teachers with a standard license	Automatically transferred to a Tier 4 licensure in most cases. 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. These were extended another year before transition to the new tiered system.	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. These were extended another year before transition to the new tiered system.	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. This includes individuals enrolled in "Grow Your Own" teacher preparation programs.
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 formal teacher preparation.	There is potential to lose aspiring teachers who enter the classroom without formal preparation as less prepared individuals leave the classroom at faster rates than fully prepared individuals.
Career and Technical Education and career pathway teachers	Removes the requirement for a bachelor's degree and allows certification, associate's degree, or five years of 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, which may be a disincentive to complete teacher preparation. 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 (renewable 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 without difficult process of aligning preparation with Minnesota standards. 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). Makes Minnesota graduates with a higher bar for teaching than many states.
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. Adds the costs of permission fees. Confusion about requirements in the transition period.
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. No parity with out-of-state preparation, requiring more of Minnesota programs, making it difficult to compete with surrounding states.
Students receiving related services	Continue to receive qualified, trained individuals providing these services aligned to statutory requirements of the services. Very probable that related service positions won't be left vacant as districts use variances and Tier 2 options.	

Parents/Families and B-12 students	Clarity on the type and amount of preparation teachers have in their individual school.	Expands the ability and ease for which districts can place individuals without teacher preparation into the classroom, including those that have the same license type of teachers with full preparation.
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“(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
Professional Educator Licensing and Standards Board	Writing a new online application system that incorporates tiers, permissions, renewal, and other aligned systems. \$2,039,000 (already allocated in statute for PELSB)
	Staff time to learn, implement, and support teachers in the new system.
	Additional revenue from Tier 1 and 2 license applications, and out-of-field and innovative program permissions. Approximately 3,000 permission that do not require a fee are processed by PELSB annually. Those fees would increase revenue by approximately \$171,000.
	Staffing for changes in number of background checks. 1.0 FTE ethics specialist, plus additional support staff would be needed at an approximate ongoing cost of \$80,000/year.
	Staffing to facilitate and support a robust portfolio review process. 1.0 FTE licensing executive would be needed, plus additional funds to pay external reviewers at an approximate ongoing cost of \$76,000/year.
	Reporting requirements on license and permissions data would need an additional 0.5 FTE information officer to gather, pull, and analyze the data at an approximate ongoing cost of \$40,000/year
Board of School Administrators	Staff to align administrator rules to new teacher rules would be needed.

“(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”

PELSB 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”

These costs are an effect of the statutory changes:

Affected Parties	Reason
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.
Teacher Preparation Providers	Redesign of programs to align with teachers working on the job.
Teacher Preparation Providers	Realign advising requirements to understand and apply the new requirements around tiers and testing.
Districts	Mentorship and support for Tier 1 teachers.
Districts	Human Resources for hiring, filling out licensure applications, and learning the new application process.
Districts	Additional professional development for teachers aligned to cultural competency training and training to meet the needs of English learners.
Applicants	Costs for Tier 1 and 2 license application fees. Currently, applicants do not pay for some licensure types similar to qualifications for Tier 1 and 2.

These costs are an effect of rule:

Relicensure Committees	If they choose to participate in the pilot program for licensure renewal, they may bear some additional costs.
Districts	Costs for Out-of-Field, Innovative Program, and interim emergency permissions. Currently, neither applicants nor districts pay the cost of similar application types.

“(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. The board opens itself to liability when issuing and not issuing license without rule to define elements in statute and provide a process and criteria for the decisions.

“(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 PELSB listserv
- through Special Education listserv
- through Rulemaking listserv
- through Superintendent 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 Administrators for 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 School Psychology Association

- 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
- to Early Childhood Workforce Group
- to Advisory Council for Deaf and Hard of Hearing Minnesotans
- to Association of Metro School Districts
- to Minnesota Elementary School Principals' Association
- to Minnesota Association of Secondary School Principals
- to Montessori Accreditation Council for Teacher Education

The Notice Plan also includes giving notice required by statute. The rules and Notice of Intent to Adopt will be electronically mailed to everyone who has registered to be on PELSB'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, PELSB will consult with Minnesota Management and Budget (MMB). The PELSB 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 PELSB 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, PELSB 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 board 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, PELSB 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 board 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.

PELSB 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.

Supply and Demand Impact

Minn. Stat. 122A.09, subdivision 9(e) requires PELSB to the probable impact of rule on the supply and demand of teachers.

Tier 1, by statute, streamlines the review process for individuals without any formal teacher preparation. There is a probable increase in individuals hired through this tier in areas where there is already a teacher shortage. However, the requirement of a bachelor's degree removes a large pool of individuals who currently are teaching as community experts or enrolled in teacher preparation in Grow Your Own programs. This was nearly 40% of Non-Licensed Community Experts in 2017-2018 academic year.

Tier 2, by statute, provides additional pathways into the classroom without completed teacher preparation. However, most pathways in Tier 2 have a current pathway to a temporary or limited license type.

By statute, individuals that may have sought teacher preparation and moved to a standard license will now have the opportunity to enter the classroom prior to entering or completing formal teacher preparation. Research shows that without formal preparation, the retention of these individuals decreases (Baker-Doyle, 2010). It is probable that the Tier 1 and Tier 2 licenses, as well as the Tier 3 pathway that does not require formal teacher preparation will increase the demand for teachers. Statute and rule do not provide any additional incentives to becoming a teacher, only to shift the requirements for licensure away from formal teacher preparation.

By statute, the movement of basic skills as a requirement for Tier 4, but not Tier 3, should allow a small group of individuals struggling to pass the basic skills test to remain in the classroom.

By statute, the changes to out-of-state licensure have a probable increase in supply by removing parity with Minnesota teacher preparation. However, the requirement that out-of-state licensed and prepared teachers must pass Minnesota-specific content and pedagogy exams before receiving a mobile license (Tier 3) will have a probable decrease in the supply.

By rule, the Out of Field Permission keeps the current “personnel variance” intact. By allowing an additional 2 years on an OFP, there will be small benefit to filling shortage positions with teacher licensed for other assignments.

By rule, the Innovative Program Permission keeps the current “experimental waiver” intact. By expanding the definition to fit more broadly “innovative” programs, there may be wider use of the permission, but have no impact on the supply or demand of teachings.

By rule, the combination of two current substitute license types into one should make the process easier for districts to find substitutes for short-call assignments.

By rule, outlining minimum requirements for licensure via portfolio process may limit some individuals from this pathway to a Tier 3. However, the board believes the new process will increase clarity and consistency, with clear feedback to any individual not recommended, and that these changes will increase individuals licensed through this process.

By rule, the interim emergency permission allows demand to be met when districts have an immediate hiring need and supply of more qualified teachers is low.

LIST OF WITNESSES

PELSB 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 School Psychologist Association
- Minnesota Speech-Language-Hearing Association
- Minnesota Family Values Council

PELSB 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.

Teacher of Record	Rule	4369 Line No.	4534 Line No.	Change
Definition	8710.0310, Subp. 1.M.	1.10	3.1	YES
Tier 2	8710.0312, Subp. 2.B(3)(c)	12.19	13.13	NO
Tier 3 Out of State Preparation	8710.0313, Subp. 2.C(2)	16.23	17.10	NO
Tier 3 Professional License	8710.0313, Subp. 2.C(4)	17.9	17.18	NO
Tier 3 Years on Tier 2	8710.0313, Subp. 2.C(5)	17.14	17.21	NO
Tier 4 Out of State Preparation	8710.0314, Subp. 3.B(2)	20.10	20.6	NO
Tier 4 Minnesota Experience	8710.0314, Subp. 3.D	20.14	20.15	NO

Need and Reasonableness:

Multiple locations in rule refer to “teacher of record” which provides clarity on what “teaching experience” means for the board’s ability to sort experience types (i.e. Sunday school teaching). The board addressed concerns that this application of teacher of record

goes beyond statute by including that the individual may be part of a co-teaching assignment if that individual is involved in the planning, instruction, and assessment. The board believes this rule is needed to ensure clarity in the application process and is reasonable in each place listed in statute.

Related services was removed from this definition and placed in its own definition to clarify the separation between related service providers and classroom teachers.

The preliminary draft was also changed to align to the use of “teacher of record” in these rules. “Classroom teacher” was only used when applying to the substitute licensure areas, so that was removed from the definition and changed in those later locations. “Teacher of record” was then more broadly defined with the characteristics of duties, and the requirement to “hold” a license was removed. This enables an individual to use private school teaching experience to meet the teacher of record requirement. “Co-teacher” was also added to align with the increasing practice of having two teachers sharing duties, though only one may officially grant credit.

<u>Related Services Professional</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.K	N/A	2.16	YES

Need and Reasonableness:

Related services professionals must be defined as teachers as required by Minn. Stat. 122A.06, Subdivision 2. Related service professionals also expressed the importance of being defined as teachers to be eligible for continuing contract status and to be part of the bargaining unit.

At the same time, related service licensing is different at its core. While Chapter 8710 clearly lays out rules for each classroom teaching licensure field, the only related service for which the board has that type of rule is school counseling. For all related service areas, individuals may currently become licensed based off of their license or registration with another board or recommendation from a nationally accredited institution.

<u>Cultural Competency Training</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.D.	1.16	1.12	YES
Tier 1 first renewal	8710.0311, Subp. 4.D(1)	7.18	8.16	NO
Tier 2 first renewal	8710.0312, Subp. 4.A(1)	13.2	14.8	NO
Tier 3 and 4 renewal	8710.7200, Sub. 2a.A(1)	37.10	49.3	NO

Need and Reasonableness:

Minn. Stat. 122A.181, subdivision 3(b)(3), 122A.182, subdivision 3, and 122A.187, subdivision 3 require cultural competency training aligned to the definition of cultural competence in Minn. Stat., section 120B.30, subdivision 1, paragraph (q). The board worked with stakeholders to identify, more specifically, what teacher training on cultural competence should include. This definition includes a more complete listing of cultural groups to support teachers to recognize the role of cultural in interactions, and to foster positive interactions. The current gap in graduation rates and test scores, as well as the growing rate of students of color and stagnant rate of teachers of color, all underscore the need to incorporate these groups within the defined training. The definition also uses

language to focus the training on self-reflection and discussion to personalize the training to the needs of the teacher and environment.

There was both stakeholder concern and support for this definition of training. The board chose to keep the expanded definition because it addressed what is needed in teacher “training” in cultural competence. The definition allows an individual to select where they see the greatest need for growth and apply the focus of their training on their individual settings, while ensuring they do not miss the broad scope of students who may move through their classroom. The definition includes language about implicit bias and systemic racism to ensure a deeper understanding of the impact a teacher and school can have on students. The areas of “culture” included provide more detail than statute to ensure that all aspects of student identity and culture area addressed in this training.

The definition changed in three key ways: 1) the board added alignment to national standards of cultural competence training for teacher preparation. 2) The board added “religious diversity” to ensure this aspect of culture was addressed in the training. 3) The board revised language that appeared to define the training as “understanding” set “knowledge” to language that reflected a training focused on personal reflection and development. The board thought it was important to focus on reflection and personal development for teachers to recognize the role their own culture plays in student interactions.

<u>Good Cause</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.G.	1.25	2.1	NO
Tier 1 Additional Renewals	8710.0311, Subp. 6.C(2)	10.8	11.3	NO
Tier 2 Additional Renewals	8710.0312, Subp. 6(B)	15.3	15.14	NO
OFP Additional Renewals	8710.0320, Subp. 5	23.22	24.15	NO

Need and Reasonableness:

For Tier 1 and Tier 2 renewals beyond those in statute and Out-of-Field Permission renewals beyond those in rule, a district needs to present good cause to justify why this individual should remain in the classroom without more preparation. To ensure consistent application of criteria for districts to obtain additional renewals for Tier 1, Tier 2, and Out-of-Field applicants when a teacher with a higher tier or licensed in the field applicants are available, a clear definition of “good cause” is needed. This paragraph in rule provides a clear statement regarding what information is needed from the district regarding the applicant before approving additional renewals.

<u>Innovative Program</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.H.	2.3	2.5	NO
Purpose	8710.0321, Subp. 1	24.18	25.6	NO
Requirements	8710.0321, Subp. 2	N/A	25.1	YES

Need and Reasonableness:

Currently an “experimental waiver”, Minn. Stat. 122A. 09, subdivision 10(b) allows the board to annually permit “a licensed teacher teaching in an alternative education program to instruct students in a content area for which the teacher is not licensed.” To ensure that

only schools with this particular need utilize the innovative program permission, a clear definition is needed. The board broadened the definition to permit charter and individual schools with innovative programs using similar models to an alternative learning center to use the permission in line with the board’s current practice under “experimental waivers”. This helps extend the Out-of-Field Permission authorized by Minn. Stat. 122A.09, subdivision 9(b) to pedagogical models in need of experts for that student population (i.e. care and treatment centers, project-based learning schools).

Language was added in the final draft to clarify that an individual who receives a Tier 3 or 4 license in career and technical education or career pathways without a bachelor’s degree cannot receive an innovative program permission. This permission allows a teacher to teach in multiple fields including core subjects that require a bachelor’s degree. This follows the restrictions of individuals without a bachelor’s degree in other tiers.

<u>Professional License</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.J	2.7	2.11	YES
Tier 3	8710.0313, Subp. 2.C(4)	17.7	17.18	NO
Lifetime Substitute License	8710.0326, Subp. 2A	26.11	27.3	NO

Need and Reasonableness:

Many states provide provisional or emergency licenses with little or no teacher preparation, sometimes allowing an individual to test into licensure or with a certain number of years teaching that content. 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. A Tier 1 and Tier 2 Minnesota license would be aligned to those licensure types from other states.

The definition was changed from a much earlier draft to ensure that a licensure via portfolio process in another state similar to that in Minnesota could be used. “Renewed indefinitely” was removed from the preliminary draft as it would limit professional licensure types from other states that are limited, and did not provide any additional purpose not already included in the definition.

Within Tier 3, language was changed from the preliminary draft to clarify that the individual “holds or held” the license.

One concern was voiced that the definition here inherently aligns to another Tier 3 pathway (out-of-state preparation), and thus does not align with the intent of statute. The challenge with this rule is that many states do not use “professional” in defining and separating licensure types. The board believes the intent of adding “professional” in statute was to ensure that licensure types that did not meet a high level of expectation would not be transferred to a Tier 3 “professional” license in Minnesota. Stakeholders agreed that, because teacher preparation includes approved alternative teacher preparation and licensure via portfolio pathways, this definition best ensures licenses from out of state meet minimum requirements for full licensure.

<u>Student Teaching</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.L	2.12	2.19	NO
Tier 3	8710.0313, Subp. 2.C(2)	16.20	17.10	NO
Tier 4	8710.0314, Subp. 2.B(2)	20.7	20.6	NO

Need and Reasonableness:

Minn. Stat. 122.183 subdivision 2 states one of the options to receive a Tier 3 license is to demonstrate completion of an out-of-state approved teacher preparation program equivalent student teaching to a Minnesota teacher preparation program. Rule 8705.1000, Subp. 3(g) and many of the teacher standards in rule 8710 requires 12 weeks for initial licensure. It is important to define student teaching, as the nature of student teaching differs greatly from other practicum or field experience placements within a preparation program. The same student teaching experiences, then is required to align to preparation from another state.

<u>Teacher Preparation</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.N	2.19	3.6	NO

Need and Reasonableness:

The definition aligns with Minn. Stat. 122A.06, subdivision 7. There was concern that the teacher preparation program definition does not explicitly include Montessori programs. However, under Minn. Statute 122A.2451 and Administrative Rule 8705.1000, the Professional Educator Licensing and Standards Board can approve Montessori programs such that Montessori programs would be included in the definition.

<u>Teacher License</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.O.	2.23	3.10	NO

Need and Reasonableness:

Statute changed the requirements for licensure and by expanding Tier 1 and Tier 2 types of requirements within “licensure,” it is important to have rule to clarify that these are now licensure types and not “permissions.” 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.

<u>Field Specific Methods</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.F	N/A	1.23	YES
Tier 2	8710.0312, Subp. 2.B(3)(b)	12.17	13.11	NO

Need and Reasonableness:

Tier 2 includes having a field specific methods course as one of the options in part to meet requirements for licensure. Statute does not dictate what the methods is, but requires it is part of an approved program. A definition of field specific methods is needed to provide continuity between the applicant, the approved preparation program, and PELSB. This definition and description within Tier 2 ensures both flexibility within the kinds of

methods training is used, but also that it is robust.

<u>Licensure Area</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.I	N/A	2.9	YES

Need and Reasonableness:

To ensure clarity over areas that have licensure rules and classroom assignments, this definition includes field specific teaching credentials as defined in Rules 8710.3000-6400; 8000-9000, or for areas in which Board of Teaching formerly had rules. There is need to adopt definition to licensure area to understand teachers are qualified to teach in classroom assignments (see below). Licensure area is also needed for applicants to understand which content tests are required to qualify for Tiers 3 and 4 (and in can be used to gain Tier 2 licensure).

<u>Assignment</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Definition	8710.0310, Subp. 1.B	N/A	1.9	YES

Need and Reasonableness:

Classroom assignments are the specific courses a teacher can teach, usually within their licensure area. This is an important distinction from licensure area, as there are typically multiple classroom assignments a teacher is allowed to teach within their licensure area. For example, a teacher who has a Social Studies licensure area can teach classroom assignments in history, economics, or geography. Former community expert permissions allowed individuals to apply for classroom assignments in which there was not direct licensure area rules, but for which districts had need to offer these assignments. This will continue in CTE/career pathway licenses, as outlined in statute. Classroom assignments are need to ensure compliance in licensure areas, as defined in Minn. Stat. 122A.09, subdivision 4.

<u>Expiration Dates</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Overview	8710.0310, Subp. 2.C	3.6	3.18	YES
Tier 1	8710.0311, Subp. 3	6.20	7.16	YES
Tier 2	8710.0312, Subp. 3	13.8	14.1	YES

Need and Reasonableness:

The majority of license types need to expire on June 30th to align with a school year and provide a consistent date for the renewal application process. However, year-round schools and summer school placements need flexibility in how the Tier 1 and Tier 2, district-connected license are applied. This rule clarifies the overall expiration date currently used and inserts current practice for permission types to align with those limited exceptions to teach until the end of August.

<u>Background Checks</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Overview	8710.0310, Subp. 2.D.	3.12	3.23	YES
Removed		6.14, 8.1, 9.4,	NA	YES

		10.18, 13.7, 14.16, 15.8, 17.1, 18.9, 21.1, 25.24, 26.18, 31.8		
Licensure via Portfolio	8710.0330, Subp. 3.C 8710.0330, Subp. 3.D	31.8, 31.11	31.19, 31.22	NO

Need and Reasonableness:

Current practice relies on the reporting of the licensee or district to learn of misconduct by licensed teachers. Statute only requires a background check upon initial licensure. Adding background checks as a renewal requirement will help ensure that all criminal misconduct is identified before renewing a teacher's license.

This conversation is also happening at the legislature in the 2018 session. In order to ensure alignment with bills moving through the legislature and simplify rule, most references to background checks outside of the initial placement were removed from the preliminary rule draft.

It is necessary to outline the application requirements for licensure via portfolio to emphasize that there are two parts: (1) submitting the portfolio(s) and (2) applying for a license. The background check is required to apply for any license, and these rules clarify that.

<u>Movement Between Tiers</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Description	8710.0310, Subp. 4.	3.17	4.8	YES

Need and Reasonableness:

Minn. Stat. 122A.09, subdivision 9(b) requires the board to ensure that a licensed teacher can teach out of their field without changing tiers. This rule clarifies that Tier 3 and Tier 4 individuals cannot hold a different license under a lower tier. Because Tier 2 license focuses on content-expertise and this expertise is part of the district requesting process, this rule explains how a Tier 2 individual might be able to have a Tier 1 license if they are asked to simultaneously teach in an assignment where they do not qualify for a Tier 2.

Changes were made from the previous draft to ensure alignment with "licensure area" versus "assignment" within a Tier 1 and Tier 2 license.

<u>Appeals Process</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Description	8710.0310, Subp. 6.	4.5	4.22	NO

Need and Reasonableness:

This rule confirms statute, but also provides clarification for candidates who seek one license type and are issued a different license type. Previously, these have not been treated as denials. This clarification would help candidates access the appeals process more clearly when PELSB does not grant the license type they seek.

<u>Category</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
License Report	8710.0310, Subp. 8.	4.13	5.5	YES

Need and Reasonableness:

Minn. Stat. 122A.091, subdivision 6 requires a report on the number of applicants for each tier and the number granted and denied. This rule puts this as an annual report to ensure ongoing analysis of the impact and efficacy of tiered licensure systems. Based on conversations with stakeholders, race and ethnicity were added to provide more information on teachers of color entering the teaching force.

<u>Fees</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
License and Permission Applications	8710.0310, Subp. 9.	N/A	5.8	YES

Need and Reasonableness:

Minn. Stat. 122A.21, subdivision 1 requires a licensure fee. Prior to tiered licensure, any permission was processed without a fee. New tiered licensure statute changes these “permissions” into licenses, which now hold them to the statute requiring a fee. Legislation also switches the funding for PELSB from the general fund to a special revenue fund aligned to fees. For this reason, the board is placing a permission fee in rule to offset costs for processing fees. This fee will be collected by districts, because these permissions support district needs.

<u>Purpose</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 1.	4.17	5.12	NO
Tier 2	8710.0312, Subp. 1.	11.11	12.4	NO
Tier 3	8710.0313, Subp. 1.	15.20	16.2	NO
Tier 4	8710.0314, Subp. 1.	19.2	19.2	NO
OFP	8710.0320, Subp. 1.	21.14	22.2	NO
IPP	8710.0321, Subp. 1.	24.12	25.6	NO
Short-Term Substitute	8710.0325, Subp. 1.	25.2	25.19	NO
Lifetime Substitute	8710.0326, Subp. 1.	26.6	26.21	NO
Licensure via Portfolio	8710.0330, Subp. 1.	27.6	27.16	NO

Need and Reasonableness:

This rule is needed to clarify the intent of each tiered licensure area, substitute license, permissions, and licensure via portfolio. The purpose or intent is separate from the requirements for licensure. If an applicant meets all the requirements for licensure, that individual will be granted licensure, even if that person’s background doesn’t align with the stated purpose. If, for example, a teacher completes teacher preparation and is recommended for licensure, the teacher still could choose to apply for and be recommended for licensure via portfolio. However, applying for licensure via portfolio would be a significant amount of extra work for the applicant and thus, does not align with the intended purpose.

<u>Application Process</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 2.	4.23	5.17	NO
Tier 2	8710.0312, Subp. 2.	11.14	12.7	NO

Need and Reasonableness:

To get information from the individual to be licensed, the applicant must initiate a Tier 1

and Tier 2 license before the hiring district can enter the application and submit district-specific required information. Current practice has permission and some temporary license types initiated as 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, subdivision 1, and ensures that the applicant is in control of the process.

<u>Career and Technical Education and Career Pathways</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 2.A.(3)	5.11-5.13	6.5-6.10	NO
Tier 2	8710.0312, Subp. 2.A.(3)	12.3-12.5	12.19-12.24	NO
Tier 3	8710.0313, Subp. 2.A.(3)	16.11-16.14	16.17-16.23	NO
Tier 4	8710.0314, Subp. 2.A.(3)	19.20-19.24	19.18-19.24	NO
Short-call substitute	8710.0325, Subp. 2.C	25.17-25.19	26.7- 26.12	NO
Portfolio	8710.0330, Subp. 3	30.1-30.4	31.9-31.15	NO

Need and Reasonableness:

For Tier 1 and Tier 2, the exemption from a bachelor’s degree requires an alignment between the evidence of content expertise and the classroom assignment. For Tier 3, Tier 4, and Portfolio, the content expertise must align to the licensure area sought.

To maintain consistency and a reasonable bar for putting this individual into the classroom as an expert in this field, the board believes it is reasonable for organizations providing professional certification to get approved by the board. The board will use experts in the field to ensure this list is accurate and robust, as well as consult with the Governor’s Workforce Development Council, as per Minn. Stat. 122A.183, subdivision 1(a)(3). There was some concern that this language, only in statute under Tier 3, should not apply to other tiers. To ensure consistency across tiers and provide a clear path for a CTE/career pathways teacher to move up the tiers, aligning the requirements for CTE/career pathways across all licensure types is needed and reasonable.

<u>Posting</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 2.B(1)	5.16	6.12	NO
OFF	8710.0320, Subp. 2.A(5)	22.1	22.15	NO

Need and Reasonableness:

Tier 1 and Out-of-Field Permissions presume an intent of the district to attempt to hire a teacher licensed for assignment prior to placing this individual in the classroom. Stakeholders had multiple conversations about ensuring good faith effort to find a teacher licensed for the assignment, aligned to 122A.181, subdivision 1(3)(ii), and the needs of a district to place a teacher in the classroom quickly. The “15 days” requirement remains with compromise language for an “interim” placement.

<u>Quick Review Process</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Initial	8710.0311, Subp. 2.B(2)	5.19-5.22	6.15-6.17	NO

Tier 1 First Renewal	8710.0311, Subp. 4.B	7.5-7.8	8.1-8.5	NO
Tier 1 Second/Third Renewals	8710.0311, Subp. 5.B	8.15-8.18	9.9-9.13	NO
Tier 1 Additional Renewals	8710.0311, Subp. 6.B	9.17	10.12-10.16	NO
OFP Initial	8710.3030, Subp. 2.A(6)	22.3	22.17-22.23	NO
OFP Renewals	8710.3030, Subp. 4.C	23.5	23.23-24.4	NO

Need and Reasonableness:

This rule attempts to streamline the Tier 1 and Out-of-Field application process. If a district meets (a), (b), or (c) in this section, the application needs no further review and can be issued a license without full board review. 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. Only then would the application go before the full PELSB for review.

<u>Board Review Process</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Initial	8710.0311, Subp. 2.B	6.1	6.19	NO
Tier 1 First Renewal	8710.0311, Subp. 4.B	7.9	8.6	NO
Tier 1 Second/Third Renewals	8710.0311, Subp. 5.B	8.19	9.14	NO
Tier 1 Additional Renewals	8710.0311, Subp. 6.B	9.22	10.17	NO
OFP Initial	8710.0320, Subp. 2.A(6)	22.10	23.1	NO
OFP Renewals	8710.0320, Subp. 4.C	23.12	24.5	NO
Speech-Language Pathologist Waiver for Tier 2 License	8710.6000, Subp. 1b.B	NA	34.15	YES

Need and Reasonableness:

With much stakeholder input and many edits, this rule draft leaves the justification by the district open-ended. The rule is needed to provide a process for review by the board if a district wishes to hire an individual who does not meet requirements of a higher tier or is not licensed for the assignment. The rule draft also emphasizes the board's authority to deny a request. There is still concern with language stating the decision is the "sole discretion of the board." This language aligns with Minn. Stat. 122A.09, subdivision 4.

The language is different to justify a waiver for a Tier 2 license as there is not a defined list of requirements for a Speech Language Pathology Tier 2 license by design. The language allows the board to consider these licenses on a case-by-case basis.

<u>Mentorship</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 2.C(1)	6.7	7.2	NO
Tier 2	8710.0312, Subp. 2.C	13.2	13.20	YES
Tier 3	8710.0313, Subp. 4.A	N/A	18.5	YES
Tier 4	8710.0314, Subp. 2.F	N/A	20.20	YES

Need and Reasonableness:

The board believes that the language in Tier 1 clearly requires mentorship. In Tiers 2, 3, and 4, the required mentorship attaches the language to an "individual growth and development plan" which aligns with Minn. Stat. 122A.40, subdivision 8 which provides that mentorship is encouraged as part of the teacher development and evaluation, but not

required. The fact that Tier 1 mentorship language (Minn. Stat. 122A.181, subdivision 6(a) and (b) indicates that Tier 1 was meant to be treated differently than the other tiers. The board has heard differing accounts of the intent of this legislation.

Stakeholders agree that mentorship is essential for any teacher and that a Tier 1 individual is placed in a situation where mentorship is of the highest need. Research indicates that mentorship helps retention of teachers (Baker-Doyle, 2010) and improves teacher effectiveness (Spooner-Lane, 2016).

The board believes this rule is needed to ensure that robust support is offered for individuals licensed to teach without formal teacher preparation in pedagogy, assessment, classroom management, lesson planning, and child development. 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 support for this rule to ensure that a Tier 1 teacher is not hired unless mentorship is available.

Based on stakeholder feedback, the board aligned Tier 2 to match language in statute, and added this language to Tier 3 and Tier 4 mentorship requirements.

<u>Evaluation</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Initial	8710.0311, Subp. 2.C(2)	6.8	7.3	NO
Tier 1 Renewals	8710.0311, Subp. 4.D(3), 8710.0311, Subp. 5.C(2), 8710.0311, Subp. 6.D(2),	N/A	8.18, 9.21, 11.11	YES
Tier 2 Initial	8710.0312, Subp. 2.C	13.3	13.20	YES
Tier 2 Renewals	8710.0312, Subp. 4.A(2), 8710.0312, Subp. 5.B, 8710.0312, Subp. 6.B.	14.22	14.9, 15.3, 15.14	YES
Tier 3	8710.0313, Subp. 4.A	N/A	18.5	YES
Tier 4	8710.0314, Subp. 2.F.	N/A	20.20	YES
Speech Language Pathologist Tier 2	8710.6000, Subp. 1b.B	N/A	34.21	YES
School Psychologist Tier 2, renewal	8710.6200, Subp. 1b.C(2)	N/A	39.6	YES
School Counselor Tier 2, renewal	8710.6400, Subp. 1b.C(2)	N/A	43.16	YES

Need and Reasonableness:

Tiered licensure requires evaluation of teachers. To the “extent practicable,” a Tier 1 and Tier 2 teacher can align to Minn. Stat. 122A.40, subdivision 8, while Tier 3 and 4 are driven by Minn. Stat. 122A.40, subdivision 6. The language here is provided to align with statute. Technical changes were made from an earlier draft that did not include this language for each renewal of a Tier 1 and Tier 2 license, and to add to Tier 3 and 4 to clarify this statutory requirement.

For related services that had Tier 2 options added, the rules clarify that they must participate in evaluation to the extent practicable also.

<u>Interim Placements</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Initial	8710.0311, Subp. 2.D	6.15	7.9	YES

Tier 1 First Renewal	8710.0311, Subp. 4.E	8.3	8.22	YES
Tier 1 Second/Third Renewal	8710.0311, Subp. 5.D	9.6	10.1	YES
Tier 1 Additional Renewals	8710.0311, Subp. 6.E	10.20	11.15	YES
OFP Initial	8710.0320, Subp. 2.C	22.15	23.9	YES
OFP Renewals	8710.0320, Subp. 4.D	23.17	24.10	YES

Need and Reasonableness:

This option allows districts with an emergency placement to be granted temporary permission to place the candidate in the classroom while position is posted for the required 15 days. The 15 day posting requirement is a reasonable amount of time to post the position and allow for potential candidates with a higher Tier license to apply and be considered. It recognizes that district experience immediate hardships at times and allows for options to place a candidate in the position on an emergency basis while still meeting the posting requirements.

Renewal Posting	Rule	4369 Line No.	4534 Line No.	Change
First Renewal	8710.0311, Subp. 4.A.	7.1	7.23	NO
Second and Third Renewal	8710.0311, Subp. 5.A.	8.11	9.6	NO
Additional Renewals	8710.0311, Subp. 6.A.	9.14	10.9	NO
Out of Field Permissions	8710.0320, Subp. 4.B.	23.2	23.20	NO

Need and Reasonableness:

If a district is renewing a Tier 1 or Out of Field Permission, the individual is already in the classroom and the district is aware that someone fully prepared to teach that assignment is needed. The 60 day posting requirement presumes they would post the position in the spring for an extended time. If no one licensed for the assignment applies or meets the other requirements, the district can then apply to renew the Tier 1 or OFP after July 1 as per Minn. Stat. 122A.181, subdivision 4. This rule includes language for situations where someone licensed for the assignment is hired, but leaves without allowing the district time to complete the 60 days posting. This rule also allows the district to provide justification why they cannot or do not want to post for 60 days for PELSB to review.

Content Exams	Rule	4369 Line No.	4534 Line No.	Change
Tier 1 First Renewal	8710.0311, Subp. 4.B	7.14	8.11	YES
Tier 2	8710.0312, Subp. 2.B(3)(d)	12.21	13.15	YES
Tier 3	8710.0313, Subp. 2.B	16.16	17.1	YES
Tier 4	8710.0313, Subp. 2.C	20.11	20.11	YES
Portfolio	8710.0330, Subp. 3.B	31.6	31.16	YES

Need and Reasonableness:

Minn. Stat. 122A.181 requires all Tier 1 teachers to attempt the appropriate content exam for their licensure assignment within the first year of gaining Tier 1 licensure. Minn Stat. 122A.182 allows passing the appropriate content exam as an avenue (in part) for gaining Tier 2 licensure. Both Tier 3 and 4 require passing the content exam in order to qualify for licensure. Taking and/or passing the content exams is a major change to licensure. Previously, teachers coming from out of state were given a 1-year standard teaching license to allow them time to take the exams once they were in Minnesota. Minnesota

graduates who could not pass the exams were also eligible for a 1-year license. Former statute allowed these individuals up to four 1-year licenses. New statute mandates these exams must be passed before being eligible for a Tier 3 of 4 (professional) licenses. Past practice did not require those on permissions or limited licenses to attempt exams. Rule helps to define changes in practice and aligns to statutory requirements.

Language was changed slightly from the preliminary rule draft to ensure clarity in exemption from the content tests for all licensure areas that do not have a Minnesota content exam. The Tier 1 renewal language also required the “hiring district” to show an attempt to pass the content exam. This was changed to the applicant in the new rule draft.

<u>Renewal Reports</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Requirements	8710.0311, Subp. 4.E.	7.21, 9.1, 10.14, 13.14, 14.6	NA	YES

Need and Reasonableness:

Initially, the board heard stakeholder feedback that public data on the amount of individuals on Tier 1 or Tier 2 receiving mentorship and the status of their evaluation should be collected to provide transparency to the support and success of these new licensure types. After including this “reporting” requirement in rule draft, stakeholders provided clear reasons why this is not a reasonable request for mentorship reporting and not statutorily allowed for evaluation reporting. All sections were removed.

<u>Shortage Areas</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Additional Renewals	8710.0311, Subp. 6.C.	10.3	11.1	NO

Need and Reasonableness:

Minn. Stat. 122A.06, subdivision 6 added to the definition of shortage area. This rule aligns with statute for areas that are allowed unlimited Tier 1 licenses.

<u>Related Services</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1 Exclusion	8710.6000, Subp. 1b, 8710.6100, Subp. 1a.B, 8710.6200, Subp. 1a.B, 8710.6300, Subp. 1a.B., 8710.6400, Subp. 1a.B.	11.1	34.1, 36.19, 38.11, 41.9, 42.16	YES
Tier 2 Exclusion	8710.6100, Subp. 1a.B, 8710.6300, Subp. 1a.B.	15.10	36.19, 40.18, 41.9	YES
OFP Exclusion	8710.0320, Subp. 2A(2)	21.21, 24.5	22.10	YES
Innovative Permission Exclusion	8710.0321, Subp. 2.A	N/A	25.11	YES

Need and Reasonableness:

A Tier 1 and 2 license would be in conflict with statutes for some of the related services. Minn. Statute 148E.275 prohibits practicing social work without a social work license, protects the title, and does not provide exemptions for school social workers. Similarly, Minn. Statute 148.283 prohibits the unauthorized practice of nursing. Therefore, PELSB

cannot grant a Tier 1 or 2 license to a school social worker or school nurse without being in conflict with the statutes for those related services.

Minn. Statute 148.513 prohibits the practice of speech language pathology unless licensed and protects the title. The statute does, however, provide an exception for school personnel licensed by the Professional Educator Licensing and Standards Board under Minnesota Rules, part 8710.6000. With the flexibility granted to PELSB by 148.513, and in order to address both the needs of rural districts to fill vacancies in this identified shortage area and maintain high standards, the board created a waiver process for Tier 1 and Tier 2 licenses in Speech Language Pathology.

The entry level for these related services are at the master's level, and these professionals need advanced training for entry into the profession. Related services professionals work with extremely vulnerable children, so they are all excluded from Tier 1. Well-intentioned speech language pathologists without formal training could cause severe harm and worsen a student's communication impairment, particularly when working with students with feeding, articulation, fluency, and voice disorders. School psychologists may have liability concerns with having K-12 students who are suicidal and not providing them with the needed support. Some related service stakeholders argued that it is better for a district not to have a related service teacher than to have an unqualified related service teacher.

It would not be reasonable to have someone trained in a related service to hold an out of field permission or an innovative permission to be a classroom teacher. The training for the two roles are very different, and school psychologists, school social workers, speech language pathologists, and school nurses do not receive any training about how to create a positive learning environment for a full classroom of children.

Similarly, it would be unreasonable to have someone trained as a classroom teacher to work in the capacity of a related service teacher. It would be in conflict with related service statute and dangerous for children.

For these reasons, the broad intent of the preliminary rule draft remains, but related service exceptions were moved to a separate location in rule to provide more detail on the complex application within tiered licensure.

<u>Related Services Tier 2</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Speech Language Pathologist	8710.6000, Subp. 1b.	N/A	34.3	YES
School Psychologist	8710.6200, Subp. 1b.A(1), 8710.6200, Subp. 1b.A(2)	N/A	38.17, 38.20	YES
School Counselor	8710.6400, Subp. 1b.A(1), 8710.6400, Subp. 1b.A(2)	N/A	42.21, 42.22	YES

Need and Reasonableness:

For a district to get a Tier 2 licensed Speech-Language Pathologist, the district must demonstrate why the district made that choice and how it plans to support the applicant. This rule provides balance between recognizing a shortage of Speech-Language Pathologists, particularly in rural areas, and also providing students with highly qualified professionals.

There are two pathways for school psychologists to get Tier 2 licenses that are in line with current practices. Current practice allows school psychologists to be licensed while they

complete their internship year, so they can get paid for that experience. The requirements for Subpart 1b (A)(2) align with that current practice. In addition, there are many school psychologists who have decades of experience working as school psychologists who graduated from a school psychology program not accredited by the National Association of School Psychologists and who do not hold a National School Psychologist Certification. Under current practice, those individuals get a limited license, and there is widespread recognition that these individuals play a valuable role in today's schools. The requirements for Subpart 1b(A)(1) align with that limited license.

There are also two pathways for school counselors to get a Tier 2 license. In current practice, individuals with a master's degree in counseling, but not school counseling, may be granted a limited license, so under tiered licensure, these individuals would be eligible for a Tier 2 license. While school counselors do not currently use the "intern license" often, school counselor stakeholders felt that it was important to offer this option as a learning experience for those candidates.

<u>Position Change</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 1	8710.0311, Subp. 8	11.3	11.20	YES
Tier 2	8710.0312, Subp. 7	15.12	15.19	YES

Need and Reasonableness:

A Tier 1 and Tier 2 license is district-specific and content-specific, and a Tier 1 license requires the district to attempt to hire a higher licensed individual for the assignment. For this reason, if an individual on a Tier 1 or Tier 2 license moves districts, they must reapply for a new position. If the individual moves to a new content in the district, they must reapply and, for Tier 1, the district must evidence attempting to hire a higher licensed tier. This re-application within an academic year will not count toward an additional year of the minimum renewals. The rule was changed to ensure that someone moving to the same content area within the same district does not need to reapply for the Tier 1 or Tier 2 license.

<u>Teacher Preparation Enrollment</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 2	8710.0312, Subp. 2.B(1)	12.8	13.2	YES

Need and Reasonableness:

This rule aligns with Minn. Stat. 122A.182 allowing enrollment in a board-approved teacher preparation program. Board-approved teacher preparation programs include conventional, nonconventional, and alternative pathways. Preliminary rule draft was changed from "aligned to assignment" to "aligned to licensure field." Though a Tier 2 license is assignment-specific, the teacher preparation program must align to approved Minnesota licensure types as these individuals are granted licenses.

<u>Master's Degree</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 2	8710.0312, Subp. 2.B(2)	12.10	13.4	YES

Need and Reasonableness:

This rule is required to define the need for a regionally accredited program or from the

Higher Learning Commission as referenced for bachelor's degree in MN Statute 122A.23, subdivision 2(a). Administrative Rule 8710.4000-8080 Subp. 2. Language was added in the new draft to include "or equivalent" for out of country candidates who submit foreign evaluation reports with the equivalent of a Master's Degree out of country and for individuals who are enrolled in PhD programs and have completed equivalent coursework to a master's degree. The report must be submitted from a member of the National Association of Credential Evaluation Services. Administrative Rule 8710.0400 Subp. 3a(A).

<u>Aligned to Assignment</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 2	8710.0312, Subp. 2.B(3)	12.14	13.9, 13.11, 13.13	NO

Need and Reasonableness:

Licensure for Tier 2 requires the applicant and Minnesota school district apply together for the credential. To ensure qualified candidates are teaching the licensure assignment, rule clarifies the variety of options available to meeting the requirements listed in Minn. Statute 122A.182. This clarification will help candidates and districts align the preparation, degrees, experience, or coursework to the position.

<u>Meaningful Progress</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 2 First Renewal	8710.0312, Subp. 4C.	13.18	14.13	NO
Tier 2 Additional Renewals	8710.0312, Subp. 5A	14.10	14.22	NO
Short-Call Substitute	8710.0325, Subp. 2D.	25.21	26.13	NO
School Counselor	8710.6400, Subp. 1c.B	N/A	44.8	YES

Need and Reasonableness:

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 rule ensures flexibility within providers, including their ability to work with candidates. The applicant still has the ability to provide additional information if the provider denies meaningful progress.

This same definition was added to the school counselor Tier 2 intern-type license for consistency.

<u>Board-approved programs</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3	8710.0313, Subp. 2.C(1)	17.1	17.6	NO
Tier 4	8710.0314, Subp.3.B(1)	20.2	20.2	YES

Need and Reasonableness:

Minn. Stat. 122A.183, subdivision 2(1), and clarifies that Minnesota board-approved preparation includes conventional, nonconventional, and alternative pathway programs. The rule also clarifies the type of preparation aligned to related service licensure. Small technical changes were made in the new rule draft to align language in Tier 3 and Tier 4, as well as their order in subparts.

<u>“Alternative Pathway”</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3 Renewal	8710.0313, Subp. 3.	17.19	N/A	YES

Need and Reasonableness:

The preliminary draft of rules attempted to find a way to align all pathways to a Tier 3 by evidence of meeting the Standards of Effective Practice. The licensure via portfolio process is an effective tool to allow individuals with non-traditional training to become licensed teachers. The pathway that requires only three years of experience and no improvement plan was concerning that this individual received a single supervisor’s approval and would be given a fully mobile license (Tier 3) without any evidence provided to the regulatory entity for teacher licensing – PELSB. The board has authority to adopt rules around licensure renewal and saw this as a path to get the individual into a Tier 3 license and then, using their first individual growth and development plan, evidence meeting the standards before remaining on a Tier 3.

There were many stakeholder concerns with this rule draft, but the primary objection being the intent to provide additional preparation for individuals in this pathway. The board decided to remove this renewal requirement in the current rule draft and continue to work with legislators to see the role of licensure via portfolio as a more effective and reasonable measure for non-traditional applicants to reach licensure.

<u>Standard Renewal</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3	8710.0313, Subp. 4.	18.10	18.3	NO
Tier 4	8710.0314, Subp. 5.	21.2	21.5	NO

Need and Reasonableness:

A standard renewal continues the current practice of requiring statutory and board approved renewal requirements in order to maintain one’s teaching license. Current practice requires individuals with a professional teaching license to obtain 125 clock hours and meet the mandatory components in effect during the 5 year period of their license. However, with the addition of the 3-year Tier 3 license, stakeholders agreed that it is reasonable that these individuals be required to complete a prorated 75 clock hours. This is outlined in Rules 8710.7100-7200 and Minn. Statute 122A.187.

<u>Restricted License</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3	8710.0313, Subp. 5	18.14	18.12	NO
Tier 4	8710.0314, Subp. 6	21.6	21.14	NO

Need and Reasonableness:

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. An out-of-state teacher with a license that does not directly align with a Minnesota license type would otherwise be required to receive additional training before being licensed. Allowing any out-of-state license to transfer “as-is” without Minnesota licensure rules in place would open up the licensure process without limits and make tracking licensure assignments for state and federal

reporting impossible.

<u>Restricted Scope</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3	8710.0313, Subp. 5 B	18.18	18.17	YES
Tier 4	8710.0314, Subp. 6 B	21.10	21.19	YES

Need and Reasonableness:

A restricted license can be issued in two ways, restricted in content (listed above) and restricted in scope. Restricted in scope is needed when an out-of-state teacher has had training in a narrower grade range than what Minnesota has licensure rules for. Minn. Statute 122A.23 defines that similar scope training is someone who has a license within 2 grade levels of the approved Minnesota license (i.e. a candidate was trained in grades 7-12 math could qualify for a 5-12 math license in Minnesota). The word “and” replace “or” in the new rule draft to align with Minnesota preparation standards, and with current practice of reviewing out-of-state teaching license applications. This would ensure that the expanded scope would only be issued if the content preparation and experience aligned to that scope.

<u>Montessori</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3	8710.0313, Subp. 5.	18.21	18.20	YES

Need and Reasonableness:

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. Language here ensures Montessori preparation is still recognized for licensure.

This rule was changed from the preliminary draft to include Montessori Accreditation Council for Teacher Education (MACTE) accreditation instead of two specific programs. MACTE is recognized by the United States Department of Education. MACTE accredits different types of Montessori programs including Association Montessori International, American Montessori Society, and other affiliates. Most AMI programs are either MACTE accredited or going through the process. For applicants who completed an unaccredited Montessori program, MACTE has an equivalency process to support program completers.

This Tier 3 license is restricted to a Montessori setting because the MACTE accredited Montessori programs do not show evidence of meeting the program rules for the Standards of Effective Practice, 8710.2000, or the content areas. If an individual wanted to move to an unrestricted Tier 3 license, that individual could complete a teacher preparation program or do licensure via portfolio. In addition, there are routes for Montessori applicants to get Tier 2, 3, or 4 licenses. For example, if a MACTE training center were granted unit approval and program approval, then their candidates would be eligible for Tier 2, 3, or 4 licenses. There are also traditional, board-approved Montessori programs, where if completers meet all other requirements, would be eligible for a Tier 3 or 4 unrestricted license.

<u>Summative Evaluation</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 4	8710.0314, Subp. 2.E.	20.15	20.17	NO

Need and Reasonableness:

Minn. Stat. 122A.184, subdivision 1(4) requires the individual to evidence their most recent summative teacher evaluation did not result in an improvement plan. This rule is needed to clarify that the teacher must evidence this when first applying for Tier 4, and then remains on a Tier 4 regardless of the classification of future evaluations.

<u>Additional Tier 4 License</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Description	8710.0314, Subp. 3.	20.18	20.24	NO

Need and Reasonableness:

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 because the requirement for teacher preparation was already met by their initial license. The only requirement that is content-specific when adding a Tier 4 license is the content and pedagogy exams. This aligns with language in Minn. Stat. 122A.09, subdivision 9(b), and stakeholder interpretation.

<u>Permissions</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
OFP	8710.0320, Subp. 2.A.	21.20	22.6	YES
IPP	8710.0321, Subp. 2	24.17	25.8	YES

Need and Reasonableness:

The Out-of-Field Permission is similar to the current personnel variance used often by teachers and districts, and is authorized by Minn. Stat. 122A.09, subdivision 9(b). The Innovation Program Permission is similar to the experimental waiver currently used by alternative and project-based schools and is authorized by Minn. Stat. 122A.09, subdivision 10(b). These permissions provide individuals with pedagogy training the ability to teach outside of their content area.

Language was added in the final draft to clarify that an individual who receives a Tier 3 or 4 license in career and technical education or career pathways without a bachelor's degree cannot receive an out-of-field permission or innovative permission to teach in a field that requires a bachelor's degree. This follows the restrictions of individuals without a bachelor's degree in other tiers.

<u>Applicant Approval</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
OFP Initial	8710.0320, Subp. 2.A	21.23	22.6	NO
OFP Renewals	8710.0321, Subp. 2	23.1	25.8	NO

Need and Reasonableness:

An Out-of-Field Permission is limited for a teacher. Additionally, a teacher may not feel comfortable taking on assignments not aligned to their content expertise. For this reason, it is important that they have control to initiate the application and approve of the request from the district.

<u>Out-of-Field Permissions</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Duration	8710.0320, Subp. 3.	22.20	23.14	NO
Renewal	8710.0320, Subp. 4.	22.22	13.16	NO

Need and Reasonableness:

Stakeholders debated the duration and amount of renewals for an Out-of-Field Permission. The board believed keeping the duration at one year aligned to the current personnel variance would ensure districts continue to seek teachers licensed for the assignment. The board also approved extending the number of renewals for a teacher over the course of their career to five (with four renewals) instead of current practice of three (with two renewals). Districts have the ability to request additional renewals with good cause justification.

<u>Out-of-Field Permissions</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
District and License Limits	8710.0320, Subp. 6.B	24.7	25.1	NO
Summer School	8710.0320, Subp. 6.C	24.9	25.3	NO

Need and Reasonableness:

This rule follows current practice found in MN Rule 8710.1400 Subp. 2. It defines that the permission is bound to licensure area and the district requesting the permission. The other rule allows a district to place a licensed teacher in a summer school only position outside their licensure area without this counting as a permission against them. Summer school only positions are difficult to fill and without this option, districts may have to look for individuals with no training to fill these positions under a Tier 1.

<u>Innovative Program Permission</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Duration	8710.0321, Subp. 3.	24.19	25.14	NO
Renewal	8710.0321, Subp. 4	24.21	25.	NO

Need and Reasonableness:

This rule follows the same practice currently used in MN Rule 8710.1400 Subd. 3. Based on Minn. Stat. 122A.09, subdivision 10(b), these must be renewed annually. The board is continuing the practice of no limit on the renewals.

<u>Short Call Substitute</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Overview	8710.0325, Subp. 3.	25.2		NO
Duration		26.1		NO

Need and Reasonableness:

This rule combines the current practice of two separate substitute licensure types. This is a change from current practice of a 2-year 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 these short-term positions. The 15 consecutive day limit follows the same practice currently found under MN Rule 8710.1000 Subp 2, and aligns with stakeholder agreement on a reasonable time someone not trained for the assignment should be in the classroom.

<u>Short Call Substitute</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Preparation	8710.0325, Subp. 2	25.21	25.21	NO

Need and Reasonableness:

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. However, this statute clearly allows someone enrolled in a licensure program and completed student teaching (but without a bachelor's degree) to receive a short-call substitute license. This rule also defines "short-call".

<u>Substitute "Reapplication"</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Description	8710.0325, Subp. 4	26.3	26.18	YES

Need and Reasonableness:

Original drafts of this rule considered additional substitute licenses as "reapplications." This rule draft aligns additional substitute licenses with other licensure renewal processes.

<u>Lifetime Substitute</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Short-call	8710.0326, Subp. 5.A	26.21	REMOVED	YES
Long-call	8710.0326, Subp. 5.B	27.1	27.10	YES

Need and Reasonableness:

Minn. Stat. 122A.18, subdivision 7a allows a lifetime substitute license to include "long-call" assignments. This rule clarifies the difference between short-call and long-call placements, including clarification that long-call placements must align with the license holder's previous content areas. Part A was removed as it did not fit the intent of this section and provided more confusion than clarification. As this individual can be teacher-of-record for a significant time, the board believes this rule is reasonable to ensure students have teachers trained for the content being taught.

<u>Portfolio</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Tier 3 Option	8710.0313, Subp. 2.C(3)	17.5	17.16	NO
Purpose	8710.0330, Subp. 1	27.6	27.16	NO

Need and Reasonableness:

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. The purpose section clarifies that, for a tier 3 license, this process includes a content and a pedagogy portfolio, and that the process includes first, a review of the portfolios (the decision to recommend based on meeting standards) and then, the application process (based on the recommendation and additional requirements).

<u>Portfolio Recommendation</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Portfolio Initial	8710.0330, Subp. 2.B	27.17	28.4	NO
Portfolio Pedagogy	8710.0330, Subp. 2B(4)	28.4	28.14	NO
Portfolio Pedagogy Denial	8710.0330, Subp. 2E	28.10	30.3	NO
Portfolio Additional	8710.0330, Subp. 2.C	28.1	29.12	NO
Portfolio Content	8710.0330, Subp. 2F	28.16	30.9	NO

Portfolio Content Denial	8710.0330, Subp. 2G	28.19	30.12	NO
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Need and Reasonableness:

Initial licensure via portfolio applies to individuals who have never held a standard or Tier 3 or 4 license in Minnesota. Minnesota licensure standards are separated into pedagogy (Standards of Effective Practice or SEPs) and content standards. Someone who has held a standard or Tier 4 license previously has already completed the SEPs as part of that licensure process. Those individuals would only need to complete the content portfolio to add a license.

Some teacher performance assessments are aligned to Minnesota SEPs (currently, Minnesota uses the edTPA). With this alignment, the board believes it is reasonable to allow a board-approved passing score on a performance assessment aligned to pedagogy standards to meet the criteria for recommendation of the pedagogy section of the portfolio.

The current portfolio process, lacking rules, has been processed by a single reviewer looking at an initial license pedagogy and content portfolios. To ensure consistency and a more robust process, stakeholders agreed upon this rule that creates a panel of educators that would review the pedagogy portfolio. The rule would require two reviewers to review the content portion of portfolios. This strengthens the portfolio review process for both pedagogy and content portfolios, modeled after the portfolio process through the Board of School Administrators for administrative licenses.

A stakeholder comment identifies a line in portfolio statute that would require the board to use the portfolio process for all licensure types. However, this statutory language was written before Tier 1 and Tier 2 licensure types existed. Minn. Stat. 122A.18, subdivision 11(b) requires the pedagogy and content portfolios. Based on statute, evidence of meeting these standards leads to a Tier 3 license. It is illogical and contrary for a person to complete the portfolio process aligned to a Tier 3 license and attempt to receive a Tier 1 or Tier 2 license. The board would always issue the highest licensure tier the individual is qualified for. Using the portfolio process to waive other aspects of teacher licensure (i.e. bachelor's requirement) seems to go against other statutory language and intent.

Portfolio Application	Rule	4369 Line No.	4534 Line No.	Change
Dispositions	8710.0330, Subp. 2.D	29.8	29.20	NO
Requirements	8710.0330, Subp. 2.D (1), 8710.0330, Subp. 2.D (2)	30.6	29.24, 30.1	NO

Need and Reasonableness:

For initial licensure, the portfolio process included minimum requirements for application when first implemented. When the portfolio process was restarted by the Department of Education in 2015, these minimum requirements were removed. To ensure that an individual has minimum preparation before becoming teacher of record, and could evidence meeting teaching dispositions aligned to the Minnesota Teacher Code of Ethics, stakeholders agreed that minimum requirements of evaluated experience 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.

There was a change in the most recent draft to move the evidence of meeting dispositions to the panel of educators reviewing the initial licensure pedagogy portfolio.

This ensures that this requirement of portfolio is addressed in the recommending portion of the process instead of the application portion of the process, similar to other pathways to a Tier 3 license.

Language was also changed to increase the time when a content portfolio can be resubmitted from 150 days to one year to align more closely with what applicants need to complete the process.

<u>Portfolio Approval</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Executive Director Approval	8710.0330, Subp. 3	29.4, 31.10, 31.13	REMOVED	YES

Need and Reasonableness:

The current process for licensure via portfolio is for the reviewer to recommend licensure and the executive director to approve this recommendation. With the addition of a panel of educators reviewing initial portfolios, the board believes the executive director approval is no longer needed.

<u>Portfolio CTE Exception</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Description	8710.0313, Subp. 2.C(3)	31.4	31.9	NO

Need and Reasonableness:

Career and Technical Education has three different sets of standards to evidence. This rule keeps the Standards of Effective Practice (8710.2000) and the content-specific methods standards (8710.8080). However, teacher preparation programs for CTE fields already use a portfolio process to evidence meeting the content standards. These standards can be met with the same evidence used to replace the bachelor's requirement within tiers.

<u>Related Services Licenses</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Speech-Language Pathologist	8710.6000	NA	33.17	YES
School Nurse	8710.6100	NA	36.14	YES
School Psychologist	8710.6200	NA	38.6	YES
School Social Worker	8710.6300	NA	41.4	YES
School Counselor	8710.6400	NA	42.11	YES

Need and Reasonableness:

The nature of related service licenses is very different from classroom teacher licenses in that there are other licensing and accrediting bodies involved, master-level entry requirements, other prevailing statutes, and subject matter standards only for one of the five related services (school counseling). However, the Board realized that some districts depend on our current limited licenses and limited intern licenses for some related services, and those needs would continue. For all those reasons, it seemed reasonable to look at each profession within the related services categories separately and consider unique needs for each profession.

<u>Licensure Renewal</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Overview	8710.7100, Subp. 3.B	35.11		NO
Not in the classroom	8710.7100, Subp. 1a.A(2)	34.20		YES

Pilot program		35.20		NO
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Need and Reasonableness:

The licensure renewal process does not change in this rule draft with three exceptions. Language is moved to clarify and reorganize the rule. A Tier 3 license renewal is prorated for clock hours because it is only valid for three years. Third, many stakeholders have worked to address major changes in the renewal process. The Board of Teaching members spent significant time with stakeholders and national organizations drafting ideas aligned to best practice in professional development. With the necessary time needed to develop this process, inserting a pilot program to test different renewal options was inserted into rule instead of major changes. The preliminary rule draft was changed to clarify one section for teachers who have not been in the classroom during their renewal period. The change clarifies that these individuals are still required to meet the statutory required renewal categories.

<u>Licensure Renewal</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Requirements	8710.7200, Subp. 2a.A.(2)	37.11	49.1	NO
Summative Evaluation	8710.7200, Subp. 2a.A	37.14	49.7	NO

Need and Reasonableness:

Licensure renewal requirements added three elements in the 2017 statute: cultural competency training (addressed earlier), preparation with English learners, and the ability to use a summative evaluation or improvement plan to meet some of the renewal requirements. Rule for English learner training aligns language to national standards. Rule for using a summative evaluation or improvement plan aligns directly with statute, and ensure clarity that this meets only the requirements listed in Minn. Stat. 122A.187, subdivision 3(a).

<u>Related Services Renewal</u>	<u>Rule</u>	<u>4369 Line No.</u>	<u>4534 Line No.</u>	<u>Change</u>
Speech Language Pathology	8710.6000, Subp. 4	38.14	35.20	YES
School Nurse	8710.6100, Subp. 4	38.14	37.15	NO
School Psychology, Tier 2	8710.6200, Subp. 1c	N/A	39.15	YES
School Psychology, Tier 3 and 4	8710.6200, Subp. 4	38.14	40.16	NO
School Social Worker, Tier 3 and 4	8710.6300, Subp. 4	38.14	42.5	NO
School Counselor, Tier 2	8710.6400, Subp. 1c.	N/A	44.1	YES
School Counselor, Tier 3 and 4	8710.6400, Subp. 5	38.14	45.10	YES

Need and Reasonableness:

Renewal requirements must vary by related service area based on different statutes. These rules align with those statutes and remains consistent with current practice.

For Tier 3 and Tier 4 speech language pathologists, they may use their Certificate of Clinical Competence, as they do in current practice for clock hours. The current draft also maintains the grandfather clause for individuals who are renewing and were licensed prior to July 1, 1994. There are not Tier 2 renewals as districts must get a waiver granted to get a Tier 2.

For school nurses, the renewal requirements have not changed from 8710.6100.

For school psychologists and school counselors who do not require supervision as Tier 2 teachers, there is the renewal requirement that they participate in mentorship and evaluation, in line with other Tier 2 licenses.

For school psychologists and school counselors who need supervision, these licenses may only be renewed one time. Since school counselors do not need to be as far along in the program when they complete this clinical experience, there is the requirement that these applicants make meaningful progress toward licensure. Both school counselors and school psychologists who need supervision may only renew the license once as it would not be reasonable for candidates to take longer than that to complete their program.

The Tier 3 and 4 renewal exceptions for related service are in line with current practice as the renewal requirements are not all applicable to their work or may have been done in another way (ex. NCSP credential for school psychologists).

There are some additional requirements based on other statutes (example: school social workers must maintain their licenses with the Board of Social Work).

Career Pathways License	Rule	4369 Line No.	4534 Line No.	Change
Overview	8710.9010	NA	52.1	YES

Need and Reasonableness:

Currently, the board grants permissions to individuals in “non-licensure” areas when a district is seeking a teacher-of-record in a classroom that does not align with any approved licensure category. These areas fall under “Career Pathways” and are unable to have an approved teacher preparation program in these areas because no licensure standards exist. The board believes it is now needed to provide a catch-all licensure category for these content areas so that they can receive a Tier 1 and Tier 2 license, and then, after evidencing pedagogy standards through the Standards of Effective Practice (8710.2000), a Tier 3 license.

*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, PELSB 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 and PELSB meetings
- Written stakeholder comments
- HF 140 Fiscal Note

CONCLUSION

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

4/27/18



April 27, 2018

Alex Liuzzi
Interim Executive Director