

Response to Comments Made at the Hearing and during the Post-Hearing Comment Period

In the Matter of the Proposed Amendments to Rules Governing Teacher Licensure and Permissions; the Standards of Effective Practice; and Teachers of Health, Physical Education, Developmental Adapted Physical Education, Parent and Family Education, Adult Basic Education, and American Indian Language, History, and Culture; Minnesota Rules, Chapter 8710; Proposed Repeal of Minnesota Rules, parts 8710.0400 and 8710.0550; Revisor’s ID Number 4615; OAH Docket Number 5-9021-36362

September 19, 2022

Introduction

The Minnesota Professional Educator Licensing and Standards Board (“PELSB” or “the Board”) is proposing changes to a number of rules governing teacher licensure and permissions; the Standards of Effective Practice (pedagogical standards); and standards for teachers of health, physical education, developmental adapted physical education (DAPE), parent and family education, adult basic education, and American Indian language, history, and culture.

PELSB formally initiated this rulemaking project by releasing its [Request for Comments](#) in the State Register on September 23, 2019; though, it began soliciting feedback on proposed changes even prior. The Request for Comments triggered a comment period that would run until June 1, 2021 – well beyond the required 60 days.

PELSB published its [Notice of Hearing](#) in the State Register on May 2, 2022. The Notice of Hearing triggered a pre-hearing comment period, which ended on June 6, 2022. PELSB received [21 comments](#). In response to some of the comments received during the pre-hearing comment period, PELSB adopted [additional revisions](#) to the proposed rule changes during its regularly scheduled July board meeting.

On August 24, 2022, PELSB held a virtual rules hearing. The rules hearing lasted over 8 hours and over 70 members of the public provided testimony regarding the proposed rules changes. Following the rules hearing, PELSB released a [recording of the hearing](#) and a [transcript](#).

At the hearing, the Administrative Law Judge ordered a 20-day post-hearing comment period, which ran until September 13, 2022. Members of the public were able to comment using the eComment system, mail, and fax. Over 375 individuals submitted comments during the post-hearing comment period.

This document includes responses to concerns and issues raised during the hearing and during the post-hearing comment period. The Board’s responses to comments received have been divided into three distinct topics: (A) responses related to the proposed Standards of Effective Practice; (B) responses related to license-specific rules; and (C) responses related to tiered licensure.

Finally, several comments made during the hearing and as part of the post-hearing comment period have been previously addressed by PELSB in its [Statement of Need and Reasonableness \(SONAR\)](#) and/or its [Response to Pre-Hearing Comments](#). Please see those documents for more information on:

- PELSB’s legal authority to adopt rules;
- PELSB’s analysis of how it met the procedural and legal requirements to adopt rules;
- An overview of the public participation that took place over the course of this rulemaking project, including outreach approved as part of PELSB’s Additional Notice Plan;
- The need and reasonableness for limiting out-of-field permissions by teachers holding a Tier 2 license; and
- The need and reasonableness for adopting new and updated Standards of Effective Practice.

Correction – Response to Pre-Hearing Comments

In PELSB’s [Response to Pre-Hearing Comments](#), the Board stated that FAIR - Twin Cities submitted their comment after the comment period ended. This statement was incorrect. PELSB apologizes to FAIR – Twin Cities and others for any confusion.

A. Responses related to the proposed Standards of Effective Practice

1. Misconception: The Standards of Effective Practice will be required by teachers renewing their license.

Summary of comment(s)

Several comments raised concerns that PELSB will require existing teachers, who hold a professional teaching license (Tier 3 or Tier 4 license), to complete the proposed Standards of Effective Practice upon adoption.

PELSB’s Response

This is not true. The Standards of Effective Practice will be required by: (1) teacher candidates completing initial licensure programs in Minnesota and (2) existing teachers seeking an initial Tier 3 license through the licensure via portfolio process (i.e., adult learners). From an implementation standpoint, teacher candidates will complete learning opportunities and assessments specific to each of the proposed Standards of Effective Practice through their teacher preparation program (i.e., undergraduate and post-baccalaureate courses and/or experiences). Teachers going through the portfolio process will document how they meet the Standards of Effective Practice through prior coursework, professional development, work and teaching experience, or other means.

Teachers who already hold a Tier 3 or Tier 4 license (approximately 96% of all licensed teachers in Minnesota), or who have already completed teacher preparation (such as the approximately 1,000 teachers who hold a Tier 2 license but are unable to move to a Tier 3 license due to an inability to pass

applicable licensure exams), will not be required to complete the Standards of Effective Practice upon adoption. Additionally, teachers on a Tier 1 or Tier 2 license who do not seek to complete teacher preparation or licensure via the portfolio process will not be required to complete the Standards of Effective Practice.

This misconception likely stems from a new renewal requirement that went into effect following the adoption of tiered licensure. As of 2020, all teachers were required to complete a cultural competency training prior to renewing their license.¹ While the Standards of Effective Practice cover some similar concepts as addressed within the cultural competency training, the Standards of Effective Practice are a pre-licensure requirement completed as part of teacher preparation or as the licensure via portfolio process.

2. Misconception: Teachers in private preK-12 schools will be forced to meet the Standards of Effective Practice.

Summary of comment(s)

Several comments raised concerns that private school teachers would be required to meet the proposed Standards of Effective Practice.

PELSB's Response

This is not true. The Standards of Effective Practice serve as a pre-licensure requirement for certain pathways to licensure (i.e., teacher preparation and licensure via portfolio) and will not be required outside of this context. Further, in Minnesota, teacher licensure is optional for teachers in a private school (“nonpublic school”).²

Please see “Misconception: The Standards of Effective Practice will be required by teachers renewing their license,” above, for further information on the impact on the Standards of Effective Practice on currently licensed teachers.

¹ Minn. Stat. 122A.181, subd. 3 (b)(3) (establishes the cultural competency training requirement for teachers renewing a Tier 1 license); Minn. Stat. 122A.182, subd. 3 (establishes the cultural competency training requirement for teachers renewing a Tier 2 license); 122A.197, subd. 3 (establishes the cultural competency training requirement for teachers renewing a Tier 3 or Tier 4 license); and Minn. R. 8710.0310, subp. 1 (D) (defines “cultural competency training”).

² Minn. Stat. 120A.22, subd. 10.

3. Misconception: Teachers who complete teacher preparation programs in another state may not be able to become licensed because of the proposed Standards of Effective Practice.

Summary of comment(s)

Several comments indicated PELSB may not allow an applicant, who completed teacher preparation program in another state, to become licensed if their preparation did not include training related to culturally responsive pedagogy.

PELSB's Response

This is not true. The Board does not assess an out-of-state teacher preparation program's ability to meet Minnesota pedagogical or content standards.

State law allows an applicant, who completed a teacher preparation program approved by the state where the program is offered, to be licensed in Minnesota. Specifically, an applicant who has completed a state-approved teacher preparation program in another state and passed applicable testing is eligible for a Tier 3 license.³ If the applicant cannot pass applicable testing, the applicant is eligible for a Tier 2 license if the applicant can secure a job offer from a Minnesota school district.⁴

4. Misconception: The Standards of Effective Practice are content standards or curriculum for preK-12 students.

Summary of comment(s)

Several comments raised concerns that the Standards of Effective Practice establish learning or subject-matter requirements for preK-12 students.

PELSB's Response

This is not true. The Standards of Effective Practice are pedagogical standards for teacher candidates completing teacher preparation⁵ or for applicants seeking a Tier 3 license through the licensure via portfolio process. The Standards of Effective Practice are not standards for preK-12 learners and are not required learning for children in any public or nonpublic school.

³ Minn. Stat. 122A.183; Minn. R. 8710.0813, subpart 2 (B) and (C)(2).

⁴ Minn. Stat. 122A.182; Minn. R. 8710.0312, subp. 2 (B)(3)(b) and (e).

⁵ Minnesota law requires that all Board-approved teacher preparation programs include a common core of knowledge and skills that meet the 1992 InTASC model standards (see Minn. Stat. 122A.092, subdivision 2(4)). The proposed Standards of Effective Practice continue to meet, align to, and build off the 1992 and 2011 InTASC model standards. Please see Appendix I of the [SONAR](#) for this rulemaking project for the 1992 and 2011 from InTASC.

Minnesota’s compulsory education law establishes the content-area instruction required for school-age children, including:

- basic communication skills, including reading, writing, literature, and fine arts;
- mathematics and science;
- social studies, including history, geography, and government; and
- health and physical education.⁶

In addition to establishing content-area instruction requirements, state law further requires course credit requirements⁷ and establishes clear direction to the Minnesota Department of Education and local school districts regarding the development of academic standards and benchmarks.⁸

For more information about academic standards, benchmarks, and student learning in different content areas please read MDE’s [Understanding Minnesota Academic Standards](https://education.mn.gov/mde/dse/stds/) or visit <https://education.mn.gov/mde/dse/stds/>.

Revision to rule draft

In order to clarify the role of locally-adopted standards, PELSB staff will bring the following revisions to the Board for consideration during their October board meeting:

Table 1: Possible revisions to rule draft

<u>Line</u>	Citation	Possible revision (indicated by red text)
22.8	8710.2000, subp. 4 (C)	The teacher creates or adopts lessons, unit plans, learning experiences and aligned assessments based on Minnesota’s academic standards, or if unavailable, <u>local</u> , national, or international discipline-specific standards.
44.18	8710.4500, subp. 3 (C) (1)	[The teacher candidate must] design and apply developmentally appropriate short- and long-term plans that are aligned with <u>national, state, or local</u> academic standards, including plans for assessments;

The revision to the rule draft would allow teacher preparation providers to work with their candidates to determine which standards (local, state, national, etc.) are most appropriate for their particular training. Further, applicants pursuing a license via portfolio will also have the flexibility to demonstrate the actual standards they are using or used in their particular classroom. An applicant seeking a Tier 3 license in health education would be able to demonstrate their ability to design developmentally-appropriate plans aligned to locally-developed academic standards.

⁶ Minn. Stat. 120A.22, subdivision 9.

⁷ Minn. Stat. 120B.024.

⁸ Minn. Stat. § 120B.021.

5. Misconception: The Standards of Effective Practice conflict with the local adoption of curriculum.

Summary of comment(s)

Several comments expressed concerns that the Standards of Effective Practice bypass local adoption of curriculum.

PELSB's Response

This is not true. The Standards of Effective Practice do not dictate a particular curriculum or teaching style that must be used in a classroom. Districts, schools, and educators (collectively) are responsible for determining how their students will meet academic standards and benchmarks, such as through courses, curriculum and instruction (more about academic standards and benchmarks below).

6. Misconception: The Standards of Effective Practice conflict with parental choice.

Summary of comment(s)

Several comments raised concerns that the proposed Standards of Effective Practice would infringe on parental choice to determine curriculum and/or make a teacher the sole arbiter on the education of the students in their classroom.

PELSB's Response

The Standards of Effective Practice do not require any particular curriculum be used or supplant a school district's requirement to meet all of the statutory requirements about parental involvement in the curricular decisions within each district.

The proposed Standards of Effective Practice represent the foundational knowledge and skills teachers must embody in order to effectively teach all of Minnesota's students. Many of the proposed standards consider the role of parents and families and further address a teacher's ability to collaborate with families, colleagues, and school leaders, including:

- 3 (G). The teacher, independently and in collaboration with colleagues, uses a variety of data, including data disaggregated by student race, ethnicity, and home language, to evaluate the outcomes of teaching and learning and to adapt planning and practice.
- 6 (J). The teacher actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem solving.
- 7 (A). The teacher understands the importance of engaging in reciprocal communication about student development, learning, and performance with families that operate from an asset-based and culturally affirming standpoint.

- 7 (B). The teacher knows how to collaborate with a culturally relevant and responsive lens with families to support student learning and secure appropriate services to meet the needs of students.
- 7 (C). The teacher plans collaboratively with professionals who have specialized expertise to design and jointly deliver, as appropriate, learning experiences to meet unique learning needs.

7. Misconception: The Standards of Effective Practice will require teachers to agree or speak agreement with certain ideological beliefs.

Summary of comment(s)

One commenter argued that the proposed standards require teachers to agree with or speak agreement with ideological and religious views in opposition to their own beliefs in order to be licensed.

Additionally, several comments expressed concerns with the term “affirm” being used in the following two standards:

- 1(A). The teacher understands that students bring assets for learning based on their individual experiences, abilities, talents, prior learning, and peer and social group interactions, as well as language, culture, family, and community values, and approaches their work and students with this asset-based mindset, affirming the validity of students' backgrounds and identities.
- 2(D). The teacher fosters an environment that ensures student identities such as race/ethnicity, national origin, language, sex and gender, gender identity, sexual orientation, physical/developmental/emotional ability, socioeconomic class, and religious beliefs are historically and socially contextualized, affirmed, and incorporated into a learning environment where students are empowered to learn and contribute as their whole selves.

PELSB's Response

PELSB maintains the proposed rules will not violate a teacher's constitutional rights. A teacher does not need to hold a particular religious or political belief in order to meet the Standards of Effective Practice.

Within the context of these standards, the requirement to “affirm” students' identities and backgrounds is not about specific beliefs, but rather the teacher's capacity to provide a safe environment for all students to learn. For example, if a student is fasting for religious reasons and the teacher does not hold the same religious beliefs, the proposed standards would not require the teacher to believe in that particular religion, encourage others to believe in the religion, or to participate in the fasting. Rather, it would simply prepare the teacher to permit said student to practice their respective religious beliefs.

Minnesota law provides that all students have the right to attend school in a safe and supportive environment where they can learn and have equal access to all educational opportunities.⁹ Further, the Minnesota Human Rights Act prohibits discrimination and harassment in education based on race,

⁹ Minn. Stat. 363A.13.

religion, disability, national origin, sex, familial status, age, gender expression, actual or perceived gender identity, and actual or perceived sexual orientation.¹⁰ The proposed standards focus on the ability of the teacher to consider a student's beliefs and identities and affirm their right to practice said beliefs within the context of a public education setting.

8. Misconception: PELSB does not enforce statutory requirements for teacher preparation related to technology strategies and reading strategies.

Summary of comment(s)

Several comments claimed that PELSB is not enforcing two statutory provisions specific to teacher preparation: (1) 122A.092, subdivision 5 (Reading Strategies) and (2) 122A.092, subdivision 6 (Technology Strategies). Strategies.

PELSB's Response

PELSB disagrees. There are rules and processes in place that ensure teacher preparation programs meet statutory requirements specific to reading strategies and technology strategies.

Several rules establish requirements specific to reading strategies and technology strategies including:

- Minn. R. 8705.1010, subpart 1 (B)(6). The [teacher preparation provider] must ensure each program provide effective instruction on research-based practices in reading that enable the candidate to teach reading in the candidate's licensure field.
- Minn. R. 8705.1010, subpart 1 (B)(8). The [teacher preparation provider] must ensure each program provide effective instruction on the knowledge and skills needed to engage students with technology and deliver digital and blended learning curricula.

Peer reviewers assess compliance with the two standards addressed above every six years. Additionally, teacher preparation providers are responsible for submitting efficacy data every three years.

Further, license-specific teacher preparation programs must meet reading and technology standards aligned to their content areas (these standards are found in Minnesota Rules 8710.3000 through 8710.5850). For example, all initial licensure programs in elementary education, early childhood education, and any of the special education fields must include the following standards as part of their learning opportunities and assessments for licensure candidates:

- A teacher of [] must have knowledge of the foundations of reading processes, development, and instruction, including: (1) oral and written language development, including: (a) relationships

¹⁰ Minn. Stat. 363A.

among reading, writing, and oral language and the interdependent nature of reading, writing, listening, and speaking to promote reading proficiency.¹¹

In order to become an approved program, each license-specific program must submit evidence that each standard is met through a learning opportunity and assessment. The program approval process is a thorough process that includes a review of all statutory requirements as well as requirements established by rule.

Finally, several of the proposed Standards of Effective Practice include additional standards related to reading and technology including, but not limited to:

- 1(K). The teacher is able to recognize the distinguishing characteristics of reading disabilities, including dyslexia, and knows how to implement appropriate accommodations.
- 5(J). The teacher uses technology to create, adapt, and personalize learning experiences that foster independent learning and accommodate learner differences and needs.
- 6(J). The teacher actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem solving.

If adopted, each initial licensure program would be responsible for ensuring their candidates complete the new Standards of Effective Practice as part of their training.

9. 1992 Model inTASC standards

Summary of comment(s)

One commenter argued that Minnesota Statutes 122A.092, subd. 9, limits PELSB's authority to make changes to the Standards of Effective Practice.

PELSB's Response

PELSB disagrees. Minnesota Statutes 122A.092 establishes the requirements for teacher preparation programs seeking approval to prepare candidates for licensure in Minnesota.¹² One specific requirement is that every approved teacher preparation program includes standards specific to knowledge and skills aligned to InTASC 1992 model standards – a set of 10 pedagogy-based core standards (with multiple sub-standards). The statute continues stating that amendments to the core standards “must be adopted according to chapter 14.”

The Standards of Effective Practice used in Minnesota have always been grounded in the InTASC standards. The additions to the Standards of Effective Practice - to include additional pedagogical standards specific to the knowledge and use of technology in 2010 - were adopted through rulemaking. For this particular project, the proposed Standards of Effective Practice represent additional standards

¹¹ Minn. R. 8710.3000, subpart 3(E)(1) (requirement for early childhood education); Minn. R. 8710.3200, subpart 3 (C)(1) (requirement for elementary education); 8710.5000, subpart 1(B) (requirement for all special education programs).

¹² Note: Minnesota Statutes 122A.092 also grants PELSB authority to adopt rules to approve teacher preparation programs.

Minnesota stakeholders believe are essential pedagogical foundations for new teachers and these proposed standards continue to align and meet the 1992 inTASC standards.

10. Teacher Supply and Demand

Summary of comment(s)

One comment argued the PELSB did not provide sufficient evidence to support how the proposed Standards of Effective Practice would impact the supply and demand for teachers and concluded that impact would be negative.

PELSB's Response

PELSB disagrees. Nearly 37% of Minnesota's students are students of color or Indigenous students.¹³ Currently, only 5.6% of teachers are people of color or Indigenous people.¹⁴ In fact, legislators have recognized the need to close this gap by including it in the statutory definition of a teacher shortage.¹⁵ Research has established that culturally responsive teaching plays a key role in recruiting and retaining teacher of color. In preparing teachers to engage in this pedagogical strategy, the proposed standards will have a positive impact on teacher supply and meet the demand, outlined in statute, to address a shortage of teachers of color.¹⁶

¹³ [Minnesota Report Card.](#)

¹⁴ [2021 Biennial Supply & Demand Report.](#)

¹⁵ Minn. Stat. 122A.06, subdivision 2

¹⁶ Council of Chief State School Officers. (2018). Preparing "Learner-Ready" Teachers: Guidance from NTEP States for Ensuring a Culturally Responsive Workforce. Washington, DC: CCSSO; *available at* <http://www.ccsso.org/sites/default/files/2018-02/Preparing%20Learner-Ready%20Teachers.pdf>; Johnston, E., D'Andrea Montalbano, P., & Kirkland, D.E. (2017). Culturally Responsive Education: A Primer For Policy And Practice. New York: Metropolitan Center for Research on Equity and the Transformation of Schools, New York University; *available at* https://steinhardt.nyu.edu/scmsAdmin/media/users/atn293/pdf/CRE_Brief_2017_PrintBooklet_170817.pdf; Putman, H., Hansen, M., Walsh, K., & Quintero (2016). High Hopes and Harsh Realities; The Real Challenges to Building a Diverse Workforce. Washington, D.C.: Brown Center on Education Policy at Brookings; *available at* https://www.brookings.edu/wpcontent/uploads/2016/08/browncenter_20160818_teacherdiversityreportpr_hansen.pdf.

B. Responses related to the license-specific rules

1. Teachers of American Indian Language, History, and Culture

Summary of comment(s)

One commenter argued the Board does not have authority to adopt rules governing teachers of American Indian Language, History, and Culture. Further, this commenter indicated that PELSB cannot make certain licenses ineligible for a Tier 1 or Tier 2 license.

PELSB's Response

PELSB disagrees. First, PELSB maintains its authority to adopt amendments to this rule under Minn. Stat. 122A.09, subpart 9 (a) (*italics added for emphasis*):

Subd. 9. **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 [120B.363](#), [122A.05](#) to [122A.09](#), [122A.092](#), [122A.16](#), [122A.17](#), [122A.18](#), [122A.181](#), [122A.182](#), [122A.183](#), [122A.184](#), [122A.185](#), [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.

Additionally, PELSB argues it can limit the issuance of the American Indian language, history, and culture licenses to Tier 3 and Tier 4.

The proposed rule language implements Minn. Stat. 124D.75 and is in alignment with the Native American Languages Act of 1990.¹⁷ Both federal and state law recognize the “unique and culturally related academic needs of American Indian people” and acknowledge the languages of Native Americans are “an integral part of their cultures and identities.” Minnesota law explicitly creates a pathway to a license to teach American Indian language, history, and culture by allowing the teacher to demonstrate competence through verification from a tribal government.

A Tier 1 and Tier 2 license is tied to a particular school and content area. Given the role of tribal governments in the issuance of the American Indian language, history, and culture license, a Tier 1 or Tier 2 license would be inappropriate. If a teacher meets the requirements for a American Indian language, history, or culture license, PELSB maintains that this teacher should obtain a Tier 3 license and, in alignment with the process for all professional licenses, then move to a Tier 4 license after completing three years of teaching, obtaining a summative evaluation (that does not place or keep the teacher in an improvement process) and meeting other applicable renewal requirements.

Finally, several other licenses have established limitations for tiered licensure, including:

¹⁷ 25 USC 2901.

- A school speech-language pathologist is not eligible for a Tier 1 license;¹⁸
- A school nurse is not eligible for a Tier 1 or Tier 2 license;¹⁹
- A school psychologist is not eligible for a Tier 1 license;²⁰
- A school social worker is not eligible for a Tier 1 or Tier 2 license;²¹ and
- A school counselor is not eligible for a Tier 1 license.²²

In all of these cases, the Administrative Law Judge reviewing the tiered licensure rulemaking acknowledged that “because the professional requirements for the related service professionals are governed by separate statutes and boards... the Board was required to align each profession with the tiers that give effect to all the laws and rules applicable to each profession.”²³

PELSB argues that the American Indian language, history, and culture should be treated similarly given: (1) this licensure field has unique statutes governing and authorizing it and (2) the unique and necessary role of the tribal governments and the Tribal National Education Committee in evaluating the qualifications for the applicant.

2. Teachers of Health

Summary of comment(s)

One commenter raised concerns that the proposed changes to the licensure standards for teachers of health failed to include reference to “locally adopted standards.”

PELSB’s Response

PELSB staff agree that clarification would be appropriate and will bring the following recommended revision to the October board meeting:

Table 2: Possible revision to rule governing the licensure of teachers of health education

Line	Citation	Possible revision (indicated by red text)
44.18	8710.4500, subp. 3 (C) (1)	[The teacher candidate must] design and apply developmentally appropriate short- and long-term plans that are aligned with <u>national, state, or local</u> academic standards, including plans for assessments;

As mentioned earlier, this revision to the rule draft would allow teacher preparation providers to work with their candidates to determine which standards (local, state, national) are most appropriate for their

¹⁸ Minn. R. 8710.6000, subpart 1a (B).

¹⁹ Minn. R. 8710.6100, subpart 1a (B).

²⁰ Minn. R. 8710.6200, subpart 1a (B).

²¹ Minn. R. 8710.6300, subpart 1a (B).

²² Minn. R. 8710.6400, subpart 1a (B).

²³ [Report of the Administrative Law Judge in the Matter of the Proposed Rules of the Professional Educator Licensing and Standards Board Governing the Issuance, Renewal, and Validity of Teaching Licenses; Licensure via Portfolio; Tiered Licensure; and Technical Changes to Teaching License](#), beginning on page 48.

particular training. Further, an applicant seeking a Tier 3 license in health education through licensure via portfolio would be able to demonstrate their ability to design developmentally-appropriate plans aligned to locally-developed academic standards.

C. Responses related to the proposed changes to tiered licensure

1. Definitions

Summary of comment(s)

One commenter expressed concerns with the use of the term “home-school setting” within the proposed change to the definition of “teacher-of-record.”

PELSB’s Response

PELSB seeks to clarify the existing definition of “teacher of record.” The definition of “teacher of record” was established in October 2018, following the enactment of the tiered licensure system in 2017. The term is used throughout chapter 8710, including to describe different requirements for a Tier 2, Tier 3, and Tier 4 license:

- An applicant is eligible for a Tier 2 license when the applicant has served at least two years as a “teacher of record” aligned to the license sought.²⁴
- An applicant is eligible for a Tier 3 license when the applicant held a professional license in another state and served at least two years as a “teacher of record” aligned to the license sought.²⁵
- An applicant is eligible for a Tier 3 license when the applicant completed a state-approved teacher preparation program in another state with field-specific student teaching equivalent to student teaching in Minnesota. The applicant for a Tier 3 license does not need to demonstrate field-specific student teaching equivalent to student teaching in Minnesota if that applicant has served at least two years as a teacher of record aligned to the license sought.²⁶
- An applicant is eligible for a Tier 3 license when the applicant has served for at least three years as a teacher of record while holding a Tier 2 license aligned to the license sought;²⁷ and
- An applicant is eligible when a Tier 3 license after the applicant has served for three years as a teacher of record in Minnesota.²⁸

²⁴ Minn. R. 8710.0312, subpart 2 (B) (3) (c).

²⁵ Minn. R. 8710.0313, subpart 2 (C)(4).

²⁶ Minn. R. 8710.0312, subpart 2 (C)(2).

²⁷ Minn. R. 8710.0312, subpart 2 (C)(5).

²⁸ Minn. R. 8710.0314, subpart 2 (D).

PELSB seeks to clarify that teaching in a home-school setting would not count as a “teacher of record” for the purposes of licensure as there is no district oversight of the teacher’s ability to plan, provide instruction, or assess student understanding.

Finally, this proposed change does not impact who can be a teacher in a home-school setting or whether a student in a home-school setting can receive credit.

Conclusion

This document constitutes the Board’s response to comments received during rules hearing and for a period of 20-days following the rules hearing.

In conclusion, the Board believes that this response, the Board’s SONAR, and supporting exhibits demonstrate that the proposed rules are needed and reasonable and in accordance with all regulatory and legal requirements.²⁹

The Board respectfully requests that the proposed rules be approved. If you have questions about the Board’s response, please contact Michelle Hersh Vaught at PELSB.rules@state.mn.us.

²⁹ Note: The Board has made its rulemaking drafts, key procedural documents, and all exhibits publicly available on its webpage throughout the rulemaking process. See <https://mn.gov/pelsb/board/rulemaking/licensing-academic-standards/>.