

Response to Pre-Hearing Public Comments

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

August 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 published its Notice of Hearing in the State Register on May 2, 2022. The Notice of Hearing triggered a comment period, which ended on June 6, 2022. PELSB received 21 comments.¹

This document outlines the concerns and issues raised in the comments received during the pre-hearing comment period, with response to each from PELSB. Additionally, PELSB notes that many concerns have been previously addressed in its Statement of Need and Reasonableness (SONAR).²

The Board’s responses to comments received have been divided into two distinct topics: (1) responses related to the proposed Standards of Effective Practice; and (2) responses related to tiered licensure.

Adopted revisions

In response to some comments, the Board adopted revisions to its proposed rules as published in the Notice of Hearing. The revisions are noted throughout this document. Additionally, PELSB has made an updated rule draft available on its webpage.³

¹ See [Exhibit J](#). All written comment and submission on the proposed rule changes that the Board received during the pre-hearing comment period.

² See [Exhibit D](#). The Statement of Need and Reasonableness (SONAR).

³ See [Exhibit M1](#): A draft of proposed rule changes (dated August 16, 2022) and [Exhibit M2](#): Revisions adopted by the Board on July 29, 2022, and included in the rule draft dated August 16, 2022.

Responses related to the proposed Standards of Effective Practice

General statement about the proposed Standards of Effective Practice

Pedagogy is a term used to describe the study of teaching. Today's pedagogical theories and practices consider not only the teacher - their knowledge, practices, and ongoing development - but also each individual student, the learning environment, and subject matter. The field of pedagogy evolves and changes as new research and findings shape and inform what effective teaching looks like.

The state of Minnesota has had pedagogical standards for beginning teachers since 2001 (referred to as "the Standards of Effective Practice"). These pedagogical standards, along with subject matter standards (also called "content area standards"), are infused into teacher preparation programs that lead to licensure. One of PELSB's very first initiatives as a Board was to reconsider the Standards of Effective Practice and how these pedagogical standards could be updated in order to ensure every student in Minnesota has high-quality educators in their schools.

The proposed Standards of Effective Practice are standards designed for teacher candidates completing initial licensure programs and for existing teachers seeking an initial Tier 3 license through the licensure via portfolio process (i.e., adult learners). These standards are implemented in undergraduate and post-baccalaureate classes, learning opportunities, and field experiences. These standards are not academic standards for E-12 learners. The standards are not required learning for children that will be implemented in an E-12 setting. Further, these standards do not dictate a particular curriculum or teaching style that must be used in a classroom.

The Professional Educator Licensing and Standards Board maintains that the proposed Standards of Effective Practice are needed and reasonable to ensure Minnesota's teachers have the necessary foundation of knowledge and skills to be effective in the classroom. The proposed Standards of Effective Practice build off of the last 20+ years of pedagogical understanding in order to incorporate concepts and themes that have emerged as key factors of student success.

Procedural Concerns

Most of the procedural concerns came from one commenter – FAIR Twin Cities. PELSB wants to note that FAIR Twin Cities' comment was submitted after the comment period ended. Because it appears FAIR Twin Cities attempted to submit their comment before the comment period ended, PELSB has chosen to include FAIR's comment and concerns as part of the package of

comments received during the pre-hearing comment period and addresses their concerns below.

Procedural Concerns: Authority

Summary of comment(s)

One commenter indicated that the Board is “overstep[ing] its administrative charge to implement legislative statute by including such recommendations [specific to the Standards of Effective Practice] into the proposed rule.”⁴ Additionally, this commenter raised the concern that PELSB seeks to give its authority to teacher preparation providers by reducing the total number of standards included in the Standards of Effective Practice.⁵

PELSB’s Response

PELSB has not exceeded its authority by proposing to adopt updated pedagogical standards. State law requires that PELSB adopt rules to implement several statutory provisions, including tiered licensure, the approval of teacher preparation programs (which includes requirements specific to content and pedagogy), licensure via portfolio (which includes requirements specific to content and pedagogy), and fields of licensure.⁶

Additionally, PELSB disagrees with the claim that it is giving its authority to teacher preparation providers. If the proposed Standards of Effective Practice are adopted, teacher preparation providers will continue to be responsible for implementing content and pedagogy standards in their programs and ensuring teacher candidates are prepared for teacher licensure as required by Minnesota Rules chapter 8705, chapter 8710, and other state laws. PELSB will maintain rigorous oversight of programs both at the initial program approval stage and the continual approval process, all outlined in Minnesota Rules chapter 8705.

Procedural Concerns: Notices

Summary of comment(s)

One commenter raised the concern that PELSB was misleading the public when it minimized the magnitude of its intended changes to the Standards of Effective Practice⁷ and that PELSB’s proposed rule differs from the original notice.⁸

⁴ See [Exhibit J](#), FAIR Twin Cities, Concern #1: Misleading minimization of the magnitude of changes to the Standards of Effective Practice.

⁵ See [Exhibit J](#), FAIR Twin Cities, Concern #10: Devolution of authority to private entities.

⁶ Minn. Stat. 122A.09, subd. 9.

⁷ See [Exhibit J](#), FAIR Twin Cities, Concern #1: Misleading minimization of the magnitude of changes to the Standards of Effective Practice.

⁸ See [Exhibit J](#), FAIR Twin Cities, Concern #2: Proposed rule differs from original notice of hearing.

PELSB's Response

PELSB published its Request for Comments for this rulemaking project in the State Register on September 23, 2019.⁹ In PELSB's Request for Comments, PELSB indicated it was seeking to:

“update the standards of effective practice ... to align with national standards, high-leverage practices, and changing demographics of Minnesota students, including but not limited to racially and ethnically diverse students, multilingual students, students who have experienced trauma, and students with dyslexia.”

At the same time that the Request for Comments was released, PELSB published a first draft as a starting point and “conversation starter.”

PELSB chose to leave the comment period open for longer than the required 60 days in order to gather additional feedback, especially as the Board considered new draft language. On May 3, 2021, PELSB published a notice in the State Register to close the comment period on June 1, 2021.¹⁰ Throughout the extensive comment period, PELSB met with numerous stakeholders to discuss possible changes, as well as answer stakeholder questions.

During the initial comment period, PELSB was urged to add anti-racist tenants into the proposed Standards of Effective Practice in order to better address racism in education and to improve student achievement for all Minnesota's students. States and national organizations are increasingly implementing new requirements for teacher licensure and teacher preparation to ensure future teachers understand their unconscious (and conscious) biases, address gaps in curriculum, ensure the classroom is a truly inclusive space (physically and virtually), and develop more culturally-responsive teaching practices.¹¹ PELSB maintains that the proposed Standards of Effective Standards will ensure future teachers are better prepared to teach racially and ethnically diverse students, multilingual students, students who have experienced trauma, and students with disabilities, including dyslexia, and that each of the proposed changes is in keeping with pedagogical best practices and aligns to PELSB's original description of the project's scope.

⁹ [44 SR 421](#).

¹⁰ 45 SR 1188.

¹¹ PELSB's SONAR highlights several states and national organizations that have released teacher standards.

Procedural Concerns: Regulatory Analysis included in Statement of Need and Reasonableness (SONAR)

Summary of comment(s)

One commenter indicated PELSB did not sufficiently address the classes of persons affected and that PELSB failed to mention parents, students, faith organizations, school leadership, and school boards.¹²

PELSB's Response

The proposed Standards of Effective represent the necessary knowledge and skills for new teachers seeking teacher licensure in Minnesota. These pedagogical standards are designed for adult learners as they train to become teachers in a specific content field. While these pedagogical skills and competencies will inform a teacher's practices, it does not require a teacher to use specific types of curricula or to teach specific topics. Furthermore, these pedagogical skills do not require teachers to espouse any specific religious or political beliefs.

Therefore, PELSB maintains that the classes of persons who probably will be impacted by the proposed Standards of Effective Practice is teacher preparation providers, teacher candidates, and public school students.

That said, PELSB notes that its Additional Notice Plan included many stakeholders that make up the persons highlighted by the commenter, including the Minnesota PTA, the Association of Metro School Districts, Minnesota Association of Elementary School Principals, Minnesota Association of Secondary Principals, and Minnesota School Boards Association (a member of PELSB's Standards and Rules Advisory Committee).¹³ These persons were encouraged to submit comments over the past three years.

Summary of comment(s)

One commenter raised concerns about the Board's regulatory analysis specific to the Teacher Supply and Demand.¹⁴

PELSB's Response

The question of impact on the supply of teachers is worth addressing. While changes to the standards for the profession may not be universally supported, PELSB does not anticipate a significant impact on teacher retention for several reasons. First, these standards do not impact re-licensure or curriculum and would therefore have no direct impact on current teachers. Second, during the rulemaking process PELSB conducted a survey of Minnesota teachers that

¹² See [Exhibit J](#), FAIR Twin Cities, Concern #12: Insufficient assessment of classes of persons affected.

¹³ PELSB's [Additional Notice Plan](#).

¹⁴ See [Exhibit J](#), FAIR Twin Cities, Concern #11: Incomplete assessment of teacher supply and demand.

inquired about the reason teachers have left the profession. In this survey, a school climate that does not acknowledge the systemic and institutional barriers to teachers of color and indigenous teachers was identified as a key reason for teacher attrition. The state of Minnesota has allocated tens of millions of dollars specifically targeted to increase teachers of color and indigenous teachers. The proposed Standards of Effective Practice will ensure that racial consciousness is embedded into teacher preparation programs, and PELS B believes this will result in enhanced school climates and an overall increase in both recruitment and retention of teachers in Minnesota.

While PELS B maintains that these standards are unlikely to have a negative impact on teacher retention, and in fact are more likely to help, it is worth noting that these standards are designed to prepare teachers to work with the full scope of students in Minnesota public schools. Educators who are uncomfortable being prepared to serve all students always have the option to serve more select groups in private school settings where meeting the requirements for licensure in the state are not required.

Summary of comment(s)

One commenter raised concerns about PELS B's characterization of "less intrusive methods,"¹⁵ as well as PELS B's assessment of "less costly methods"¹⁶ and consequences of retaining the current Standards of Effective Practice.¹⁷

PELS B's Response

PELS B stands by its SONAR, which outlines the reasons these rules follow the criteria for least intrusive method. The characterization that these rules will be controversial, and thus intrusive, is not the viewpoint of the majority of stakeholders required to implement the proposed rule - teacher preparation providers. Teacher preparation provider feedback has largely been in support of these standards, especially in regards to efforts to simplify and clarify standards, align standards to national standards, and to incorporate essential new components of effective practice for new teachers.

The Board believes that retaining the existing proposed Standards of Effective Practice will result in a failure to adequately prepare Minnesota's future teachers to be able to teach all students effectively and would disregard years of research and best practice about how a teacher's culturally-responsive practices can be used to build trust and support learning.

Finally, PELS B does not consider potential litigation (a byproduct of any rulemaking endeavor) as a reasonable assessment of cost analysis. Additionally, PELS B stands by the assessment that these new rules are necessary to ensure a positive impact on students, families, and future

¹⁵ See [Exhibit J](#), FAIR Twin Cities, Concern #14: Erroneous characterization of "least intrusive method.

¹⁶ See [Exhibit J](#), FAIR Twin Cities, Concern #13: Insufficient assessment of costs of proposed rule.

¹⁷ See [Exhibit J](#), FAIR Twin Cities, Concern #15: Erroneous assessment of retaining current Standards of Effective Practice.

teachers. This was affirmed through the rulemaking process by stakeholders who advocated for a specific focus on racial consciousness and culturally-relevant pedagogy that strengthens and clarifies the standards already required under current rule.

Untimely and unwarranted

Summary of comment(s)

One commenter indicated that PELSB’s proposed changes to the Standards of Effective Practice were “unwarranted and untimely” and that the proposed changes would exacerbate teacher shortages by further complicating the teacher licensure framework.¹⁸

PELSB’s Response

PELSB maintains the proposed standards are timely and warranted. The existing Standards of Effective Practice were first adopted in 2001. Since that time, very minor changes were made (specifically to the standards related to technology). Over that same period of time, pedagogical competencies have continued to be researched and evaluated. In developing the proposed Standards of Effective Practice, PELSB leveraged the 20+ years of research and input from teachers, students, administrators, educational organizations, and teacher preparation providers to address what knowledge and skills Minnesota’s teachers need, especially given the challenges facing school systems.

PELSB disagrees that the proposed changes will exacerbate the teacher shortages. Existing teachers who have completed teacher preparation will not be required to meet these new standards. Further, these standards should help prepare future teachers to better work with diverse students and colleagues, which in turn will create a more positive school environment (resulting in better retention of teachers).

Finally, the proposed changes to the Standards of Effective Practice will not change the licensure requirements already established by statute. As noted in one of the comments, the Legislature made extensive changes to teacher licensure in 2017 by creating tiered licensure. The commenter attempts to indicate that the proposed Standards of Effective Practice would further complicate the licensing scheme, mirroring the findings from a 2016 Office of the Legislative Auditor’s Report,¹⁹ which pre-dates tiered licensure. PELSB disagrees with this commenter’s suggestion. Rather, this project is the result of working with stakeholders in an effort to update the Standards of Effective Practice, provide greater clarity around different licensure requirements, and ultimately reduce requirements and barriers for teachers.

¹⁸ See [Exhibit J](#), FAIR Twin Cities, Concern #3: Unwarranted and Untimely Rewrite.

¹⁹ See *Evaluation Report: Minnesota Teacher Licensure* (March 2016), Minnesota Office of the Legislative Auditor, available at <https://www.auditor.leg.state.mn.us/ped/pedrep/teachers.pdf>.

Content and Scope

Summary of comment(s)

One commenter raised concerns about the disproportionate emphasis on single, narrow factor of “race and identity” and indicated the proposed standards suffer from a loss of clarity and comprehensiveness given the insertion of culturally-relevant pedagogy (CRP) language. Additionally, this commenter argued that the Board was seeking to restore a controversial definition of “cultural competency training.”²⁰

PELSB’s Response

The Board disagrees with the concerns related to culturally-responsive pedagogy and that the standards lack comprehensiveness. The focus of the Standards of Effective Practice is about knowing how to teach all students, including the foundational structures of education and the educational environment. This is grounded in the research that pedagogical knowledge of how to create positive learning environments and how to work with all types of learners is essential in fostering student learning.²¹ Research shows that students need a sense of safety for learning to occur and that culturally sensitive and responsive teacher-student relationships can support this learning development, especially as teachers can help shape a student’s sense of belonging and academic mindset.²² The increased emphasis on culturally-responsive pedagogy does not subtract from comprehensive content standards that are also found throughout chapter 8710; rather, it will help all teachers leverage their content knowledge and training to support student learning.

The comment that the Board is seeking to restore a controversial definition of “cultural competency training” is a misunderstanding of the change being proposed. No change is proposed to the substance of the definition of cultural competency training, which was adopted in 2018 as part of the Tiered Licensure rulemaking project. As PELSB’s SONAR notes on page 30, “standards specific to “diverse learners,” which currently reside in part 8710.2000, subpart 4, are embedded throughout the proposed standards. Therefore, the reference to “subpart 4” is no longer needed.”

²⁰ See [Exhibit J](#), FAIR Twin Cities, Concern #4: Disproportionate emphasis on single, narrow factor of “race and identity,” Concern #7: Loss of clarity, Concern #8: Loss of comprehensives with insertion of CRP language, and Concern #9: Restoration of the controversial definition of cultural competency training.

²¹ : Darling-Hammond, L., Flook, L., Schachner, A., & Wojcikiewicz, S. (with Cantor, P., & Osher, D.). (2021). Educator learning to enact the science of learning and development. Learning Policy Institute. <https://doi.org/10.54300/859.776>.

²² Linda Darling-Hammond, Lisa Flook, Channa Cook-Harvey, Brigid Barron & David Osher (2020) Implications for educational practice of the science of learning and development, *Applied Developmental Science*, 24:2, 97-140, DOI: 10.1080/10888691.2018.1537791 (article included in Exhibit J).

Summary of comment(s)

A commenter raised concerns that the proposed standards are out of scope redefinition of broadly shared societal norms.²³ Another comment suggested PELSB's intent was to prepare students to "resent the majority and blame them for the students' particular circumstances."²⁴

PELSB's Response

PELSB defines "culturally responsive teaching" as understanding prior experiences, frames of reference, performance styles based on the lived experiences of students, and the effects of systemic and institutional racism, and applying this knowledge to make learning experiences more relevant and effective for students.²⁵ The proposed Standards of Effective Practice, and increased emphasis on culturally-responsive teaching, aligns with positions and recommendations offered by educators and education organizations nationwide.²⁶ The intent of these proposed standards is to ensure Minnesota's future teachers are prepared to serve all of Minnesota's students.

Summary of comment(s)

A commenter raised concerns that there are insufficient definitions for terms used throughout the proposed standards.²⁷

PELSB's Response

The terms and phrases used in the Standards of Effective Practice have plain language, commonly understood definitions. Teacher preparation providers and current teachers led the Board toward the use of these terms, using terms widely used within teacher preparation programs to address pedagogical content for future teachers.

Summary of comment(s)

One commenter recommended that PELSB add additional technology-focused standards to ensure the preparation of teachers includes how to leverage technology to meet the challenges and needs of today's students.²⁸

PELSB's Response

PELSB agrees that technology skills are increasingly important for future teachers. In response to the comment, on July 29, 2022, the Board adopted the following standard:

²³ See [Exhibit J](#), FAIR Twin Cities, Concern #5: Out of scope redefinition of broadly shared societal norms.

²⁴ See [Exhibit J](#), Paul Bade.

²⁵ Minn. R. 8705.0200, subpart 4d.

²⁶ See [Exhibit J](#), Rick Lybeck, Ph.D., offers some examples.

²⁷ See [Exhibit J](#), FAIR Twin Cities, Concern #6: Insufficient definition of terms.

²⁸ See [Exhibit J](#), University of Minnesota, Technology focused feedback on proposed SEPs.

Line	Adopted revision
42.24	<u>The teacher demonstrates continual growth in knowledge and skills of current and emerging technologies and applies them to improve personal productivity and professional practice.</u>

While PELSB choose to not add additional technology standards that were recommended, PELSB believes that technology knowledge and skills can be integrated into many different learning opportunities for teacher candidates, including for the purposes of implementing assessments and analyzing results, as well as when planning for instruction. Further, PELSB recognizes the role that school districts play in offering different technologies and professional development opportunities to their teachers.

Adopted revisions to the proposed Standards of Effective Practice

Summary of comment(s)

Several commenters recommended revisions in an effort to clarify standards.²⁹

PELSB's Response

In response to these comments, on July 29, 2022, the Board adopted the following revisions and changes:

Line	Adopted revision
38.4	<u>The teacher understands the importance of that relationship-based, culturally affirming, and proactive approaches to behavior and implements these approaches are more likely in order to lead to improved improve student outcomes than and reduce exclusionary practices.</u>
41.4	<u>The teacher uses learners' native languages as a resource in creating effective differentiated instructional strategies for multilingual learners, including those who are developing literacy skills.</u>
41.14	<u>The teacher encourages and knows how to nurture critical thinking about culture and race and includes multiple perspectives and missing narratives to from the dominant culture in the curriculum.</u>
42.13	After "class," add "disability, religion"
42.24	Delete Standard 5(H), which reads: The teacher knows how to build and implement a plan for professional growth directly aligned with their needs as a growing professional using feedback from teacher evaluations and observations, data on student performance, and school- and system-wide priorities.

²⁹ See [Exhibit J](#), Erin Moore, Standard 2(C); EdAllies, Recommendation #1. Strengthen standard on English learners; Paul Spies, PhD, Standard 5(H); and University of Minnesota, Standard 6(H).

PELSB did not adopt all recommendations provided during the pre-hearing comment period. For example, PELSB did not adopt recommendations to reinstate dispositions into the proposed Standards of Effective Practice,³⁰ as there continues to be concerns about how a teacher preparation provider would evaluate a candidate’s dispositions (versus a knowledge or skill). Further, the Board choose to not make changes to proposed standards if the Board believed the original intent of the standard would be modified (rather than clarified), unless there was a specific gap or reasoning articulated as part of the comment.

Responses related to the proposed changes to tiered licensure

Contact information

Summary of comment(s)

One commenter indicated it would be unreasonable to require all licensed teachers to notify PELSB of changes to contact information given the “large number of individuals who hold a license and are not in the classroom.”³¹

PELSB’s Response

PELSB disagrees. Minn. Stat. 122A.09, subd. 6, requires PELSB to maintain a list of all licensed teachers, including addresses. Additionally, in rare cases, contact information is needed for discipline purposes. Therefore, PELSB maintains that all applicants and licensed teachers should be required to notify PELSB if they have changes to their contact information.

Out-of-field permissions

Summary of comment(s)

One commenter raised several concerns about the proposed changes to the rules governing out-of-field permissions. First, the commenter indicated the proposed requirement for districts to provide professional development and other supports to teachers on an out-of-field permission would be an overreach.³² Additionally, the same commenter argued against the proposed limitation for a teacher, on a Tier 2 license, to fill more than 50% of assignments on an out-of-field permission.³³

PELSB Response

PELSB is proposing that school districts be required to offer supports to a teacher who will be asked to use an out-of-field permission to fill one or more assignments outside of the field or

³⁰ See [Exhibit J](#), EdAllies, Recommendation #2: Reinstate standard around high expectations for all learners.

³¹ See [Exhibit J](#), EdAllies, Recommendation #1: Contact notification.

³² See [Exhibit J](#), EdAllies, Recommendation #4: Professional development for out-of-field permissions.

³³ See [Exhibit J](#), EdAllies, Recommendation #5: Out-of-field permissions.

scope of their license. While PELSB does not want to add additional burdens for schools who are attempting to fill vacancies and needed positions, PELSB maintains that some sort of supports should be offered to ensure the teacher will be successful during the school year. Therefore, PELSB adopted additional revisions to the rule draft to specifically call out “mentorship” as one way to offer supports to teachers teaching on an out-of-field permission. Many districts already have mentorship programs by which this could be met.

Line	Adopted revision
11.17	<u>(5) the district will provide professional development, mentorship, or and other supports for the applicant in any content area assigned to an out-of-field permission; and</u>
13.5	<u>B. the district will provide professional development, mentorship, or and other supports for the applicant in any content area assigned to an out-of-field permission; and</u>

Tier 1 licenses, Tier 2 licenses, and out-of-field permissions are all used by a district when it is unable to find a teacher holding a Tier 3 or Tier 4 license for a particular assignment. In the case of the Tier 2 license, it will be granted, rather than a Tier 1 license, because the teacher has some type of expertise or pre-existing knowledge specific to the assignment (and licensure field requested). A teacher, who holds a Tier 1 license, cannot obtain an out-of-field permission, as the teacher should request one or more Tier 1 licenses aligned to the assignments being filled during the school year.

PELSB proposes to limit a teacher, who holds a Tier 2 license, from teaching more than half of their total teaching assignments on an out-of-field permission. While a teacher holding a Tier 2 license may obtain an out-of-field permission to teach a course, or courses, outside of their licensure area or scope, teaching the majority of their time in another licensure area or scope would no longer meet the purpose and intent of the Tier 2 license (as the field being taught would no longer be aligned to the teacher’s area of knowledge). If a district has an assignment that is more than half-time that cannot be filled by a Tier 3 or 4 teacher, then the district must follow the procedures for hiring a teacher who is eligible for a Tier 2 or Tier 1 license for that particular assignment.

Renewal Timeline

Summary of comment(s)

One commenter raised concerns about the rule language that states that when a new license (i.e., licensure field) is added to an existing license, the new license’s expiration date will align to the existing license.³⁴

³⁴ See [Exhibit J](#), EdAllies, Recommendation #3. Additional licensure renewal timeline.

PELSB's Response

When a teacher adds one or more licenses to an existing license, the original license expiration date remains and the teacher must renew all licenses at the time the original license expires. This rule language was first adopted during the Tiered Licensure rulemaking in 2018. This rulemaking project seeks to move this rule language into the Tier 3 and Tier 4 rules in an effort to be more transparent (the current version of this rule language exists in Minn. R. 8710.0310). PELS maintains that it is reasonable for a teacher's new license expiration date to align with any existing license already held.

License via Portfolio

Summary of comment(s)

One commenter expressed concerns about the timeline and review process for when a portfolio is returned to the applicant because certain standards were not met.³⁵

PELSB's Response

In response to the recommendations specific to the timeline of the review process, PELS adopted the following revisions:

Line	Adopted revision
21.7	<p>If the applicant may submit one <u>submits the</u> revised pedagogy portfolio, which within one year <u>two years</u> from the date the portfolio is not approved, one member of the panel of educators must be recommended <u>review the revised portfolio and recommend it</u> for approval or disapproval by one member of the panel of educators within 60 days of receiving the revised submission. <u>If the applicant resubmits a revised portfolio after one year two years from the date the portfolio is not approved, the portfolio may be reviewed in full under new pedagogical standards will be considered a new submission.</u></p>
21.17	<p>If the applicant may submit one <u>submits the</u> revised content portfolio, which within one year <u>two years</u> from the date the portfolio is not approved, one of the content reviewers <u>a content reviewer</u> must be recommended <u>review the revised portfolio and recommend it</u> for approval or disapproval by one of the content reviewers within 60 days of receiving the revised submission. <u>If the applicant resubmits a revised portfolio after one year two years from the date the portfolio is not approved, the portfolio may be reviewed in full under new content standards will be considered a new submission.</u></p>

The revisions extend the resubmission timeline from one to two years and acknowledged the fact that after two years, the portfolio's initial reviewers may no longer be available to re-review the portfolio. In that case, another reviewer would be asked to review the outstanding

³⁵ See [Exhibit J](#), EdAllies, Recommendation #6: Portfolio requirements and Recommendation #7: Portfolio timeline.

standards (not all the all standards). However, in the case that new pedagogical or content standards had been adopted, the applicant may be notified that a full review under the new standards may be required.

Finally, PELSB adopted revisions to clarify when an applicant seeking an additional license through the portfolio process would be required to complete an additional portfolio in the Standards of Effective Practice and/or for Core Standards.

Line	Adopted revision
20.16	<p>[For text of items A to B €, see Minnesota Rules]</p> <p>C. Applications to add a licensure area to a current Tier 3 or 4 license must include a content portfolio that shows the applicant meets the content standards aligned to the licensure area sought under parts 8710.3000 to 8710.5850 and 8710.8000. <u>Applications to add a licensure area to an existing Tier 3 license or Tier 4 license must also include a pedagogy portfolio pursuant to item (B)(4) when the applicant has not completed a state-approved teacher preparation program or been recommended for licensure via portfolio for an initial license. Applications to add a licensure area in special education or career and technical education to an existing Tier 3 license or Tier 4 license must also include a core skills portfolio pursuant to item (B)(2) or (B)(3) if the applicant has not completed a state-approved teacher preparation program or been recommended for licensure via portfolio for an initial license in a special education area or career and technical education area respectively.</u></p>

Technical corrections or other changes

On July 29, 2022, the Board adopted the following revisions:

Line	Revision	Needed & reasonableness
3.3	<p><u>... teacher in a home-school setting, teacher in a private early childhood program, or as an instructor of post-secondary students outside the E-12 setting.</u></p>	<p>Unlike a teacher in a public early childhood program, a teacher in a private early childhood program is not responsible for implementing state or federal standards, or a formal assessment of students. Therefore, PELSB seeks to clarify that for the purposes of licensure, a teacher in a private early childhood program is not a “teacher of record.”</p>
8.12	<p>Subp. 5. Restrictions and Expansions.</p>	<p>Subpart 5 describes reasons a license should be restricted as to scope and/or expanded to meet Minnesota’s full scope. Subpart 5 will</p>

Line	Revision	Needed & reasonableness
		most often apply to teachers, from out-of-state, whose prior teaching license and/or preparation does not perfectly align to Minnesota’s license.
8.14	<p><i>Instructions: Reinstate item B and make a revision (in red)</i></p> <p>Applicants with content training and <u>or</u> experience within two grade levels of a currently approved Minnesota licensure scope must be granted the full scope of the Minnesota license.</p> <p><u>C. Upon request and at the time of application or renewal, a teacher who holds a Tier 3 license that is restricted or limited in scope ...</u></p>	When an applicant’s preparation or experience does not align to the scope of a Minnesota license, PELSB issues a restricted license. PELSB seeks to allow an applicant to use either content training or experience to qualify that applicant for the full scope of the Minnesota license.
10.10	<p><i>Instructions: Reinstate item B and make a revision (in red):</i></p> <p>Applicants with content training and <u>or</u> experience within two grade levels of a currently approved Minnesota licensure scope must be granted the full scope of the Minnesota license.</p> <p><u>C. Upon request and at the time of application or renewal, a teacher who holds a Tier 4 license that is restricted or limited in scope ...</u></p>	When an applicant’s preparation or experience does not align to the scope of a Minnesota license, PELSB issues a restricted license. PELSB seeks to allow an applicant to use either content training or experience to qualify that applicant for the full scope of the Minnesota license.
18.13	<p><u>Subpart 1. Term for a short-call substitute. An individual may serve as a short-call substitute for the same teacher of record or fill a vacancy for no more than 20 consecutive school days.</u></p> <p><u>Subp. 2. Short-call substitute teaching. An individual is authorized to replace a teacher of record and</u></p>	PELSB seeks to add language to subpart 1 to clarify that a short-term substitute can be used to fill a vacancy (for up to 20 consecutive days).

Line	Revision	Needed & reasonableness
	<p><u>serve as a short-call substitute when:</u> ...</p>	
46.5	<p><i>Instructions: Remove subpart 2d from draft</i></p>	<p>PELSB prepared revisions to Minn. R. 8710.0330 (the Licensure via Portfolio rule) in order to better clarify which portfolios are required when a teacher is seeing to add an additional licensure field to an existing license via the portfolio process. Therefore, PELSB no longer believes this rule language is needed in each license-specific rule.</p>
51.15	<p><i>Instructions: Remove subpart 2d from draft</i></p>	<p>PELSB prepared revisions to Minn. R. 8710.0330 (the Licensure via Portfolio rule) in order to better clarify which portfolios are required when a teacher is seeing to add an additional licensure field to an existing license via the portfolio process. Therefore, PELSB no longer believes this rule language is needed in each license-specific rule.</p>
62.18	<p>(3) the applicant holds the minimum of a bachelor's degree from a college or university located in the United States that is regionally accredited by the Higher Learning Commission or by the regional association for accreditation of colleges and secondary schools, as verified by a college transcript; (4) the applicant holds an <u>or</u> academic degree approved by the board;</p>	<p>PELSB seeks to more directly align with <i>Minnesota Statutes</i> 124D.75, which states: Subdivision 1. American Indian language and culture education licenses. ... The board must grant licenses to persons who present satisfactory evidence that they: (2) possess a bachelor’s degree or other academic degree approved by the board...</p>
66.1	<p><i>Instructions: Remove subpart 2d from draft</i></p>	<p>PELSB prepared revisions to Minn. R. 8710.0330 (the Licensure via Portfolio rule) in order to better clarify which portfolios are required when a teacher is seeing to add an additional licensure field to an existing license via the portfolio process. Therefore, PELSB no longer believes this rule language is needed in each license-specific rule.</p>

Line	Revision	Needed & reasonableness
73.23	<p>Subp. 3b. Placements for candidates completing an additional licensure program. Candidates <u>A candidate completing an additional licensure program must have experiences teaching health at both the middle level (grades 5 through 8) and high school level (grades 9 through 12). The candidate must complete a practicum teaching health in at least one of the levels – middle level (grades 5 through 8) or high school level (grades 9 through 12).</u></p>	<p>A teacher preparation provider is responsible for placing a candidate in a practicum experience as part of its additional licensure program. If the provider has evaluated the candidate’s prior experiences and determined experience at certain levels is not necessary, the provider can choose to place the candidate at just one level.</p>
75.8	<p><i>Instructions: Remove subpart 2d from draft</i></p>	<p>PELSB prepared revisions to Minn. R. 8710.0330 (the Licensure via Portfolio rule) in order to better clarify which portfolios are required when a teacher is seeing to add an additional licensure field to an existing license via the portfolio process. Therefore, PELSB no longer believes this rule language is needed in each license-specific rule.</p>
81.1	<p>Subp. 3b. Placements for candidates completing an additional licensure program. Candidates <u>A candidate completing an additional licensure program must have experiences teaching physical education at three levels: prekindergarten and the primary level (prekindergarten through grade 4), middle level (grades 5 through 8), and high school level (grades 9 through 12). The candidate must complete a practicum teaching physical education in at least one of the levels – prekindergarten and the primary level (prekindergarten through grade 4), middle level (grades 5 through 8), or high school level (grades 9 through 12)</u></p>	<p>A teacher preparation provider is responsible for placing a candidate in a practicum experience as part of its additional licensure program. If the provider has evaluated the candidate’s prior experiences and determined experience at certain levels is not necessary, the provider can choose to place the candidate at just one level.</p>

Line	Revision	Needed & reasonableness
81.10	Subpart 1. Scope of practice. A teacher of special education : developmental adapted physical education (<u>DAPE</u>) is authorized to provide evaluation and specially designed instruction in physical education to eligible students from prekindergarten through age 21 who have needs in the areas of physical fitness and gross ; motor fitness; fundamental motor skills and patterns ; <u>or skills in aquatics, dance, individual and group games, and sports.</u>	PELSB seeks to make a grammatical change.
81.19	<i>Instructions: Replace lines 81.19 through 81.25 with:</i> Subp. 2. License Endorsement requirements. <u>An applicant for an endorsement in developmental adapted physical education must hold or apply and qualify for a license to teach physical education under part 8710.4700.</u>	PELSB seeks to clarify terminology. DAPE is considered an endorsement because a teacher must hold or qualify for a license to teach physical education in order to obtain a DAPE endorsement.
82.9	<i>Instructions: Remove subpart 2a</i>	PELSB seeks to move the language in subpart 2a and insert it into subpart 2 (see above).
82.11	Subp. 2a b. Additional licensure programs Endorsement program. <u>A candidate completing a board-approved additional licensure program for developmental adapted physical education must demonstrate the content standards set forth in subpart 3.</u>	PELSB seeks to clarify terminology. DAPE is considered an endorsement because a teacher must hold or qualify for a license to teach physical education in order to obtain a DAPE endorsement.
82.14	<i>Instructions: Remove subpart 2c</i>	PELSB prepared revisions to Minn. R. 8710.0330 (the Licensure via Portfolio rule) in order to better clarify which portfolios are required when a teacher is seeing to add an additional licensure field to an existing license via the portfolio process. Therefore,

Line	Revision	Needed & reasonableness
		PELSB no longer believes this rule language is needed in each license-specific rule.
82.18	<i>Instructions: Replace “licensure” with “an endorsement”</i>	PELSB seeks to clarify terminology. DAPE is considered an endorsement because a teacher must hold or qualify for a license to teach physical education in order to obtain a DAPE endorsement.
88.22	<p>Subp. 3a. Placements for candidates completing a licensure program.</p> <p>Across clinical experiences, candidates completing a licensure program must have experiences in teaching students in developmental adapted physical education in prekindergarten and primary (prekindergarten through grade 4), middle level (grades 5 through 8), and high school (grades through 12) settings across a range of service delivery models. The candidate must complete a practicum teaching students in developmental adapted physical education in at least one of the levels – prekindergarten and the primary level (prekindergarten through grade 4), middle level (grades 5 through 8), or high school level (grades 9 through 12).</p>	<p>A teacher preparation provider is responsible for placing a candidate in a practicum experience as part of its additional licensure program. If the provider has evaluated the candidate’s prior experiences and determined experience at certain levels is not necessary, the provider can choose to place the candidate at just one level.</p>
89.15	<p>EFFECTIVE DATE. The amendments to <u>Minnesota Rules, parts 8710.2000, 8710.3100, 8710.4000, 8710.4500, 8710.4700, and 8710.5300</u> are effective July 1, 2024 2025. Minnesota Rules, part <u>8710.0314, subpart 7</u>, is in effect only for Tier 3 licenses issued after the <u>date of adoption.</u></p>	<p>PELSB seeks to extend the effective date that certain proposed amendments would go into effect in order to allow preparation providers additional time to implement changes.</p>

Revisions to the proposed rules do not make the rules substantially different from the proposed rules

The adopted revisions to the proposed rules do not make the rules substantially different from the proposed rules because they are within the scope of this rulemaking as announced in the Notice of Hearing. The revisions include corrections, clarifications, and improvements based on comments submitted to the Board. These amendments are a logical outgrowth of the contents of the Notice of Hearing and to the comments submitted in response to the Notice of Hearing.

Conclusion

This document constitutes the Board's response to comments received prior to the rules hearing, which will be held on August 24, 2022.

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.³⁶

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.

³⁶ 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/>.