Professional Educator Licensing and Standards Board

Legislative Update

Tiered Licensure Technical Changes
The board presented six specific technical changes to tiered licensure to ensure no unintended and negative consequences would limit the effective implementation of tiered licensure. The board understands the difficulty in amending new legislation before implementation, but believes there are bipartisan concerns that could be addressed quickly that would benefit teachers, districts, administrators, and students.

Tiered Licensure Rulemaking
The Professional Educator Licensing and Standards Board has completed the necessary steps in the rulemaking process in order to move toward a hearing on the rule. On April 20, 2018, the board adopted a rule draft with extensive stakeholder feedback and revision, creating rule that aligns with statute to ensure quality, effective teachers in our schools. The rules and Notice of Hearing will be published with the State Register on May 7, 2018, with the hearing on these rules on June 8, 2018.

At this point, all remaining stages in the rulemaking process are governed by the review of other entities and/or bound by established timeframes in statute. Based even on the shortest possible calculation of the remaining pieces, there will be no rules for tiered licensure on July 1, 2018.

The board wants to see tiered licensure implemented effectively. To do this, an extension of implementation for tiered licensure is needed for the online system to be built and tested, for rulemaking to be completed, and for stakeholders to fully understand the impact of changes to teacher licensure.

Without an extension, the following will occur:

- the state will be liable for any license application denied
- a patchwork and time-consuming application process will be the only option for applicants and districts
- board staff will not be able to process licenses within 30 days
- a district’s ability for a licensed teacher to teach out-of-field will not exist
- district and applicant confusion over tiered licensure and the application process

The board respectfully asks for sufficient time to complete the rulemaking process with a fully tested and operational online application system.

Online Educator Licensing Application System
MN.IT staff reported in May 2017 that the system would take 24-36 months to build. With 12 months provided in statute, developers staggered the work into phases in order to complete a core system by the deadline. MN.IT developers require the details established in rule to build the full system. Without rule, developers have had to switch to building a temporary system to accommodate statutory requirements of tiered licensure. This has made meeting a July
1, 2018 even for a basic system nearly impossible. Additionally, developing a temporary system will postpone the timeline for fully operational system aligned to rulemaking.

The two-month extension in the Senate education policy omnibus bill will allow the board time to complete the rulemaking process presuming no changes proposed by the Administrative Law Judge needing substantial stakeholder involvement. There is still concern this extension will not provide sufficient time for the online system, and that an additional three months after the adoption of rule is needed for the system to build around these rules. The temporary adoption of a portion of board rule drafts in the House education omnibus raise concerns over the separation between the legislative and executive branch authority. Additionally, this partial adoption will make it more difficult for the online application system to meet deadlines.

MN.IT developers, project managers, and business analysts have done incredible work in a short timeframe. They have worked closely with board staff and end users to ensure the final product meets the diverse needs of different stakeholder groups, the complex reporting requirements of the state, and the varying needs of individual applicants. They have operated within a tight budget. The board understands the only barrier to a successful online application system is time to fully develop and test the system, and ensure accurate transfer of data from current systems.

**Teacher Ethics**

The board presented nine specific recommendation to improve and clarify teacher ethics reporting requirements and accountability. Many of these suggestions were adopted in both the Senate and House education omnibus bills. This will greatly support the work of the board and other agencies to ensure that the small percentage of teachers that face misconduct allegations are reported to appropriate entities and that student safety remains a priority of all involved. This includes adding additional background checks for currently licensed teachers.

The House education bill adds additional non-violent and property crimes as areas for automatic revocation without review by the board. The board believes crimes that concern the safety of the students should be included as automatic revocation, but non-violent and property crimes should be provided the essential due process review by the board that may or may not lead to revocation. The House bill also makes these automatic revocations retroactive, taking away a license of an individual who has already completed disciplinary action. The board supports language in the Senate education bill which states the board must review these cases. The Senate bill ensures teachers will be investigated by their professional board for thoughtful review of their misconduct and the appropriate disciplinary action for this misconduct.

Sincerely,

Executive Committee

Professional Educator Licensing and Standards Board

May 8, 2017