Written Comments
Career and Technical Education
Career & Technical Education / Career Pathways Advisory Council

Subpt. 1 Purpose: In order to inform and advise the board around Career & Technical Education (CTE) / Career Pathways (CP) licenses, the board will convene a Career & Technical Education / Career Pathways Advisory Council that will:

A. engage with the Governor’s Workforce Development Council to establish and recommend to the board a list of industry recognized credentials that would qualify as content knowledge under parts 8710.0311, 8710.0312, 8710.0313, and 8710.0314, and

B. review and recommend to the board Career & Technical Education & Career Pathways licensure areas, and

C. advise and recommend to the board the licensure standards around Career & Technical Education & Career Pathways licensure areas, and

D. serve as a recommending entity for CTE/CP licenses to the board for teacher candidates that meet minimum statutory and rule requirements and are requesting a credential review to obtain a CTE/CP license, and

E. serve as a recommending entity for the Local Vocational Program Director license, and

F. provide advice and recommendations as requested by the board.

Subpt. 2. Membership

A. The Career & Technical Education / Career Pathways Advisory Council will consist of no less than seven members that consist of CTE/CP teachers, CTE/CP administrators, business and industry representative of CTE/CP fields.

B. The membership will be appointed annually by the board.

C. The membership will meet as needed and requested by the board.
From Brad Ann Thompson watching over Facebook -- Need a better pathway to licensure for rural schools. I am teaching shop on a variance along with 5-12 band. You will not find a full time shop teacher much less a part time person. How about a small school license? CTE requirements are just nuts. FOUR licenses for Ind. Tech. causes over specialization. I teach three areas but I will be darned if I get three licenses for shop. That is insane!
My thoughts ... very quickly.

In my estimation, the intent of “Career Pathways” are technical and trade type of teaching areas that there are no teaching licenses; for example, Law Enforcement, Cosmetology, etc. CTE license include Ag, FACS, Business, Teacher Coordinator of Work-Based Learning in the 8710.3000’s. There are also CTE licenses in 8710.8000’s which include the “careers” licenses (Construction, Manufacturing, Transportation, etc).

The professional credential is essential in these licenses, in large part because there are (1) no Bachelor’s degrees in those content areas, (2) the credentials likely prove a high level of content knowledge, and (3) there are no current opportunities to obtain content within any teacher preparation programs, which include coursework.
Written Comments
Multiple Topics
Dear Interim Executive Director Liuazzi and Board Chair Bellingham,

Over the last few months, the Board of Teaching has provided draft rules on teacher licensure, which we at EdAllies have had an opportunity to review. Aside from any concerns on the rulemaking process, we would like to take this opportunity to outline our initial thoughts on the most recent teacher licensure rule draft.

Our interpretation of recent changes made to teacher licensure statute 122A.18, and law defining the new tiered licensure system, identify the requirements teacher applicants must meet to obtain a license. Through rulemaking, the Board may clarify statute, but must not create additional requirements nor conflict between statute and rule. Yet, the conflicts below arise throughout the Board's proposed draft rule (RD4369):

- **Additional requirements from statute.** The Board's definition of "Professional license from another state" requires teachers to show they have obtained a license and completed a "state-approved teacher preparation program." A state-approved preparation program is an additional requirement that goes beyond state statute.

- **Board not authorized to limit hiring.** In statute, districts must post a position prior to hiring a Tier 1 teacher, and may hire the Tier 1 teacher if unable to hire "an acceptable teacher with a Tier 2, 3, or 4 license." The draft rule's definition of an "acceptable" applicant as any teacher applicant without a disciplinary action is much too broad, essentially requiring a school to hire a teacher based on their licensure rather than their experience, expertise, and mission alignment. Additionally, requiring schools provide a written justification to hire a Tier 1 teacher will likely result in requests being arbitrarily denied.

- **Board not authorized to limit hiring.** RD4369 requires districts post positions for 15–60 days before being able to hire a Tier 1 teacher. The statute simply requires that districts post the position; the Board should not define the posting period.

- **Board not authorized to require local and national approvals.** RD4369 requires any professional certification for CTE educators come from an "approved certifying organization." Yet the statute leaves determination of qualified certifications to the district. The Board should not establish state limitations on qualifying professional certifications beyond Tiers 3 and 4, as the statute allows.

- **Board not authorized to challenge fulfilled requirement.** RD4369 defines teaching experience as field-specific teaching and a teacher's experience as the teacher of record, allowing the Board to negate prior teaching experience. This is counter to current statute.

- **Board not authorized to change definitions in statute.** In Minnesota statute 220B.30, "cultural competency" is defined as "the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds." RD4369 expands this definition, which could limit what is considered an acceptable cultural competency training.

- **Board not authorized to establish a "Tier 3 alternative pathway."** Statute provides that a Tier 2 license with three years teaching experience and positive three-year teacher evaluation is one of the five valid and equivalent coursework requirements for a Tier 3 license. The draft rules set apart this coursework requirement and have additional renewal requirements for Tier 3 licenses awarded through the "alternate pathway." This is not in line with statute.
We also have the following concerns with the Board’s reading of the law as to the Board’s authority:

- **RD4369 implies an assumption that statute requires districts and charter schools have a teacher mentorship program.** According to Minnesota statute 122A.70, school districts are encouraged, not required, to develop such programs. If the law required districts to have a mentorship program, then the Board would be authorized to create criteria and structure for mentorship programs, and would rightfully assume all teachers have access to district mentorship programs to fulfill certain requirements. Because the law only requires teachers to participate in mentorship programs if one is offered, the Board has no authority to limit teacher mentorship programs.

- **RD4369 includes service providers into the tiered teacher licensure system, which can possibly distort the direction of implementing Tiered licensure per the language of statute.**

- **RD4369 attempts to limit out-of-state licenses conditions to only current active licenses in good standing.** ‘Licenses in good standing’ have included expired licenses, but not licenses that have been revoked or in probation for misconduct. We recommend the rules allow for expired licenses to be included in the definition of ‘licenses in good standing’ as has been the case.

- **RD4369 appears to define “teacher candidates” as individuals enrolled in a teacher preparation program, but a more accurate definition of “teacher candidate” would be individuals seeking licensure.**

We understand that the Board of Teaching will continue to work to find consensus through the rulemaking process. We look forward to working with you as you improve language that not only supports current law, but also elevates its spirit and intent. We continue to urge caution and remind you that the new Professional Educator Licensing Standards Board is also charged with rulemaking responsibilities. The current process should endeavor not to be either duplicative or counter-productive to that legislative charge.

Sincerely,
Daniel Sellers
Executive Director
EdAllies
## TIERED LICENSURE RULEMAKING GRID

*Education Minnesota submits these proposed rules for the Board’s consideration on behalf of the 86,000 educators we represent.*

<table>
<thead>
<tr>
<th>Term or item requiring clarification</th>
<th>Tier(s) affected</th>
<th>Why it’s important</th>
<th>Proposed language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of “year” in tiered licensure statute and rules.</td>
<td>All</td>
<td>TL statutes refer to licensure terms in “year(s)” but don’t specify whether it’s a school year or a calendar year. Some licenses may be issued mid-year.</td>
<td><strong>Definition of a year.</strong> “Year” means one school year or a portion of a school year from the date of state approval to the following June 30.</td>
</tr>
</tbody>
</table>

| | 1 | Avoid individuals with no relevant training or experience working independently as classroom teachers. |
| How does a district or charter school affirm that a Tier 1 candidate has necessary skills and knowledge? (Minn. Stat. 122A.181, subd. 1(2)) | 1 | **Tier 1 application requirements.** Subp. 1. For purposes of Minn. Stat. 122A.181, subd. 1(2), a school district or charter school satisfies its obligation to affirm that the candidate has the necessary skills and knowledge to teach in the specified content area by providing a written statement explaining the candidate’s educational and professional background and how it relates to the content area. Subp. 2. For purposes of Minn. Stat. 122A.181, subd. 1(3)(ii), a school district or charter school satisfies its obligation to post a position by providing the PELSB with evidence that the school district or charter school posted the position on the statewide education job posting site, EdPost, for at least 30 calendar days. Subp. 3. For purposes of Minn. Stat. 122A.181, subd. 1(3)(ii), a district demonstrates that it was “unable to hire |
for which it is seeking to hire a Tier 1... How long? Where posted?; and
b) was unable to hire an "acceptable" Tier 2, 3, or 4 licensed teacher?
(122A.181, subd. 1(3)(ii))

| Protect data privacy of individuals a school district chose not to hire over a Tier 1 candidate. |
| Avoid school districts or charter schools applying for Tier 2 licenses for candidates who may not know about or agree with the application. |
| an acceptable teacher with a Tier 2, 3, or 4 license” by providing PELSB with the following information:
  a) the number of applicants for the position and the tier of license each applicant holds;
  b) whether the applicants with Tier 2, 3, or 4 licenses deemed “not acceptable” were given an interview;
  c) if applicants with Tier 2, 3, or 4 licenses were not given an interview, an explanation of why the applicant was not interviewed; and
  d) if applicants with Tier 2, 3, or 4 licenses were given an interview, an explanation of why the applicants were deemed unacceptable compared to the individual for whom the Tier 1 license is being requested; |

Subp. 4. Nothing in this section shall require or permit a school district or charter to provide data to the PELSB that would personally identify applicants for a position who were deemed “not acceptable” by a school district or charter school.

Subp. 5. A school district or charter school requesting a Tier 1 license must obtain the signature of the candidate for whom the request is being made confirming the following:
  a) the candidate has reviewed the application and the information provided is accurate to the best of the candidate’s knowledge;
  b) the candidate does not already hold or qualify for a Tier 2, 3, or 4 license in this or any other field;
  c) the candidate agrees with the school district or...
| Tier 1 licenses may be renewed beyond three times (4 years) for “good cause shown.” What constitutes “good cause”? (Minn. Stat. 122A.181, subd. 3(c)) | 1 | Fulfill statutory requirement while avoiding someone teaching indefinitely at Tier 1 without moving to the higher tiers unless there is a strong justification for the lack of movement. | “Good cause” for additional Tier 1 renewals. For purposes of Minn. Stat. 122A.181, subd. 3(c), "good cause" for a school district or charter school to receive more than three renewals of a Tier 1 license for the same candidate is limited to the following reasons: a) the candidate has been teaching in a position for which there is no current Minnesota teaching license; or b) the school district or charter school demonstrates to the PELSB that there is no available teacher preparation program for the candidate's licensure field within a 100-mile radius of the individual's school district or charter school. |
| Application process for Tier 2 licenses. | 2 | Avoid school districts applying for Tier 2 licenses for candidates who may not know about charter school’s application for a Tier 1 license on the candidate’s behalf. | Tier 2 application requirements. Subp. 1. A school district or charter school requesting a Tier 1 license must obtain the signature of the candidate for whom the request is being made confirming the following: |
Tiered Licensure
Education Minnesota Proposals
July 17, 2017

<table>
<thead>
<tr>
<th>How does a District/Tier 2 teacher demonstrate that Tier 2 applicant is “enrolled” in a teacher prep program? (Minn. Stat. 122A.182, subd. 1(2)(ii))</th>
<th>or agree with the application.</th>
<th>a) the candidate has reviewed the application and the information provided is accurate to the best of the candidate’s knowledge; b) the candidate does not already hold or qualify for a Tier 3 or 4 license in this or any other field; c) the candidate agrees with the school district or charter school’s application for a Tier 2 license on the candidate’s behalf.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that all teachers are licensed at the highest tier for which they qualify.</td>
<td>Avoid allowing candidates to claim &quot;enrollment&quot; in a teacher preparation program if they have not taken a course in many years.</td>
<td>Subp. 2. Failure by a school district or charter school to provide sufficient information required under this section will constitute grounds for the PELSB to deny a request for a Tier 1 license.</td>
</tr>
<tr>
<td>Tier 2 license also allowed for completion of coursework in a “content” area. How 2</td>
<td>Making sure that coursework is sufficiently germane to the subject matter a Tier 2 candidate will be teaching.</td>
<td>Subp. 3. PELSB shall deny a Tier 2 license to a candidate who meets the requirements for a Tier 3-4 license or who already holds a Tier 3 or 4 license and qualifies for a variance.</td>
</tr>
<tr>
<td>Questions to consider: 1. What Master's degrees or content area credits count for applicants for elementary positions? Special education? Related services?</td>
<td></td>
<td>Subp. 4. For purposes of an initial Tier 2 application under Minn. Stat. 122A.182, subd. 1(2)(ii), a candidate demonstrates that he or she is enrolled in a teacher preparation program by providing documentation from an approved teacher preparation program that the candidate is or will be enrolled in one or more classes at the commencement of the candidate’s teaching service.</td>
</tr>
<tr>
<td>Tiered Licensure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education Minnesota Proposals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 17, 2017</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>is that defined?</th>
</tr>
</thead>
</table>

Tier 2 licenses can be renewed up to three times. (122A.182, subd. 3.) What must a candidate and school district or charter school do in order to renew the license?

How does a District/Tier 2 teacher demonstrate that Tier 2 applicant is "enrolled" in a teacher prep program upon renewal of Tier 2 license if they haven’t made any progress toward since first semester?

2

Ensure that re-licensure requirements for Tiers 3 and 4 also apply to individuals seeking renewals of a Tier 2 license, given the importance of this education to meeting student needs.

Avoid allowing candidates to call themselves "enrolled" in a teacher preparation program when renewing a Tier 2 license if they have not made any progress toward completing a program.

**Renewals of a Tier 2 license.**

Subp. 1. In order to renew a Tier 2 license, the candidate must provide evidence of meeting the renewal requirements in Minn. Stat. 122A.187, including professional growth, behavior interventions, reading preparation, and mental illness.

Subp. 2. For each renewal of a Tier 2 license, a candidate seeking renewal on the basis of enrollment in a teacher preparation program must demonstrate via official transcripts and program course lists the successful completion of a minimum of three additional credits toward completion of the teacher preparation program since the time of the previous application for a Tier 2 license.

PELSB must develop rules for additional

2

Fulfill statutory requirement while

**Additional renewals of a Tier 2 license.**

Subp. 1. For purposes of Minn. Stat. 122A.182, subd.
Tiered Licensure
Education Minnesota Proposals
July 17, 2017

| renewals of a Tier 2 license (beyond 3 renewals, or 8 years). What will the requirements be? (Minn. Stat. 122A.182, subd. 3(c)) | avoiding someone teaching indefinitely at Tier 3 without moving to the higher tiers unless there is a strong justification for the lack of movement. | 3(c), in order for a school district or charter school to receive more than three renewals of a Tier 2 license for the same candidate, the school district or charter school must demonstrate that:

a) the candidate has been teaching in a position for which there is no current Minnesota teaching license; or
b) the school district or charter school demonstrates to the PELSB that there is no available teacher preparation program for the candidate's licensure field within a 100-mile radius of the individual's school district or charter school. |

| Tier 1 and Tier 2 teachers must receive cultural competency training consistent with M.S. 120B.30, subd. 1(q) before a renewal. What must this training include? 120B.30, subd. 1(q): “For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the | Provide a meaningful replacement to the human relations requirement, which has been eliminated as a licensure prerequisite. | Cultural competency training. To meet the requirements of Minn. Stat. 122A.181, subd. 3(3) and Minn. Stat. 122A.182, subd. 3, a school district or charter school's cultural competency training must:

(a) provide information to educators about the racial, cultural and economic groups specific to that school community;
(b) provide information about implicit bias and how it may impact decisions made by educators;
(c) provide information about systemic racism and how it may affect the educational experiences of different racial and ethnic groups;
(d) provide information about the needs of LGBTQ students;
(e) provide information about the federal Individuals with Disabilities Education Act (IDEA) and the obligation of public schools to provide a free and appropriate public education to all students in the least restrictive environment; |
| Tier 1 and 2 teachers must participate in evaluations aligned to TDE law “to the extent practicable.” When would it not be practicable to include a Tier 1 in local TDE plan? | 1, 2 | Ensure rigorous evaluation of teachers with Tier 1 and 2 licenses on same basis as other teachers. | **Evaluations for teachers with Tier 1 and 2 licenses.** If a school district or charter school believes that it is not “practicable” to fully align evaluations of teachers with Tier 1 or 2 licenses to local evaluations required by Minn. Stat. 122A.40, subd. 8 or 122A.41, subd. 5, the school district or charter school must provide a written statement to the PELSB explaining why the alignment is not practicable. |
| Minn. Stat. 121A.181, subd. 6(b) and 121A.182, subd. 7(b0, 122A.183, subd. 4, and 122A.184, subd. 3. | | | |
| Tier 1 - 4 teachers must participate in mentorship program, including an individual growth and development plan. What are the | All | Provide much-needed support and resources for teachers who lack formal training in pedagogy. | **Mentorship programs.** To meet the requirements of 121A.181, subd. 6(a) and 121A.182, subd. 7(a), 122A.183, subd. 4, and 122A.184, subd. 3, a school district or charter school’s mentorship program must: (a) provide opportunities for ongoing collaborative relationships between and among mentors and mentees; |
PELSB’s criteria for an acceptable mentorship program? Who must do the mentoring?

Minn. Stat. 121A.181, subd. 6(a) and 121A.182, subd. 7(a), 122A.183, subd. 4, and 122A.184, subd. 3.

<table>
<thead>
<tr>
<th>How do Tier 3 and 4 mentors participate in the district’s mentorship program?</th>
</tr>
</thead>
<tbody>
<tr>
<td>3, 4</td>
</tr>
<tr>
<td>Lack of clarity in statute as to how Tier 3 and 4 teachers participate in mentorship programs.</td>
</tr>
</tbody>
</table>

Questions to consider:
- Are all Tier 3 teachers required to receive mentoring? *They probably should, if in first three years or new to district.*
- Are all Tier 4 teachers required to serve as mentors? *Mandatory service as a mentor would likely not result in a successful mentorship program.*
- Can mentorship be incorporated into the peer evaluation process that is already required under the Teacher Development and Evaluation law? *Peer evaluators seem like the most likely mentors, but are there enough of them, and what time would be created for them to do mentoring?*

One way of attaining a Tier 3 license is to have held a

| 3 |
| Ensure parity with licenses from other states that can be converted to a Tier 3 |

Professional license from another state defined. For purposes of Minn. Stat. 122A.184, subd. 2 (4), a "professional teaching license from another state" means...
<table>
<thead>
<tr>
<th>Question</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;professional&quot; license from another state and 2 years of teaching experience. What constitutes a &quot;professional&quot; license from another state?</td>
<td>license in Minnesota.</td>
<td>a license that required the candidate to complete field specific teaching methods in the content area of the license and could be renewed indefinitely by the state licensing authority. An emergency, temporary, or transitional license is not considered a professional license.</td>
</tr>
<tr>
<td>122A.184, subd. 2 (4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short call substitute</td>
<td></td>
<td>Change rules to incorporate Minn. Stat. 122A.18, subd. 7a.</td>
</tr>
<tr>
<td>Long call substitute</td>
<td></td>
<td>Change rules to incorporate Minn. Stat. 122A.18, subd. 7a.</td>
</tr>
<tr>
<td>Lifetime substitute (short and long call)</td>
<td></td>
<td>Change rules to incorporate Minn. Stat. 122A.18, subd. 7a.</td>
</tr>
<tr>
<td>Out of field permission (variance): timeline for obtaining and granting one, how many renewals?</td>
<td></td>
<td>See Appendix A-modification of current variance rules.</td>
</tr>
<tr>
<td>Out of field permission (variance): Can the District/Charter school obtain one if a teacher does not sign application or expresses concern about teaching out of field?</td>
<td></td>
<td>See Appendix A-modification of current variance rules.</td>
</tr>
<tr>
<td>“Alternative education” permission-currently called “experimental program waiver” for teachers in ALCs or other secondary programs that teach multiple content areas.</td>
<td>Any reason to change current rules?</td>
<td>No rulemaking necessary. Question on application for Tier 4 license asking, “Did your most recent summative evaluation result in placing or otherwise keeping you in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5?”</td>
</tr>
<tr>
<td>How do teachers show/demonstrate an evaluation that has not resulted in being placed on an improvement plan in order to receive a Tier 4 license?</td>
<td>Minimize paperwork hassle for teachers, administrators, and PELSB every time a person applies for a Tier 4 license.</td>
<td></td>
</tr>
<tr>
<td>Minn. Stat. 122A.184, subd. 1(4)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Dear Executive Director Doan, Chair Bellingham and the members of the Minnesota Board of Teaching:

I would first like to thank you for taking the necessary steps to initiate the rulemaking process, which will modify state standards to obtain licensure for out-of-state and alternatively certified educators, in alignment with recently passed legislation. Minnesota's Board of Teaching is responsible for the development of policy that regulates the issuance of teacher licenses in Minnesota, and, for too long, the Board has failed to create clear expectations or processes for experienced educators who have been trained and/or licensed in other states, making it challenging for them to understand exactly how to obtain the standard, professional teaching license they seek. It must be the goal of this Board to define and implement a clear process through which all candidates trained or licensed in another state understand what they must do to obtain a standard professional license to teach in Minnesota.

It is important that the Board's rules and practices reflect current laws and the intent of the Legislature. In addition to promulgating clear requirements for out-of-state teacher licensure, the Board must also reinstate licensure via portfolio. The Board should also implement an appeals process and data collection protocols and evaluate all licensure candidates in a consistent, prompt and fair manner.

Per the education bill Gov. Dayton signed into law in June 2015, the Board-adopted rules must include a number of streamlined provisions. The rules should also reflect legislative intent, system-wide best practices by including several others:

1. **Preparation equivalency vs. applicants licensed in other states**

To clarify legislative intent, the rules must determine when an out-of-state teacher candidate's application is governed by the requirements of MINN. STAT. 122A.23 subd. 1 or MINN. STAT. 122A.23 subd. 2. Subdivision 1 requires the teacher applicant's out-of-state preparation meet the Board-established criteria for education, experience and professional credentials. Subdivision 2 outlines requirements that applicants licensed in other states must meet to obtain a professional teaching license.

2. **Interpret MINN. STAT. 122A.23 subd. 1**

For applicants to which MINN. STAT. 122A.23 subd. 1 applies, the Board must develop rules to establish criteria and streamlined procedures to recognize their experience and professional credentials. The Board must also allow a candidate to demonstrate their qualifications based on performance measures and criteria that the Board establishes (See Item I in Appendix).
3. **Temporary licenses vs. standard professional licenses**

For applicants to which MINN. STAT. 122A.23 subd. 2 applies, the Board must establish standards to determine when the licensing agency will issue a temporary license and when the agency will issue a standard, professional license.

4. **Create public material**

The Board should regularly issue public material, such as a pamphlet, one-pager, flow chart or information on the Board’s website directed toward potential out-of-state applicants that lists, in simplified terms, the requirements and application process for commonly sought licenses under MINN. STAT. 122A.23 subd. 1 and MINN. STAT. 122A.23 subd. 2.

5. **Adopt “streamlined procedures” for out-of-state applicants**

To comply with Sec. 18, Chapter 3 of the 2015 Special Session, the Board must promulgate rules interpreting MINN. STAT. 122A.23 subd. 1 and define and adopt "streamlined procedures" for applicants trained out-of-state. These streamlined procedures should maximize the ease of applying for licensure and must not add additional licensing burdens that are not present in current statute. Adopting the point-based rubric that the Board developed in collaboration with key stakeholders (highlighted as Item 1 in Appendix) would provide a clear framework for objectively analyzing applicants, and would help establish a clear, streamlined process.

6. **Reinstate the Licensure via Portfolio process**

The Board must reinstate licensure via portfolio in compliance with MINN. STAT. 122A.21 subd. 2. Licensure via portfolio must be open to all teacher candidates, with information on this licensure pathway available to the public in published documents and on all applicable websites. Information should include: what materials are required to apply, how those materials are linked to the assessment of the required competencies for licensure, how each applicant is scored, what constitutes a satisfactory score, an application process timeline and clear notice of the right to appeal any portfolio licensure determination.

7. **Define interstate agreements**

The Board will be entering into interstate licensure agreements “after determining that the rigor of the teacher licensure or certification requirements in the adjoining state is commensurate with the rigor of Minnesota’s teacher licensure requirements.” In so doing, the Board must establish rules to define what constitutes “commensurate rigor” and a framework that outlines areas that determine “commensurate rigor.” Commensurate rigor should consider licensure, training and professional experience aligned with Board-adopted minimum standards for professional licensure.

8. **Train the agencies tasked with issuing licenses**
The Board should routinely train staff at the Minnesota Department of Education’s Educator Licensing Division and/or any Minnesota agency tasked with issuing teacher licenses. The trainings should include materials aligned to current law and Board-adopted rules including how to analyze the qualifications of out-of-state teacher applicants and how to manage license via portfolio applications.

9. Create a public appeals process

Board-adopted rules should include a clear public appeals process for all teacher licensure candidates, including Board and candidate responsibilities and timelines. The appeals policy should be included, attached or linked as appropriate in any official determination correspondence or communication from the Board or the MDE Educator Licensing Division. The rules should also include:

- An explanation of an applicant’s right to appeal;
- The required steps an applicant must take to invoke their right to appeal;
- The responsiveness of the Board after an applicant invokes their right to appeal;
- The timeline and steps for an appeal;
- The additional materials an applicant may submit, bring or reference in support of their appeal;
- The right to have an appeal decision denied in writing with a full explanation why the Board is denying an appeal; and
- The right to judicial review of any denied appeal in the Minnesota Court of Appeals per MINN. STAT. 14.63 et seq.

10. Allow applicant feedback

To ensure that the intent of the Legislature, which is to improve and streamline out-of-state teacher licensure, is implemented fully, the Board should constantly assess how it is serving out-of-state candidates so that it can further improve its interaction with teacher applicants and clarify the path to a Minnesota license. A feedback instrument to collect information via an online survey on how teacher licensure applicants evaluate their experience interacting with the Board and the MDE Educator Licensing Division would provide data and transparency to the licensure process. To the extent allowed under law, survey data should be made available to the public as part of all correspondence with applicants from the Board and MDE. The survey may include:

- A rating of the Board/MDE’s promptness, knowledge and professionalism in interacting with applicants;
- A rating of the accessibility of the Board’s materials, website or other public information;
- A rating of the applicants’ satisfaction with the overall licensure process;
- An opportunity for applicants to freely write to express any specific concerns related to that individual rating; and
- An opportunity for applicants to leave contact information for the Board to follow-up with any concerns.
11. Collect important data

Consistent with reporting requirements, the Board must collect important data that gives the public a clear understanding of the number of teacher applicants approved, denied or counseled out of applying for Minnesota licensure. The data must be made public and include:

- The number of applicants that started an application for a standard license (calculated by registered MDE User Account applicants using the online application system);
- The number of applicants who submitted a completed or partially completed application for a standard professional license;
- The number of applicants who had a final determination made. Of those, what percent were given a standard license, what percent were given a temporary, limited, variance or other non-standard professional license and what percent were denied a license. Data must be disaggregated by race;
- Of those where a final determination was something other than a standard license, the number of applicants who appealed the decision. Data must be disaggregated by race;
- The number of applicants who have waited more than 180 days for a final determination;
- Of those applicants who have waited more than 180 days, the reasons for the delay in making a final determination.

12. Release Board of Teaching Annual report

The Board of Teaching should, in collaboration with the Minnesota Department of Education, publicly release an annual report providing comprehensive information on licensure in Minnesota. At a minimum, the report should include:

- Data on the number of appeal cases opened, opened for more than 180 days, resolved in favor of the appealing applicant, average length of opening and closing appeals cases, applicant feedback around appeals and identified areas of concern and recommendations to improve the appeals process;
- Data on the number of completed or partially completed applications for licensure, as required above;
- A summary and data from the Applicant Feedback Survey and recommendations to improve the application process as presented by the Feedback Survey.

13. Align rules with current law

It is critical that the Board use the rulemaking process to clarify current law where statute is ambiguous. Current statute requires the Board to clarify terms such as “similar content area” and “similar license” with the goal to create a clear process for teacher applicants with diverse training and professional experience backgrounds. The Board must refrain from creating additional requirements for licensure or vague terms such as “content specific teaching methods,” that are neither defined in law or rule (See Item II in Appendix).
The Board has the opportunity to make the licensure process clearer and stronger, ensuring that well-prepared educators have a more streamlined path to the classroom. We appreciate the Board's review of our comments, and welcome any follow-up questions.

Sincerely,

[Signature]

Daniel Sellers
Executive Director
MinnCAN
### Total Points for Area:

<table>
<thead>
<tr>
<th>Degree/Diploma</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master of Education</td>
<td>15/5/10</td>
</tr>
<tr>
<td>Doctoral Degree</td>
<td>0/5/10</td>
</tr>
<tr>
<td>Minor in Content Area</td>
<td>10</td>
</tr>
<tr>
<td>Major in Content Area</td>
<td>20</td>
</tr>
</tbody>
</table>

### Total Points for Area:

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>11+</td>
<td>30</td>
</tr>
<tr>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>10-14</td>
<td>15</td>
</tr>
<tr>
<td>5-9</td>
<td>10</td>
</tr>
<tr>
<td>0-4</td>
<td>5</td>
</tr>
</tbody>
</table>

### Issue Area

<table>
<thead>
<tr>
<th>Points</th>
<th>Type of Evidence</th>
<th>Issue Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>NCA/T/IFAC accepted at time of proposal</td>
<td>Teacher Preparation Program</td>
</tr>
<tr>
<td></td>
<td>Scope of Field of Study</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Proportion of Master's or Minor in Content Area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Required Proportion of Master's or Minor in Content Area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Teaching Program</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Completion of a state-approved Teacher Preparation Program</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR 2 or more years of teaching</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OF TESOL, ESOL or bilingual education</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR 2 or more years of teaching</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OF TESOL, ESOL or bilingual education</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student Teaching Student</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### License Rubric for Applicants Licensed, Trained, and Practicing in Other States (Revised Dec. 2010) for Item I

**Appendix**
March 23, 2018

Professional Educator Licensing and Standards Board
1500 Highway 36 West, Suite 300
Roseville, MN 55133-4055

Re: Comments on rule draft RD4369

Dear Professional Educator Licensing and Standards Board Members,

I am writing today to provide more detail around the issues my staff and I have identified in your current rule draft and brought forward to Board members and staff on several occasions. As the Chief Author in the Senate of the licensure bill, which was signed into law last year making significant changes to teacher licensure in Minnesota and authorizing the rulemaking in which you are currently engaged, I have significant first-hand knowledge of the statute’s content as well the intent of the Legislature.

All of the issues I will address below were heavily debated during the legislative process with the final agreements signed into statute. Unfortunately, rather than faithfully implementing statute as the Legislature intended, the rule draft written by the Board of Teaching and adopted by PELSB has sought to find loopholes and work around to change the effect of statute, as passed. If adopted, the effect of these attempts would be to create rule that exceeds, conflicts with, does not comply with, or grants the Board discretion beyond what is allowed by its enabling statute.

Minnesota Statute 14.05 sets out the general authority given to agencies through rulemaking powers. It begins by stating the following:

Subdivision 1. Authority to adopt original rules restricted. Each agency shall adopt, amend, suspend, or repeal its rules in accordance with the procedures specified in sections 14.001 to 14.69, and only pursuant to authority delegated by law and in full compliance with its duties and obligations...

Furthermore, Minnesota Rule 1400.2100, which establishes the Standards of Review for administrative law judges, states that:

A rule must be disapproved by the judge or chief judge if the rule:

A. was not adopted in compliance with procedural requirements of this chapter, Minnesota Statutes, chapter 14, or other law or rule, unless the judge decides that the error must be disregarded under Minnesota Statutes, section 14.15, subdivision 5, or 14.26, subdivision 3, paragraph (d);

B. is not rationally related to the agency’s objective or the record does not demonstrate the need for or reasonableness of the rule;

C. is substantially different than the proposed rule, and the agency did not follow the procedures of part 1400.2110;

D. exceeds, conflicts with, does not comply with, or grants the agency discretion beyond what is allowed by, its enabling statute or other applicable law;
E. is unconstitutional or illegal;

F. improperly delegates the agency's powers to another agency, person, or
group;

G. is not a "rule" as defined in Minnesota Statutes, section 14.02, subdivision
4, or by its own terms cannot have the force and effect of law; or

H. is subject to Minnesota Statutes, section 14.25, subdivision 2, and the
notice that hearing requests have been withdrawn and written responses to it
show that the withdrawal is not consistent with Minnesota Statutes, section
14.001, clauses (2), (4), and (5).

It is my belief that each of the objections I raise below fall under Minnesota Rule 1400.2100 Part D and
thus will likely be struck down by an administrative law judge if the Board pursues these rules in the draft
eventually submitted for a hearing.

Given that the rulemaking timeline has been set back by two months as a result of the Board ignoring my
concerns regarding the jurisdictional issues that were validated by the Chief Administrative Law Judge in
her February 18, 2018 order, I would caution the Board to take seriously these concerns, so that another
setback does not occur that further delays implementation as a result of actions taken by the Board to
circumvent statute.

Definition of Cultural Competency Training

The current rule draft contains a definition of cultural competency that requires a district’s cultural
competency training to include far more elements than what is required in statute. The enabling statute,
Minnesota Statute Section 122A.181 Subd. 3, paragraph (b) (3) states the following:

(3) the teacher holding the Tier 1 license participated in cultural competency training
consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the
board approving the request for the initial Tier 1 license.

Minnesota statutes section 120B.30, subdivision 1, paragraph (q) states the following:

"cultural competence," "cultural competency," or "culturally competent" means the
ability of families and educators to interact effectively with people of different cultures,
native languages, and socioeconomic backgrounds.

Because the enabling statute already provides a definition of cultural competency, the Board cannot create
a different definition without conflicting with statute. The effect of two different definitions creates a
situation where an applicant could be compliant with statute, but not rule. Consider the following
scenario:

1. An applicant for a Tier 1 license renewal applies to the board for renewal and meets all the
requirements for renewing a Tier 1 license in law, including the completion of a district cultural
competency training consistent with the definition in Minnesota statutes section 120B.30,
subdivision 1, paragraph (q).
2. The Board determines that the district’s cultural competency training complies with the definition
in statute but does not comply with the definition in rule.
3. According to statute, an applicant who has completed a training consistent with the statutory
definition of cultural competency has fulfilled the requirement under 122A.181 Subd. 3,
paragraph (b) (3).
4. At this point, the Board cannot deny the applicant a license for not completing a program consistent with the Board’s definition of cultural competency without being in violation of the law.

The legislature deliberately chose to reference the definition of “cultural competency” in section 120B.30 subdivision 1, paragraph (q) to allow flexibility in how districts can design their training to meet the requirement. The Board cannot grant themselves additional discretion regarding what components the training must contain.

**Definition of Professional License from Another State**

The definition of a “professional teaching license” from another state should not include a requirement that the license be based on the completion of a teacher preparation program. The effect of defining a professional teaching license this way is to eliminate one of the pathways to a Tier 3 license established in statute.

Minnesota Statute 122A.183 Subd.2 establishes five separate and distinct pathways to a Tier 3 license:

**Subd. 2. Coursework.** A candidate for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

1. completion of a Minnesota-approved teacher preparation program;

2. completion of a state-approved teacher preparation program that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student teaching requirement does not apply to a candidate that has two years of teaching experience;

3. submission of a content-specific licensure portfolio;

4. a professional teaching license from another state, evidence that the candidate's license is in good standing, and two years of teaching experience; or

5. three years of teaching experience under a Tier 2 license and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

By defining a “professional teaching license” as a license that is based on the completion of a teacher preparation program, pathway (4) is made equivalent to pathway (2), essentially eliminating one of the pathways to licensure set in statute. The board cannot use a definition to add a requirement, which effectively eliminates one of the pathways established in statute.

The intent of including pathway (4) as a separate and distinct pathway from (2) was to acknowledge that there are experienced teachers from other states who obtain a professional teaching license through an alternative pathway. Adding the term “professional” in front of “license” to pathway (4) was a suggestion by the former Board of Teaching that the Legislature accepted to ensure that this pathway was only available to out-of-state teachers who had obtained a professional level license in their state. It was clearly the intent of the law that pathway (4) be a distinct pathway from (2) or else it would not have been included. While it may be within the Board’s authority to write definitions for terms not already defined in statute, if the effect of the definition conflicts with statute, it cannot be adopted.

*Changed: added “portfolio” & removed “unlimited renewal”*
Required Mentorship

The board cannot require districts to have a mentorship program through rulemaking. The Legislature has debated requiring all districts to have a mentorship program for many years but has always chosen to preserve current law that districts are encouraged, but not required to provide a mentorship program. While I believe most legislators agree that mentorship for every new teacher is a worthy goal, the current reality in many small districts is that they do not have the capacity to implement one. It is important to note not only the history of this debate, but also that statute is not silent on district mentorship programs.

Minnesota Statutes Section 122A.70 states the following:

122A.70 TEACHER MENTORSHIP.

Subdivision 1. Teacher mentoring programs. School districts are encouraged to develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, teachers of color, teachers with special needs, or experienced teachers in need of peer coaching.

Statute is clear on teacher mentorship requirements for districts. Requiring districts to have a mentorship program as a condition of licensing would amount to legislating through rule, and it would affect the ability of every district in Minnesota to hire a single teacher.

Furthermore, the Board cannot make rule that is inconsistent with statute by requiring that only Tier 1 and Tier 2 teachers participate in mentorship programs. Statute explicitly requires that teachers at every tier level must participate in their district’s mentoring program.

Minnesota Statutes Section 122A.181 TIER 1 LICENSE Subd. 6 paragraph (a) states:

Subd. 6. Mentorship and evaluation. (a) A teacher holding a Tier 1 license must participate in the employing district or charter school’s mentorship program and professional development.

Minnesota Statutes Section 122A.182 TIER 2 LICENSE Subd. 7 paragraph (a) states:

Subd. 7. Mentorship and evaluation. (a) A teacher holding a Tier 2 license must participate in the employing district or charter school’s mentorship and evaluation program, including an individual growth and development plan that includes cultural competency under section 120B.30, subdivision 1, paragraph (q).

Minnesota Statutes Section 122A.183 TIER 3 LICENSE. Subd. 4 states:

Subd. 4. Mentorship and evaluation. A teacher holding a Tier 3 license must participate in the employing district or charter school’s mentorship and evaluation program, including an individual growth and development plan.

Minnesota Statutes Section 122A.184 TIER 4 LICENSE. Subd. 3 states:

Subd. 3. Mentorship and evaluation. A teacher holding a Tier 4 license must participate in the employing district or charter school’s mentorship and evaluation program, including an individual growth and development plan.

A teacher cannot participate in a program that does not exist. The Legislature deliberately chose not to change the underlying law regarding teacher mentorship, which only encourages districts to have mentorship programs. The requirement that teachers at every license tier level participate in a district’s mentorship program does not authorize the Board to require districts to have a mentorship program. Rather, the requirements enacted in Minnesota statute Sections 122A.181-122A.184 implicitly
acknowledge that teachers can only participate in a mentorship program, if one exists, since statute does not require districts to have one.

Since statute requires mentorship participation at every tier level, a district without a mentorship program would not be able to hire any teachers if the Board enacts rules that requires participation in a mentorship program as a condition of license renewal regardless of whether a district has an established program. The Board's rules, as currently written, are neither consistent with statute, nor the intent of the Legislature.

Reporting of teacher evaluation outcome as a condition of renewal for Tier 1 and Tier 2 licenses

The requirement that districts report the outcome of a teacher's evaluation as a condition of renewal should be required at every tier level, or no tier level. Statute requires that teachers at every tier level participate in their district's evaluation program, which is presumably the justification the Board is using for collecting evaluations as a condition of license renewal. If that is the case, to remain consistent with statute, the Board may ask for evidence that a teacher renewing their license at any tier participated in their district's evaluation program. Otherwise, the Board is authorized by statute to require the reporting of evaluation outcomes only when the evaluation outcome is relevant to the issuance of a license, which is only the case for granting an initial Tier 4 license, or an initial Tier 3 license under pathway (5).

Position change in Tier 2 license

The Board cannot restrict the ability of a district to assign teachers holding Tier 2 licenses to a new position in the same content area within the district. A Tier 2 license is limited to the district and content area on the initial application, not a position within a district.

MN Statute 122A.182 Subd. 5 states:

Subd. 5. Limitations on license. (a) A Tier 2 license is limited to the content matter indicated on the application for the initial Tier 2 license under subdivision 1, paragraph (a), and limited to the district or charter school that requested the initial Tier 2 license.

The Board does not have the authority to restrict a district's ability to place its teachers by placing an additional restriction on a Tier 2 license, for which there is no statutory authority.

Tier 3 Alternative Pathway

Minnesota statute establishes the qualifications a candidate must meet to obtain a Tier 3 license. In addition to established education and testing requirements, a candidate must be able to meet one of five equal coursework options established alongside each other in statute.

The coursework requirements in Minnesota Statute 122A.183 Subd.2 are written as follows:

Subd. 2. Coursework. A candidate for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

1. completion of a Minnesota-approved teacher preparation program;
2. completion of a state-approved teacher preparation program that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student...
teaching requirement does not apply to a candidate that has two years of teaching experience;

(3) submission of a content-specific licensure portfolio;

(4) a professional teaching license from another state, evidence that the candidate's license is in good standing, and two years of teaching experience; or

(5) three years of teaching experience under a Tier 2 license and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

Statute clearly establishes 5 equal pathways to a Tier 3 license. The Board does not have the authority to treat one coursework qualification differently than another. Each coursework qualification is written as equal to the others in statute. Separating one qualification into an "alternative pathway" not only changes the structure of the Tier 3 license, as established in statute in general, but treats candidates meeting the requirements for a Tier 3 license through pathway (5) differently than candidates who meet the requirements through pathways (1) through (4). The disparate treatment of candidates based on their coursework requirements is not based on any statutory authority.

The effect of the Board's proposed renewal requirements further establishes a conflict with statute. The renewal requirements should remain the same for all candidates in the same tier level and not be parsed out based on portions of a candidate's qualifications. Requiring a Tier 3 candidate qualifying under pathway (5) to essentially complete a portfolio upon first renewal of their license basically invalidates the qualifications laid out in statute as the basis for the license. Changing the qualifications for the Tier 3 license upon renewal could cause a teacher who obtained a Tier 3 license to lose their license upon first renewal even though their qualifications didn't change. In this circumstance, a teacher with the same qualifications and 3 more years of teaching experience could be denied a Tier 3 license while a first-time Tier 3 candidate is simultaneously issued one, essentially creating two different standards for candidates with the same base qualifications and denying the license of the more experienced candidate.

Not only do these proposed rules conflict with statute on a technical level, it is abundantly clear that the Board is intentionally defying the intent of the statute.

**Portfolio process for all licenses**

Statute requires the Board to establish a portfolio process that allows a candidate to obtain any teacher license in Minnesota Statutes 122A.18 Subd. 1. This includes Tier 1, 2, 3 and 4 licenses. The current rule draft currently only establishes a process for a candidate to obtain a Tier 3 license or add a Tier 4 license content area.

Minnesota Statutes 122A.18 Subd. 10 states:

Subd. 10. Licensure via portfolio. (a) The Professional Educator Licensing and Standards Board must adopt rules establishing a process for an eligible candidate to obtain any teacher license under subdivision 1, or to add a licensure field, via portfolio. The portfolio licensure application process must be consistent with the requirements in this subdivision.

122A.18 Subd. 10 (b) states the portfolio must include pedagogy and content. This would automatically be a Tier 3 license.
Minnesota Statutes 122A.18 Subd. 1 states:

Subdivision 1. **Authority to license.** (a) The Professional Educator Licensing and Standards Board must issue the following teacher licenses to candidates who meet the qualifications prescribed by this chapter:

(1) Tier 1 license under section 122A.181;
(2) Tier 2 license under section 122A.182;
(3) Tier 3 license under section 122A.183; and
(4) Tier 4 license under section 122A.184.

If the Board does not adopt rules to establish a portfolio process for all tier levels, they will be out of compliance with statute and open to a lawsuit from anyone who is denied the opportunity to apply for a license via portfolio for which the Board has not established a process, as required by statute.

While I have other concerns about the effect of various other proposed rules in the draft, I wanted to highlight the issues above as those that have a high likelihood of being struck down by an administrative law judge if the Board chooses to pursue them.

I remain ready and willing to engage in further discussion regarding the rules the Board is currently considering. Please do not hesitate to reach out at any time should you have any questions or concerns you would like to discuss regarding these issues.

Sincerely,

[Signature]

Senator Eric Pratt
Chair, Senate Education Policy Committee
INTRODUCTION


Education Minnesota represents 63,714 licensed teachers and related service providers throughout the state of Minnesota. The Proposed Rules affect every single one of our licensed educators, who are required to hold licenses to teach in public schools. Educator licensing is critical to Minnesota's constitutional mandate of a "general and uniform system of public education." Minn. Const. Art XIII, Sec. 1. Minnesota's licensure rules, first established by the Board of Teaching and now overseen by PELSB, help further this guarantee by holding educators to consistent and detailed standards of effective practice, including content-specific standards for each licensure field. See Minn. R. 8710.2000; Minn. R. 8710.3000-.6400. Numerous researchers and organizations have recognized Minnesota's educator licensing standards as being among the highest in the nation.¹

Education Minnesota believes every student should have a teacher who completed rigorous subject matter and pedagogical training. Minnesota's educator licensing rules also affect our members by setting forth the requirements for licensure renewal, which include continuing education requirements in specific categories. Minn. R. 8710.7000-7700. As the transition to tiered licensure begins, Education Minnesota is committed to helping educators of all tiers receive the preparation and support they need to grow into the best educators they can be for their students.

Along with many other stakeholders, Education Minnesota has participated in extensive discussions with PELSB staff and its members relating to the Proposed Rules. These have included standards and rules committee meetings, which are open to the public and where stakeholders have reviewed rule drafts and proposed various amendments to PELSB staff, as well as Board of Teaching and PELSB work sessions, where stakeholders have had the opportunity to engage with board members on various aspects of the rule draft. Stakeholder participation in the drafting of these rules has been meaningful and ongoing, and in the vast majority of provisions, stakeholders and board members have reached consensus on the Proposed Rules.

As will be discussed further in these comments, Education Minnesota agrees that the Proposed Rules fall within PELSB’s statutory authority, are reasonable and necessary, and we support their approval by the Administrative Law Judge and the Chief Administrative Law Judge. We have chosen to comment only on the provisions we believe require our input. If we have not commented on a particular provision, Education Minnesota supports the adoption of that provision.

RULE 8710.0310. DEFINITIONS AND GENERAL RULES FOR TEACHING LICENSES.

“Classroom teacher” or “teacher of record” (lines 1.10-1.15)

The definition of classroom teacher is necessary to distinguish individuals subject to PELSB’s jurisdiction from other educational employees. The reference to related service providers is necessary because related service professionals, which include speech-language pathologists, school nurses, school psychologists, school social workers, and school counselors, are also required to hold licenses with PELSB in addition to holding licenses or credentials from other agencies. See Minn. R. 8710.6000-6400. Professional organizations and other licensing boards representing these related service occupations all supported maintaining licensure by PELSB for a variety of reasons, including the uniqueness of practicing these occupations within an educational setting that many of the related service rules address.

Stakeholders representing related service providers also strongly supported requiring related service professions to hold Tier 3 or 4 licenses due to the heightened student safety concerns these providers are trained to address, and the belief that Tiers 1 and 2 would not ensure that these professionals have appropriate training. Related service providers are not specifically mentioned in the tiered licensure legislation. Minn. Stat. §§ 122A.181-184. None of the stakeholders present at the discussion of this definition objected to it or the requirement that related service providers hold a Tier 3 or 4 license.
“Cultural competency training” (lines 1.16-1.23)

The definition of cultural competency training is the product of extensive discussions between education stakeholders, staff, and PELSB members. It reflects a contemporary approach to cultural competency training in public education. The legislature specifically added cultural competency as a licensure renewal requirement for all tiers of licensure in the tiered licensure law. 2017 Minn. Laws 1st Spec. Sess. Ch. 5, art. 12, §§ 10, 11, 15, at 91, 94, 96, 101. This addition was made to account for the removal of human relations coursework, which had previously been required by all Minnesota teacher preparation programs and existed as a statutory requirement for licensure applicants trained in other states. Minn. Stat. § 122A.23, subd. 2(c)(1) (2016).²

Education Minnesota supports the definition of cultural competency training in the Proposed Rule because it addresses student populations that are too frequently marginalized in our schools. Other stakeholders representing these populations will be submitting comments in support of including them in the definition of cultural competency training in order to ensure that all license holders receive ongoing training about the needs of our diverse student population. Researchers have found that a lack of understanding of students’ cultural backgrounds by educators can result in a misinterpretation of student behavior, leading to measurably higher rates of special education referrals and higher rates of special education referrals and higher rates of inappropriate and unhelpful disciplinary interventions.³ Education Minnesota believes that ongoing cultural competency training for teachers at all tiers will help address some of these disparities by giving educators a deeper understanding of the diverse life experiences of their students—but only if the training is meaningful and comprehensive.

The proposed definition of cultural competency falls within PELSB’s statutory authority. The tiered licensure statute requires that in order to renew a Tier 1 license, the Board must receive documentation that “the teacher holding the Tier 1 license participated in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board approving the request for the initial Tier 1 license.” Minn. Stat. § 122A.181, subd. 3(b)(3). The same renewal requirement exists for a teacher holding a Tier 2 license. Minn. Stat. § 122A.182, subd. 3. Teachers renewing Tier 3 or 4 licenses must “present to their local continuing education and relicensure committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices, including among other things, cultural competence in accordance with section 120B.30, subdivision 1, paragraph (q)...” Minn. Stat. § 122A.187, subd. 3.

² Additional information about the human relations requirement is included in Exhibit A.
³ Brown, E.L et al., Unpacking Biases: Developing Cultural Humility in Early Childhood and Elementary Teacher Candidates, 9 Educators’ Journal, 75-96 (2016).
Some opponents of the definition of "cultural competency training" in the Proposed Rule have asserted that it conflicts with the definition of "cultural competency" referenced in the tiered licensure law. However, the definition provided by the legislature in Minn. Stat. § 120B.30, subdivision 1, paragraph (q) is extremely broad: "For purposes of statewide accountability, ‘cultural competence,’ ‘cultural competency,’ or ‘culturally competent’ means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds." Because no specific cultures are identified in statute, Education Minnesota, along with other stakeholders and PELSB members, felt that more detail was needed to ensure that the cultural competency training required by statute will be comprehensive and relevant to the cultural issues that present themselves in Minnesota's public schools today. The definition of "cultural competency training" in the Proposed Rule does not conflict with statute because there is no statutory definition of "cultural competency training."

Clarifying an undefined statutory term is entirely permissible in rulemaking and cannot be a ground for invalidating a proposed rule unless it is in "excess of statutory authority or the jurisdiction of an agency." Minn. Stat. § 14.69. The Court of Appeals has repeatedly held that when a statute is couched in general terms, the agency is left the duty of determining precisely what standards will fulfill the...policy enunciated by the legislature." In re Northern State Power Co. for Approval of its 1998 Resource Plan, 604 N.W.2d 386, 390 (Minn. App. 2000) (quoting In re Application for Certificate of Need for Indep. Spent Fuel Storage Installation (ISFSI), 501 N.W.2d 638, 648 (Minn. App.1993), review denied (Minn. July 15, 1993) (internal quotations omitted)). "[C]onsiderable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer." Id., (quoting Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 844, (1984) review denied (Minn. Oct. 31, 1991)).

The proposed definition of "cultural competency training" clarifies statute by listing the training components that will enable educators to increase their cultural competency in order to work effectively with students and parents from a wide variety of backgrounds and life circumstances. Many districts are already providing this training to teachers in an effort to create safe and inclusive learning environments for all students, but other districts provide little, if any, ongoing training in these areas. The topics listed in the proposed definition present themselves in all Minnesota school districts, even ones that may appear relatively homogeneous. In no way does this definition or the components of the training identified conflict with Minn. Stat. § 120B.30, subdivision 1, paragraph (q). The definition is necessary, reasonable, and well within PELSB's statutory authority to adopt.
“Good cause” (lines 1.25-2.1.)

This definition is necessary because Minn. Stat. § 122A.181 states that a Tier 1 license “may not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals,” but the legislature did not provide a definition of “good cause.” In addition, Minn. Stat. § 122A.182 states, “[T]he board must issue rules setting forth the conditions for additional renewals after the [Tier 2] license has been renewed three times.” The definition of “good cause” in the Proposed Rules establishes criteria for PELSB to consider when a district or charter school requests a more than three renewals of a Tier 1 or 2 license. It allows either the district or charter school or the applicant to explain why the applicant was unable to move to a higher tier of licensure while holding a Tier 1 or 2 license. Education Minnesota and other stakeholders support this definition because it creates an expectation that individuals with Tier 1 or 2 licenses will make progress toward a Tier 3 or 4 license while also allowing them to maintain a Tier 1 or 2 license under extenuating circumstances where the candidate has no reasonable path to a higher licensure tier.

“Professional license from another state” (lines 2.7-2.11)

This definition is necessary because the term is used in statute but not defined. Minn. Stat. § 122A.183 allows an individual to obtain a Tier 3 license by a variety of pathways, including “a professional teaching license from another state, evidence that the candidate’s license is in good standing, and two years of teaching experience...” Stakeholders, PELSB staff, and its members agreed that “professional” cannot mean any type of teaching license from any state, which could include temporary or emergency credentials such as a Tier 1 or 2 license.

Without a requirement that an out-of-state license that is indefinitely renewable and allows the teacher to serve as a teacher of record, there would be nothing to prevent someone who had the equivalent of a Tier 1 or 2 license from another state from obtaining an indefinitely renewable Tier 3 or 4 license in Minnesota without any additional training or demonstration of meeting standards of effective practice. Education Minnesota supports the definition of “professional license from another state” and believes it is necessary and reasonable given the statutory provision in which the term it is used.

Addition to a Tier 3 or 4 license (lines 3.14-3.16)

This provision is necessary because a teacher may add Tier 3 or 4 licenses in other fields after their initial receipt of one of these licenses at any time. Using the expiration date of the Tier 3 or 4 license already in effect helps avoid the confusion and burden of having multiple expiration dates for Tier 3 or 4 licenses, which would require teachers to meet continuing education renewal requirements any time any of their licenses expire.
Movement between tiers (lines 3.17-3.23)

This provision is consistent with legislative intent as reflected in Minn. Stat. § 122A.09, subd. 9(b), which states, "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 remaining provisions relating to out-of-field permissions are in Proposed Rule 8710.0320.

This provision is necessary because the tiered licensure law is silent on when a teacher who meets requirements for a higher tier of licensure may apply to advance tiers. Education Minnesota agrees that a candidate should be able to advance tiers any time they meet the requirements for a particular tier. This was not controversial in any stakeholder discussions in which we participated.

Education Minnesota also agrees that license holders should generally not be able to hold licenses in a lower tier than the one for which they qualify, except in the case of a teacher who meets requirements for a Tier 2 license in one field based on coursework but not another. Individuals with Tier 1 licenses are excluded from the teacher bargaining unit, and individuals with Tier 1 and Tier 2 licenses are not covered by Minnesota’s continuing contract or tenure laws. Minn. Stat. §§ 122A.181, subd. 5; 122A.182, subd. 5. Allowing individuals to obtain licenses at multiple tiers would create confusion for teachers and districts about these teachers’ bargaining unit status and continuing contract rights. This rule is within PELSB’s statutory authority and is necessary to prevent the confusion that would result from teachers holding licenses at multiple tiers.

Multiple expiration dates (lines 3.24-4.4)

Education Minnesota supports this provision for the same reasons we support Subpart 3 of this section. The tiered licensure law is silent on this issue, and allowing early renewal of Tier 3 and 4 licenses for the purpose of consolidation will prevent candidates from having multiple expiration dates and reporting periods for continuing education requirements.

Report (lines 4.13-3.15)

Education Minnesota strongly supports requiring the board to issue a report summarizing “the previous fiscal year’s Tier 1, 2, 3, and 4 licenses and out-of-field permissions, organized by licensure field and by district.” Minn. Stat. § 122A.091 requires that PELSB survey districts and provide data to the legislature that includes “patterns and shortages in licensure field areas and.
the economic development regions of the state.” The report required under this section will be helpful in documenting these patterns.

In addition, this report will offer much-needed transparency regarding the extent to which districts and charter schools rely on individuals with Tier 1 and 2 licenses to fill teaching positions. Because the tiered licensure law allows individuals to teach in public schools with dramatically different levels of preparation based on their licensure tier, it is important for the public—especially parents and policymakers—to know more about the breakdown of licensure tiers in every district.

RULE 8710.0311. TIER 1 LICENSE.

Education Minnesota supports this Proposed Rule and believes it is fully consistent with statutory requirements. The rule is necessary because the law requires PELSB to adopt rules to implement tiered licensure. Minn. Stat. § 122A.09, subd. 9. The rules in this section closely mirror the statutory requirements for a Tier 1 license in Minn. Stat. § 122A.181. In areas where there is variation, there was consensus from many stakeholders that the proposed rule was reasonable and necessary to clarify or fill in a gap in the statutory language.

Posting requirements (lines 5.16-5.17)

Education Minnesota strongly supports the 15-day posting requirement in Subpart 2(B)(1). The statutory language is silent on the length of time a school district or charter school must post a position prior to hiring an individual with a Tier 1 license. It states that a district or charter school must “demonstrate” that it “has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.” Minn. Stat. § 122A.181, subd. 1(3)(ii). This language reveals a clear legislative intent to require districts and charter schools to attempt to hire individuals with licenses of higher tiers before they hire a teacher with a Tier 1 license.

Without requiring a reasonable number of days and a posting location that is accessible to statewide, a school district or charter school could effectively circumvent the statutory posting requirement by posting a position in an obscure location or for such a short period of time that qualified individuals with Tier 2, 3, or 4 licenses would not have a reasonable opportunity to apply. A 15-day posting requirement on the already-existing statewide job board\(^4\) effectuates legislative intent by ensuring that employers undertake reasonable efforts to find acceptable teachers with Tier 2, 3, or 4 licenses before requesting permission to hire a teacher with a Tier 1 license. This provision is reasonable and within PELSB’s authority to adopt.

\(^4\) [https://edpost.stcloudstate.edu](https://edpost.stcloudstate.edu). It is free for Minnesota school districts and charter schools to post positions on this website. It is already widely used by employers and applicants.
PELSB has addressed the concerns of stakeholders representing some school districts and charter schools that a 15-day posting requirement would prevent them from making emergency hires of Tier 1 teachers in situations where a position must be filled immediately. Minn. R. 8710.0311, Subpart 2(E) requires board staff to review requests for emergency Tier 1 placements “within two business days” and “immediately issue a Tier 1 license based on board-adopted criteria pending review by the board.” The provision then requires the board to “review applications after the position has been posted on the board-approved statewide job board for 15-days.” Id. Because the members of PELSB meet once a month, this provision strikes an appropriate balance between giving school districts the ability to have Tier 1 requests processed quickly when an unexpected vacancy occurs and ensuring that they are still seeking out the most qualified applicants for positions requiring a license.

If a district or charter school seeks to renew an individual’s Tier 1 license, Education Minnesota agrees with PELSB that a lengthier posting period of 60 days is reasonable because the district or charter school has much more time—in many cases, an entire school year—to attempt to hire an acceptable candidate with a Tier 2, 3, or 4 license.

**Justification of inability to hire an “acceptable” teacher with a Tier 2, 3, or 4 license (lines 5.18-6.5)**

The language in Subpart 2(B)(2) is necessary to provide clarity around Minn. Stat. § 122A.181, subd. 1(3)(ii), which states that in order for a district or charter school to receive permission to hire a teacher with a Tier 1 license, the district or charter school must “demonstrate” that it “has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.” The statute does not explain how a district or charter school would demonstrate that any Tier 3 applicants who have applied for a given position were not “acceptable.”

The provision in this rule was the result of extensive discussion among stakeholders. There are three circumstances under which a Tier 1 application would be automatically approved without additional explanation by the district or charter school: (i) no Tier 2, 3, or 4 licensed individuals applied for the position, (ii) no Tier 2, 3, or 4 licensed individuals accepted the position, or (iii) all Tier 2, 3, or 4 licensed individuals had a record of disciplinary action with the board. Even if none of these criteria are met and there are Tier 2, 3, or 4 licensed individuals willing to accept a position who do not have a record of disciplinary action, districts may still have a Tier 1 application approved by explaining to PELSB why the applicants with higher tiered licenses were not acceptable.
Education Minnesota is concerned that some districts or charter schools may attempt to hire Tier 1 teachers over qualified individuals with Tier 2, 3 or 4 licenses because they can pay them less and employ them on an at-will basis. Under the current “non-licensed community expert” system, PELS/B occasionally receives requests to hire individuals without licenses despite the fact that many licensed teachers applied and the district or charter school has provided no explanation for why they hired the individual without a license instead. The provision in the Proposed Rule is a compromise that seeks to avoid this problem by allowing districts and charter schools to hire teachers with Tier 1 licenses over applicants with Tier 2, 3, or 4 licenses if the District meets its statutory obligation to “demonstrate” to the Board why the other applicants were not “acceptable.” Minn. Stat. § 122A.181, subd. 1(3)(ii).

Mentorship requirement (line 6.7)

The provision requiring districts to affirm that an applicant for a Tier 1 license will “participate in a mentorship program aligned to board-adopted criteria” is required by the plain language of the statute, which states, “A teacher holding a Tier 1 licensed must participate in the employing district or charter school’s mentorship program and professional development.” Minn. Stat. § 122A.181, subd. 6(a).

Education Minnesota and other stakeholders feel strongly about the mentorship requirement because effective mentoring has been shown to improve teacher performance and increase teacher satisfaction and retention. Researchers who have studied induction and mentorship programs for new teachers have consistently found them to have a positive influence on teacher retention⁵ as well as teacher effectiveness.⁶ Mentorship is particularly important for

---


teachers with Tier 1 and 2 licenses, who have little or no preparation in teaching prior to working in schools. In fact, during committee discussions of the tiered licensure legislation, at least one of the chief authors cited the mentorship provision as a means of ensuring that Tier 1 and 2 teachers would be successful despite their lack of training in teaching. It was never presented as being optional. The provision in Subpart 2(C)(1) requiring districts to affirm a Tier 1 teacher’s participation in mentorship is necessary, reasonable, and within PELSB’s authority to adopt.

Although certain authors of the bill have subsequently claimed it was not their intent to mandate mentorship in every district or charter school, other authors have disagreed. Moreover, statements by individual legislators after legislation has passed cannot be used to contradict unambiguous statutory language as it is written. “When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.” Minn. Stat. § 645.16.

If the legislature had intended to make mentorship optional, they could have written a law that stated, “A teacher holding a Tier 1 license may participate in the employing district or charter school’s mentorship program and professional development,” or “A teacher holding a Tier 1 licensed must participate in the employing district or charter school’s mentorship program and professional development, if available.” They did not use language suggesting that mentorship is permissive. The most straightforward interpretation of the statutory language currently in effect is that mentorship is required of all individuals who hold a Tier 1 license.

Finally, some stakeholders have asserted that a mentorship requirement in rule is unnecessary because teachers in Minnesota are required to complete mentorship as part of their probationary evaluations under the Teacher Development and Evaluation (“TDE”) law. See Minn. Stat. §§ 122A.40, subd. 6, 122A.41, subd. 3. This is not accurate, as both provisions state that the probationary teacher peer review process “may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.” Id. In addition, Tier 1 and 2 teachers are specifically excluded from the definition of “teacher” in Minn. Stat. §§ 122A.40 and 122A.41 and therefore the mentorship programs in that section do not apply to them. Minn. Stat. §§ 122A.181, subd. 5(b), 122A.182, subd. 5(b). In addition to being consistent with the tiered licensure statute, the requirement in the Proposed Rules that Tier 1 teachers participate in mentorship is necessary and reasonable in light of the fact that the continuing contract and tenure statutes do not apply to these teachers.

**Good cause justification for additional renewals (lines 10.8-10.13)**

Education Minnesota supports this definition for the same reasons it supports a nearly identical definition of “good cause” in Minn. R. 8710.0310, Subpart 1. It is necessary and
because Minn. Stat. § 122A.181, subd. 3(b)(3) states that “a Tier 1 license must not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals,” but does not define “good cause.” The requirement to show “why the applicant has not obtained a license in a higher licensure tier” is reasonable because a teacher should be able to move from Tier 1 to Tier 2 or a higher Tier within four years under most circumstances. A Tier 1 teacher who has passed content and pedagogy exams and taken eight upper-division credits in their field is eligible for a Tier 2 license upon enrolling in a teacher preparation program, so it is reasonable for PELSB to ask why a teacher requesting a fourth renewal was unable to qualify for a license in a higher tier.

**RULE 8710.0312. TIER 2 LICENSE.**

Education Minnesota supports this Proposed Rule and believes it is fully consistent with statutory requirements. The rule is necessary because the law requires PELSB to adopt rules to implement tiered licensure. Minn. Stat. § 122A.09, subd. 9. The rules in this section closely mirror the statutory requirements for a Tier 2 license in Minn. Stat. § 122A.182. In areas where there is variation, there was consensus from many stakeholders that the proposed rule was reasonable and necessary to clarify or fill in a gap in the statutory language.

**Mentorship requirement (lines 13.2)**

Education Minnesota supports this language for the same reason it supports the mentorship language for Tier 1 teachers. The statutory language reference to mentorship for teachers with Tier 2 licenses is the same as the provision for mentorship for teachers holding Tier 1 licenses. It states, “A teacher holding a Tier 2 license must participate in the employing district or charter school’s mentorship and evaluation program...” Minn. Stat. § 122A.182, subd. 7(a). Again, there is no mention of the training being optional, and this was not discussed in any committee hearings relating to this language.

**Meaningful progress if enrolled in teacher preparation (lines 14.10-.15)**

This language is necessary because being “enrolled in a Minnesota-approved teacher preparation program” or having completed a master’s degree in a specified content area is required in order obtain a Tier 2 license. Minn. Stat. § 122A.182, subd. 1(2). However, the term “enrolled” is not defined in statute, and without this provision, a teacher could enroll in a teacher preparation program in order to qualify for a Tier 2 license but not complete any coursework and still be eligible to renew the Tier 2 license as many as three times as long as the teacher is technically enrolled or has enrolled in a preparation program at some point in their lives. A lack of any definition for the term “enrolled” would allow individuals to hold Tier 2 licenses for up two eight years without completing a single course or credit in a teacher preparation program. It is highly unlikely that the legislature intended such an outcome. Stakeholders broadly agreed that
some definition of “enrolled,” but there was concern about a definition based on credit hours that might not account for differences between programs, particularly alternative preparation programs. Because teacher preparation programs vary in credit and coursework requirements, allowing the program to define meaningful progress, as opposed to a more rigid definition based on credits completed, is reasonable and necessary.

Good cause (lines 15.3-15.7)

This language is necessary Minn. Stat. § 122A.182 states, “[T]he board must issue rules setting forth the conditions for additional renewals after the [Tier 2] license has been renewed three times.” The requirement to show “why the applicant has not obtained a license in a higher licensure tier” is reasonable because under most circumstances, a teacher should be able to move from Tier 2 to Tier 3 or a higher tier within the eight years that a teacher may hold a Tier 2 license.

RULE 8710.0313. TIER 3 LICENSE.

Education Minnesota supports this Proposed Rule and believes it is consistent with statutory requirements. The rule is necessary because the law requires PELSB to adopt rules to implement tiered licensure. Minn. Stat. § 122A.09, subd. 9. The rules in this section closely mirror the statutory requirements for a Tier 3 license in Minn. Stat. § 122A.183. In areas where there is variation, there was consensus from many stakeholders that the proposed rule was reasonable and necessary to clarify or fill in a gap in the statutory language.

RULE 8710.0314. TIER 4 LICENSE.

Education Minnesota supports this Proposed Rule and believes it is fully consistent with statutory requirements. The rule is necessary because the law requires PELSB to adopt rules to implement tiered licensure. Minn. Stat. § 122A.09, subd. 9. The rules in this section closely mirror the statutory requirements for a Tier 4 license in Minn. Stat. § 122A.184. In areas where there is variation, there was consensus from many stakeholders that the proposed rule was reasonable and necessary to clarify or fill in a gap in the statutory language.

RULE 8710.0320. OUT-OF-FIELD PERMISSION.

This rule is necessary because Minn. Stat. § 122A.09, subd. 9(b) states, “[t]he 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.” Education Minnesota is not aware of any other statutory provisions relating to out-of-field permissions. These rules largely maintain the rules
currently in place for out-of-field permissions, which are currently called variances in a rule that will be repealed and replaced with this one. See Minn. R. 8710.1400.

Posting requirement (lines 22.1-24.3)

Education Minnesota believes the 15-day posting requirement is reasonable because an out-of-field permission is outside the content area in which an individual is licensed to teach. In order to ensure that students have access to teachers who are knowledgeable in their content area, it is reasonable to require school districts to attempt to hire an individual licensed to teach a particular assignment before they receive an out-of-field permission from PELSB. As with Tier 1, PELSB has accommodated concerns about districts needing to make emergency hires or assignment changes by allowing staff to approve emergency placements within two business days.

Limitations and exception (lines 24.4-24.10)

Education Minnesota and stakeholders representing related services professions as well as administrator groups agreed that these provisions are necessary and reasonable. Currently, teachers cannot obtain a variance to work in a related service field and this provision maintains that. It also prevents summer school variances from counting against the total number of variances a teacher receives in a district.

RULES 8710.0321, .0325, .0326, and .0330 INNOVATIVE PROGRAM PERMISSIONS, SHORT-CALL SUBSTITUTE LICENSE, LIFETIME SUBSTITUTE LICENSE, AND TEACHER LICENSURE VIA PORTFOLIO APPLICATION.

Education Minnesota agrees that these rules are necessary because they are all types of licenses, permissions, or processes referenced in the tiered licensure statute for which PELSB is required to adopt rules. These rules are consistent with statutory requirements and were not challenged in any of the stakeholder discussions in which Education Minnesota participated.

RULE 8710.7100. RENEWAL OF TIER 3 OR 4 LICENSES.

Education Minnesota supports this Proposed Rule and believes it is fully consistent with statutory requirements. The rule is necessary because the law requires PELSB to adopt rules to implement tiered licensure. Minn. Stat. § 122A.09, subd. 9. The rules in this section closely mirror the statutory requirements for renewal of Tier 3 and 4 licenses in Minn. Stat. § 122A.187. In areas where there is variation, there was consensus from many stakeholders that the proposed rule was reasonable and necessary to clarify or fill in a gap in the statutory language.
Clock hour alternative pilot program (lines 35.20-36.2)

Education Minnesota strongly supports this provision, which was developed in response to requests by educators to find alternatives to the current clock-hour requirements for licensure renewal. With the exception of training in specific areas identified in Minn. Stat. § 122A.187, clock-hours are not required by statute, but have long been required in rule. The clock hour alternative program will allow PELSB to create an alternative model for continuing education that local relicensure committees may accept as an alternative to clock hours. PELSB developed this proposal after working with relicensure committee chairs from around the state and receiving detailed feedback about the current system of clock hour requirements for licensure renewals. We did not hear opposition to an optional alternative pilot program as described in this provision.

RULE 8710.7200. CLOCK HOURS; OPTIONS FOR RENEWAL OF PROFESSIONAL LICENSES.

Education Minnesota believes these changes to the existing clock hour rules are necessary to align clock hour requirements with licensure renewal requirements enacted as part of the tiered licensure law. We believe they are reasonable and that they align with relicensure provisions in Minn. Stat. § 122A.187. Minnesota’s current five-year license has long required 125 clock hours and we support maintaining that requirement for Tier 4 licenses, while reducing it proportionally to 75 hours for renewals of Tier 3 licenses, which are three years in duration. We also support the exception for certain related services positions and the renewal emergency extension.

CONCLUSION

Education Minnesota has been an active stakeholder in discussions regarding the Proposed Rules relating to tiered licensure and related permissions. Our members feel very strongly that Minnesota’s licensing system must continue to ensure that all students have access to the best-trained educators available. We believe these rules will help PELSB implement the tiered licensure law fairly, and in compliance with recent statutory changes. We appreciate your consideration of these comments, and we request to provide testimony summarizing our views at the hearing regarding these rules.

Dated: March 23, 2018

Sincerely,

Denise Specht, President
Education Minnesota
<table>
<thead>
<tr>
<th>Line #s</th>
<th>Issue</th>
<th>Questions</th>
<th>Concerns</th>
<th>Proposed changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.20</td>
<td>Cultural competency definition</td>
<td></td>
<td>Language may not be clear that all the topics must be included in the training, not just one or more.</td>
<td>Insert the word “each” after “on” so that it reads, “self-reflection and discussion on each of the following topics:...”</td>
</tr>
<tr>
<td>1.19-1.24</td>
<td>Cultural competency-acceptable trainings</td>
<td></td>
<td>District-approved is fine, but the Board should provide guidance on approved trainings.</td>
<td>Add the following sentence at the end of the paragraph. “The Board will maintain on its website a list of training vendors that meet these criteria, but districts and charter schools may create and approve their own trainings.”</td>
</tr>
<tr>
<td>2.16-2.17</td>
<td>Qualified mentor definition</td>
<td></td>
<td>We like the language overall, but we wonder why there is the need to say “or is a licensed administrator working as a classroom teacher.” I think the goal is to include people who hold administrator licenses, but “licensed administrator” makes it seem like they must be working as an administrator and a classroom teacher at the same time.</td>
<td>Delete “or is a licensed administrator.” Even without this language, this definition would not preclude a classroom teacher who holds an administrator license from serving as a mentor.</td>
</tr>
<tr>
<td>3.6</td>
<td>Teacher preparation program</td>
<td></td>
<td>Confusing wording</td>
<td>Insert “and” on line 3.7 so that it reads, “approved by the state where the program resides and that trains candidates...”</td>
</tr>
<tr>
<td>3.11/3.19</td>
<td>Professional teaching license</td>
<td></td>
<td>Missing article</td>
<td>Insert “a” or “the” after “become” so it reads “become the teacher of record...” Same in 3.19.</td>
</tr>
<tr>
<td>3.9-3.12</td>
<td>Professional teaching license</td>
<td>Why is this definition necessary?</td>
<td>We have “professional teaching license from another state” as a means of obtaining a Tier 3 license, but why the need for this definition? This phrase doesn’t appear anywhere in the rule.</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>Definition of year</td>
<td>We thought this was in a previous draft, but don’t see any language in this draft clarifying that a year is a school year, not a calendar year, so that if someone gets a one year license mid-year, it still expires at the end of June.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>Definition of days</td>
<td>This would also be good to put in rule.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.14</td>
<td>Tier 1 application-acceptable Tier 2, 3, or 4 teacher</td>
<td>We think the language is strong in giving the Board discretion to deny Tier 1 applications for lack of sufficient explanation as to why Tier 2, 3 or 4 applicants were not acceptable. However, we worry that the language as written is too open-ended and districts may not find it necessary to interview Tier 2, 3, or 4 candidates if they have a Tier 1 candidate they want to hire. We think a district should be required to at least interview other applicants before determining that they are “not a good fit.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.7</td>
<td>Background checks</td>
<td>Do we know how much background checks cost? The background check for each renewal, including the time delay and additional cost, will be new for members and districts, and will require some</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.6</td>
<td>Additional renewals of tier 1 license beyond 3.</td>
<td>Add same language as suggested for 6.14.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.17-.23</td>
<td>We don’t have specific suggestions, but we are curious about how the Board will make determinations about which college and masters-level coursework aligns with a particular subject.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.1-13.4</td>
<td>Proving continuous enrollment in a teacher prep program.</td>
<td>We are concerned that the last sentence creates a large loophole for people who have enrolled in a program but have not made progress since their last tier 2 application. We think the language needs to be clear that the board will deny the tier 2 renewal unless the applicant provides a sufficient justification for failing to make progress. Add the following underlined language: “If no meaningful progress has been made, the Board may deem an applicant not to be enrolled in a preparation program unless the applicant provides a justification sufficient to the board for failing to make meaningful progress.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.15-16.17</td>
<td>First renewal of Tier 3 license</td>
<td>We support the concept of requiring demonstration of SEPs to renew a tier 3 license; however, we may at some point have to represent a teacher challenging whether this regulation follows the statute if the statute remains as currently written.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.7-20.18</td>
<td>Out of field permission</td>
<td>“Aligned to the assignment” is confusing Use “no teachers who hold Tier 3 or 4 licenses in the assignment” instead of “no...”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Topic</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.20</td>
<td>Renewals of out of field permission</td>
<td>We are concerned that if we limit out-of-field permission renewals to three, it will encourage districts to hire more Tier 1 and 2 teachers instead of hiring Tier 3 and 4 teachers to teach outside of field. At the same time, we recognize the importance of encouraging people to become fully-licensed as opposed to unlimited Out-of-Field permissions. We’d propose up to five renewals instead of three. This may also limit the number of times the Board has to hear extension requests.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change three to five, explicitly state in rule that petitions for additional out-of-field permission renewals may be submitted to the board for review.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.4-31.4</td>
<td>Clock hours</td>
<td>We liked the suggestion of reducing clock hours for Tier 3 from 125 to 75 since there is less time to complete them. We also think this needs to be changed in light of our discussion at the last BOT meeting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>After “hours” add “for a Tier 4 renewal and 75 clock hours for a Tier 3 renewal” Delete “is one option” and “until June 30, 2023.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.15-31.18</td>
<td>Renewal of Tier 3 or Tier 4 license</td>
<td>Not sure if this has been updated since the Board agreed not to implement InTASC until after piloting.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Eliminate 31.15-31.18 completely.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.13-32.22</td>
<td>Grandfather clause</td>
<td>Eliminate this section and replace with pilot language.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Piloting of clock-hour alternative. In consultation with local relicensure committees, the Board will develop an alternative to clock hours for meeting professional development requirements under subpart 2. Once established, local relicensure committees will be able to pilot</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>alternative professional development plans and determine on an individual basis whether or not they wish to accept them as an alternative to clock hours required under subpart 2.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Dear Executive Director Doan, Chair Bellingham and the members of the Minnesota Board of Teaching,

As an addendum to our previously submitted comments suggesting additions and changes to the Board’s draft rules, MinnCAN submits the attached comments to the draft rules sent to me on December 18, 2015 at 3:31 pm by Executive Director Erin Doan.

As I previously mentioned, we share our gratitude for your efforts in taking the first steps toward creating greater clarity and certainty in the application process.

If you have any questions about our comments, please do let me know. I would be happy to help the Board understand our concerns and comments, and the legal basis for them.

With Appreciation,
Daniel Sellers

Daniel Sellers
Executive Director, MinnCAN

C 612-280-8310
2800 University Avenue Southeast, Suite 202
Minneapolis, MN 55414

www.minncan.org | Twitter | LinkedIn | Facebook
Dear Executive Director Doan, Chair Bellingham and the members of the Minnesota Board of Teaching,

As an addendum to our previously submitted comments suggesting additions and changes to the Board's draft rules, MinnCAN submits the following comments to the draft rules sent to me on December 18, 2015 at 3:31 pm by Executive Director Erin Doan.

**Comment 14 - Procedure**
We have concerns that the Board might not have made sufficient efforts to make the community aware of its draft rules. We are aware of a number of interested parties that were either unaware the Board was drafting rules, or that they were unsure what version is being considered. On several occasions we and others have asked to be made aware of new draft rules but have not always been made aware of new drafts in a timely manner. This is discouraging and disappointing.

**Comment 15 – Subpart 2(B)**
The organizational structure of 8710.0450, subpart 2(B) is confusing and difficult to understand. As written, it seems to imply that there are 8 independent requirements in for teachers licensed in other states. 122A.23, subdivision 2 does not indicate that there should be 8 independent requirements.

The language of Draft 8710.0450, subp B. 2 is particularly confusing. It reads:

2. Completed a teacher preparation program approved in another state that includes pedagogy preparation which aligns to either the Minnesota Standards of Effective Practice or the Core Teaching Standards of the Interstate Teacher Assessment and Support Consortium standards, as evidenced by:

   a. Signed recommendation form from the teacher preparation program or

It is not clear what the "or" is referring to as there is no (B)(2)(b).

**Comment 16 – Subpart 2(B)(1)**
This paragraph reads:

1. 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 evidenced by a teacher prep transcript

The requirement that the transcript be evidence by "a teacher prep transcript" is inappropriate. First, it is unclear what a "teacher prep transcript" is and how that might differ from a standard college or university transcript. Second, there is no requirement that the out-of-state applicant have a "teacher prep transcript." The statute requires only that the applicant have completed a "teacher preparation program approved by the issuing state." That may or may not include a "teacher prep transcript." We would suggest that that language simply be removed. The new paragraph should read:

1. 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 evidenced by a teacher prep transcript

Comment 17 – Subpart 2(B)(2)
This paragraph reads:

2. Completed a teacher preparation program approved in another state that includes pedagogy preparation which aligns to either the Minnesota Standards of Effective Practice or the Core Teaching Standards of the Interstate Teacher Assessment and Support Consortium standards, as evidenced by:
   a. Signed recommendation form from the teacher preparation program or

This paragraph is completely contradictory to the statutory requirements of Minn. Stat. § 122A.23, subdivision 2(a) and should be stricken entirely. The statute does not include a requirement for "pedagogy preparation" and its addition would violate established law and statute.

The statute is clear that in addition to a college degree, the applicant need only demonstrate that her out-of-state teacher preparation program either: (i) included field specific teaching methods, student teaching, or that the teacher has equivalent experience; or (ii) that the applicant has 2 years of experience teaching in a "similar licensure field." The statute's explicit exclusion of "pedagogy preparation" precludes the Board from adding the requirement.

Moreover, the requirement that any aspect of the preparation program "aligns to either the Minnesota Standards of Effective Practice or the Core Teaching
Standards of the Interstate Teacher Assessment and Support Consortium standards" is similarly contradictory to the explicit requirements of the statute.

Minn. Stat. § 122A.23, subpart 2 never included any requirement that the out-of-state preparation program be "essentially equivalent" to Minnesota's and, in 2015, that requirement was explicitly stricken from subpart 1. The statute is clear that the out-of-state program need only be approved by the state issuing the license. Imposing Minnesota's standards is contrary to law. We suggest that the entire paragraph be stricken.

Finally, as noted above, it is difficult to understand whether (B)(2) is an additional or independent requirement from (B)(3). There should not be a (B)(2)(a) ending in an "or" if there is no (B)(2)(b).

Comment 18 – Subpart 2 (B)(3)
This paragraph reads:

3. Completed a field-based classroom experience of 12 or more weeks teaching the subject of intended licensure that included supervision and evaluation from a qualified supervisor/mentor as evidence by a teacher preparation transcript.

   a. This requirement may be substituted by verified evidence of two years of successful teaching experience aligned to the subject and scope of the intended MN licensure.

Our primary concern with this paragraph is that it seems to suggest that two years of teaching satisfies only the requirement of student teaching. As noted above, the statute is clear that the applicant can have "equivalent experience" to satisfy the requirements that the preparation program include "field-specific teaching methods, [and] student teaching." The statute is also clear that 2 years of teaching experience "as the teacher of record in a similar licensure field" satisfies all requirements related to the teacher preparation program in Minn. Stat. § 122A.23, subd.2 (a). The draft rule is not consistent with this requirement.

It is also concerning that the draft rule requires out-of-state teachers to complete 12 or more weeks of student teaching when many in-state programs require only 6 weeks. It would be inconsistent to define student teaching one way for in-state applicants and another for out-of-state applicants.

Moreover, the phrase "verified evidence" in 3(a) is confusing and meaningless. It is unclear how evidence becomes "verified" or why compelling evidence would be insufficient.

As noted above, this paragraph also includes a requirement that the student teaching be "evidence [sic] by a teacher preparation transcript." Again, it is
unclear what a teacher preparation transcript is, and it is not required by statute. This language should be removed or made consistent with language below (see next section, referring to “other certified program documentation.”

**Comment 19 – Subpart 2(B)(4)**

This paragraph reads:

4. Completion of an instructional methods course aligned to the content area and scope of the intended field of licensure as evidenced by course on college transcript or other certified program documentation

   a. This requirement may be substituted by verified evidence of two years of successful teaching experience in the content and scope of intended MN licensure,
   
   b. A one-year mentorship induction program with a qualified mentor aligned to the Minnesota Standards of Effective Practice and Minnesota Graduation Requirements, or
   
   c. A passing score as determined by the Board of Teaching on the edTPA aligned to the scope and content of intended MN licensure.

Again, the structure of Subpart 2(B) seems to suggest that this paragraph is intended to be a necessary requirement for all out-of-state applicants. However, statute makes clear that it is not. An out-of-state applicant can satisfy all requirements related to her preparation program by simply having 2 years of teaching experience “as the teacher of record in a similar licensure field.”

This paragraph also for the first time adds the language that the evidence can be either a “college transcript” or “other certified program documentation.” For the first time, the paragraph correctly recognizes that the experience need not be reflected on a formal transcript. As noted above, the other paragraphs should be modified to be consistent.

This paragraph is also confusing because it is unclear whether the requirement of a transcript or other documentation is in addition to one of the requirements in (a), (b), and (c), or whether it is an alternative. The statute makes clear that the preparation program must include “field-specific teaching methods,” but it also makes clear that the Board must defer to the issuing state. We suggest the paragraph be re-written as:

4. Completion of an instructional methods course aligned to the content area and scope of the intended field of licensure. This
can be satisfied by one of the following: as evidenced by course on college transcript or other certified program documentation

a. A college transcript or other documentation showing the preparation program included field-specific teaching methods;
b. Two years of successful teaching experience in the content and scope of intended MN licensure;
c. A one-year mentorship induction program with a qualified mentor aligned to the Minnesota Standards of Effective Practice and Minnesota Graduation Requirements; or
d. A passing score as determined by the Board of Teaching on the edTPA aligned to the scope and content of intended MN licensure.

Comment 20 – Subpart 2(B)(5)-(7)
These paragraphs list the testing necessary for out-of-state applicants. While we take no issue with the number or subjects of the testing, we think it would be helpful to cite the specific tests required for each license. This can be done either in the rule itself, or by reference to a website or other public document. The Board should endeavor to make the application process as self-evident as possible.

Comment 21 – Subpart 2(B)(8)
This paragraph reads:

8. Completion of a human relations course or board approved alternative that included instruction in Culturally Responsive Teaching strategies and cultural competence, as evidenced by teacher preparation transcript, or by attestation of the preparation-program at the time of application for Minnesota licensure.

This paragraph is confusing. It is unclear how evidence of a human relations preparation would be established. The paragraph seems to suggest that the Board would accept “attestation of the preparation program,” but it is unclear what they would need to attest to. The terms used in this paragraph are too vague and general to provide the necessary guidance and we have seen applicants subjected to a wide variety of interpretations. While we support this requirement in general, it would be helpful to finally get some clarity on what the Board is requiring.

Comment 22 – Subpart 2b
This paragraph concerns restricted licenses for out-of-state applicants. As an initial matter, we would encourage the Board to simply continue subpart
numbering rather than trying to have a "Subpart 2", "Subpart 2a", and "Subpart 2b." This can often lead to substantial confusion. The Board should either call them "Subpart 2," "Subpart 3," "Subpart 4," or simply make the additional paragraphs within Subpart 2.

Otherwise, we simply adopt our comments noted above.

**Comment 23 – Subpart 3**
This paragraph reads:

**Subpart 3: INITIAL PROFESSIONAL TEACHING LICENSE:** Applicants trained in other states who do not meet the requirements for a Full Professional Teaching License as listed in Subpart 2,

A. shall be issued a 1-year, Initial Professional Teaching License, renewable 3 times, if the applicant meets requirements in Subpart 2B items 1 through 3 and needs to complete Minnesota statutory requirements before receiving a Full Professional License.

1. Applicants for secondary licensure (in subjects excluding SPED) must evidence depth of content knowledge before receiving an Initial Professional Teaching License, evidenced by either:
   a. having a minimum of 24 semester credits of coursework aligned to the content of intended licensure or
   b. receive a passing score as determined by the Board of Teaching on a content exam last adopted by the Board of Teaching in the content of intended licensure.

As an initial matter, for all the reasons noted above, we take issue with requiring out-of-state applicants for a temporary teaching license to satisfy the requirements currently listed in Subpart 2B items 1 through 3. Those requirements are simply not consistent with the statute.

Moreover, Minn. Stat. § 122A.23, subdivision 2 is clear that applicants for temporary licenses do not have to meet the requirements of Minn. Stat. § 122A.23, subdivision 2(a). For example, Minn. Stat. § 122A.23, subdivision 2(e) is clear that the Board must issue temporary licenses to teachers who meet other requirements but have “not completed field-specific teaching methods or student teaching or equivalent experience.” As written, the Board’s current rule entirely ignores this statutory right of applicants.
Paragraph Subpart 3(a)(1) is also entirely contradictory to the statutory requirements. There is nothing in the statute that allows the Board to impose additional burdens on applicants seeking "secondary licensure." It should be stricken in its entirety.

Comment 24 – Subpart 3a
This paragraph reads:

A. Classroom teachers with an Initial Professional Licensure Renewal must evidence progress toward a Full Professional License each year requesting a renewal of the Initial Professional License. Initial Professional License are only renewable three times.

1. If Subpart 2B.4 is not complete, this criteria must completed during the first year of the Initial license either through completed a methods course or completing a year-long mentorship program aligned to the Board-adopted Standards of Effective Practice and the Minnesota Graduation Requirements.

Again, as with Subpart 2, the numbering of this subpart is confusing and unnecessary.

With respect to the substance of the proposed paragraph, it is contradictory to the statutory requirements and must be stricken. There is nothing in the statute requiring teachers to "evidence progress toward a Full Professional License each year." An applicant has a statutory right to 4 temporary licenses and no requirement to do anything more or different. For example, a teacher would be perfectly within her statutory rights to accept 4 temporary licenses and then retire from the profession. The Board cannot impose additional requirements on the issuance of temporary licenses that do not have statutory support.

Moreover, it is entirely unclear what would constitute "progress" and it cannot be left entirely to the Board’s discretion. For example, an applicant has every right to spend a year studying for the MTLEs before applying for her second temporary license. The Board cannot determine what it believes to be sufficient progress.

For all the same reasons, Subpart 3a(A)(1) is contrary to law and should be stricken. There is no requirement that an applicant complete field-specific teaching methods within the first year. In fact, the statute is clear that they are entitled to up to 4 limited licenses while they work towards the completion of the field-specific teaching methods requirement. See Minn. Stat. § 122A.23, subpart 2(e).
Comment 25 – Subpart 5(A)
This paragraph reads:

A. Trained Teachers: Trained teachers may apply for a Professional License through portfolio review for the requirements of Subpart 2 cited as not met in the initial review of their MN licensure application if:

1. 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 evidenced by a teacher prep transcript,

2. completed a teacher preparation program, and

3. applied for Minnesota licensure and did not successfully document all requirements in Subpart 2B or 3A for Full or Initial Professional Licensure in MN.

This paragraph is contradictory to the law and must be entirely stricken. As written, it makes at least two assumptions contradictory to the requirements of Minn. Stat. § 122A.21. First, it implies that teachers can only apply for licensure via portfolio after they have applied and been denied under Minn. Stat § 122A.23 and the requirements of this rule. That is not the law. Licensure via portfolio is an entirely independent method for teachers to obtain licensure. They do not have to first apply under § 122A.23, or any other statute.

Second, the paragraph implies that only out-of-state teachers can apply for licensure via portfolio. Again, that is not the law. Teachers trained in Minnesota have no obligation to satisfy any of the requirements of Minn. Stat. § 122A.23 whether they apply through traditional means or through portfolio. Restricting licensure via portfolio to teachers who first have a determination that they have not satisfied some of the requirements of this rule is not consistent with the law.

Imposing such a requirement would not only dramatically increase the cost and time of applications, but it would contravene applicants' statutory right to an administrative appeal. Once an applicant is denied a license they have the right to seek administrative review. The Board cannot force them to choose between administrative review and an application via portfolio.

Comment 26 – Subpart 5(B)
This paragraph reads:

B. Not Completed a Teacher Preparation Program: Applicants who have not completed a teacher preparation program may apply for a Professional License through portfolio review if:
1. 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 evidenced by a teacher prep transcript.

This paragraph helps illustrate the inappropriateness of Subpart 5(A). It is absurd to create a rule that creates greater burdens on trained teachers than untrained teachers. Minn. Stat. § 122A.21 does not limit licensure via portfolio to applicants who have not completed a preparation program and the Board does not have the discretion to impose the requirement.

Moreover, as repeatedly noted above, it is contradictory to assume applicants “who have not completed a teacher preparation program” will be able to any “evidence by a teacher prep transcript.”

Comment 27 – Subpart 5(C)
This paragraph reads:

C. Portfolio Review Process: Applicants must provide documentation to evidence meeting requirements of Subpart 2B for the licensure area being sought. Sources of evidence include:

1. transcript and/or syllabi of college coursework,
2. subject-specific high quality professional development (as defined by section 9101, Part 34 of ESEA),
3. professional contributions to the field,
4. classroom performance as determined by student growth on normed assessments, or
5. documented effectiveness on performance evaluation.

The portfolio process is intended to be an entirely independent method for obtaining licensure. Simply requiring applicants to satisfy all of the requirements of Minn. Stat. § 122A.23, subpart 2 is not consistent with the statute. Such a requirement effectively deprives applicants of a portfolio process. This requirement is contrary to the law and must be stricken.

Comment 28 – Minn. Stat. § 122A.21
Minn. Stat. § 122A.21 requires the Board to develop rules to explain how applicants “can use licensure via portfolio to obtain an initial licensure or to add a licensure field.” Nothing in this proposed rule makes any progress toward that mandate. The Board must promulgate rules that make clear how teachers can gain initial or additional licensure.
**Comment 29 – Minn. Stat. § 122A.21**

Minn. Stat. § 122A.21 provides that the Board “must notify a candidate who submits a portfolio under paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not the portfolio was approved.” Nothing in the proposed rules addresses this statutory requirement.

**Comment 30 – Minn. Stat. § 122A.23, subdivision 1**

Minn. Stat. § 122A.23, subdivision 1 states, in part:

> [T]he Board of Teaching must establish criteria and streamlined procedures by January 1, 2016, to recognize the experience and professional credentials of the person holding the out-of-state diploma or degree and allow that person to demonstrate to the board the person’s qualifications for receiving a Minnesota teaching license based on performance measures the board adopts by January 1, 2016.

It is unfortunate that this statutory deadline has not passed and the Board has not taken any steps to comply with the statutory mandate.

It is also difficult to offer complete comments on this draft rule without having any insight into if or how the Board will comply with the legislative mandate of Minn. Stat. § 122A.23, subdivision 1. The creation of streamlined procedures would be beneficial to all out-of-state applicants and would help define the requirements of this Rule. The Board’s decision not to include such rules is disappointing and in contradiction of clear legislative mandate.

As mentioned before, we stand ready to work with the Board to develop “streamlined procedures.”

**Comment 31 – Minn. Stat. § 122A.09, Subdivision 4(o)**

This paragraph states:

The board must adopt rules by January 1, 2016, to license applicants under sections 122A.23 and 122A.245. The rules must permit applicants to demonstrate their qualifications through the board’s recognition of a teaching license from another state in a similar content field, completion of a state-approved teacher preparation program, teaching experience as the teacher of record in a similar licensure field, depth of content knowledge, depth of content methods or general pedagogy, subject-specific professional development and contribution to the field, or classroom performance as determined by documented student growth on normed assessments or documented effectiveness on evaluations. The rules must adopt criteria for determining a "similar content field" and "similar licensure area."
Minn. Stat. § 1223A.09, subdivision 4(o) similarly mandates that the Board must adopt new rules allowing applicants to demonstrate their qualification through:

- a teaching license from another state in a similar content field,
- completion of a state-approved teacher preparation program,
- teaching experience as the teacher of record in a similar licensure field,
- depth of content knowledge,
- depth of content methods or general pedagogy,
- subject-specific professional development and contribution to the field, or
- classroom performance as determined by documented student growth on normed assessments or documented effectiveness on evaluations.

The statute is also clear that the rules must adopt criteria for determining “similar content field” and “similar licensure area.”

The Board’s proposed rule does none of this. Again, it is unfortunate that the statutory deadline has now passed and the Board has neither promulgated draft rules nor made any attempt to solicit public comment or input.

* * *

As I previously mentioned, we share our gratitude for your efforts in taking the first steps toward creating greater clarity and certainty in the application process.

If you have any questions about our comments, please do let me know. I would be happy to help the Board understand our concerns and comments, and the legal basis for them.

With Appreciation,

Daniel Sellers
Executive Director
MinnCAN
Erin and Alex:

Some thoughts while comparing the draft rule handed out at the Standards and Rules Committee meeting to the existing statutes.

1. M.S. 122A.09, Subd. 4., (b) states: "(b) The board must require all candidates for teacher licensure to demonstrate a passing score on a board-adopted skills examination in reading, writing, and mathematics, as a requirement for initial teacher licensure, except that the board may issue up to four temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the board-adopted skills exam." The draft rule Subpart 3a, A. states: "Classroom teachers with an Initial Professional License Renewal must evidence progress toward a Full Professional License each year requesting a renewal of the Initial Professional License. Initial Professional Licenses are only renewable three times." First the word, "Renewal," printed in red should probably be deleted because I believe the statement is referring to the license, not the renewal, and the word, "License," in the second sentence should become plural as indicated with the addition of the red "s." Then, if the only reason for the issuance of the Initial Professional License is the fact the individual has not passed the skills exam, how does he/she demonstrate progress toward a Full Professional License and is not the proposed language in conflict with the cited legislation?

2. M.S. 122A.09, Subd. 4., (b) also states: "The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022 subdivision 1." Should this exception be included in this proposed rule so out-of-state trained teachers are aware of this exception.

3. M.S. 122A.09, Subd. 4., (o) states: "(o) The board must adopt rules by January 1, 2016, to license applicants under sections 122A.23 and 122A.245. The rules must permit applicants to demonstrate their qualifications through the board's recognition of a teaching license from another state in a similar content field, completion of a state-approved teacher preparation program, teaching experience as the teacher of record in a similar licensure field, depth of content knowledge, depth of content methods or general pedagogy, subject-specific professional development and contribution to the field, or classroom performance as determined by documented student growth on normed assessments or documented effectiveness on evaluations. The rules must adopt criteria for determining a "similar content field" and "similar licensure area." The proposed draft does not establish criteria for a "similar content field" or "similar licensure area."

4. M.S. 122A.18, Subd. 2., (b) states: "(b) The board must require a candidate for teacher licensure to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and
mathematics, before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs, except that the board may issue up to four temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed a board-adopted skills exam. At the request of the employing school district or charter school, the Board of Teaching may issue a restricted license to an otherwise qualified teacher not passing or demonstrating a passing score on a board-adopted skills examination in reading, writing, and mathematics. For purposes of this section, the restricted license issued by the board is limited to the current subject or content matter the teacher is employed to teach and limited to the district or charter school requesting the restricted license. If the board denies the request, it must provide a detailed response to the school administrator as to the reasons for the denial.” The current proposed rule draft does not address the highlighted portion of the statute. Perhaps, the board plans to address this particular situation elsewhere in its rules. If that is the case, two things need to be addressed. One, out-of-state applicants need to be made aware of this provision somehow, and two, the length of this particular “restricted license” issued by the board needs to be stated somewhere in the rules.

5. Because M.S. 122A.18, Subd. 8 requires the board to request a criminal history background check for all initial applicants for licensure, should the proposed rule reference the necessary background check someplace in the rule?

Bill Kautt
Associate Director
Management Services
Minnesota School Boards Association
1900 W. Jefferson Ave.
St. Peter, MN 56082-3015
507-934-2450; 1-800-324-4459
bkautt@mnmsba.org

The contents of this email and any attachments are provided for informational use only and are not to be construed as legal advice. If you need legal advice, consult your attorney.
Hi Erin,
Thanks for taking the time to meet last week. It is hard to believe that it is 2016. As a follow-up, I will call you in the next couple of weeks to get some clarification on some of the things we talked about. When you get settled in the New Year would you please forward me the information on the St. Could teacher job openings clearing house you referred to? Another favor, would you forward me what your thoughts on broadening licensure in areas like science?

Here is MSBA's response to the most recent version of rules by BOT. I hope you will accept them given the fact that the 1st was a Holiday.

Thank you,

Denise

Denise Dittrich
Associate Director Government Relations
Minnesota School Boards Association
Email: ddittrich@mnmsba.org
Phone: 507-380-7928
Website: www.mnmsba.org
Dear Executive Director Doan, Chair Bellingham and the members of the MN Board of Teaching,

On behalf of the Minnesota School Boards Association, we want to thank you for the challenging work you do to ensure high-quality teachers in every classroom in the State of Minnesota.

Thank you for the opportunity to provide input on the most recent rulemaking draft of licensing requirements for teacher candidates trained in other states. Bill Kautt, Associate Director of the MN School Boards Association, has submitted five concerns in his analysis of the proposed rules in contrast to recently passed legislation in an email dated December 29th, 2015. I will not reiterate those specific concerns for the purposes of this letter instead I will make some general comments and encourage you to reflect these observations in your final draft.

We encourage the Board of Teaching to define, implement and make public a streamlined process for full teacher licensure by which all licensed teachers in other states can follow. This process should be transparent and simple enough that a local school board may clearly articulate to an out-of-state teacher candidate the process for full Minnesota teacher licensure.

We encourage the Board of Teaching to reinstate licensure via portfolio process (or something similar) as an alternative pathway to licensure for all candidates. School Boards are now required to have a Teacher Development and Evaluation Tool in place. The teacher evaluation tool may complement or substitute as alternative pathways to full licensure for all teacher candidates. The EdTPA is another tool that may be used as a performance measure of excellent teaching.

We encourage the Board of Teaching to use the rulemaking process to reflect and clarify the current law where needed. One example that has not yet been addressed is clarification of the terms “similar content area” and “similar license”.

We encourage the Board of Teaching to resist creating new requirements for licensure unless the new requirement simplifies the current process or eliminates current barriers to licensure.

We encourage the Board of Teaching to work seamlessly with the Department of Education’s Educator Licensing Division.

We encourage the Board of Teaching to retain the reference to teacher “shortage areas,” which is clearly defined in law. Teacher shortage is a concern for school board members across the state and country.

In summary, we asking that the rules reflect the legislative intent of the law signed by Governor Dayton in June of 2015. We believe it was the intent of the legislature and the Governor to reduce the barriers to teacher licensure, streamline the process for out-of-state and find alternative pathways and solutions to help alleviate the teacher shortage issue in Minnesota.

Sincerely,

Denise Dittrich
Associate Director of Government Relations
If certain area of teaching were to be excluded from tier 1 status, how would one be able to choose which areas are exempt?

On Friday, March 16, 2018, Brandice Hansmeyer <hans1355@isd194.org> wrote:
Brandi Gordon, Lakeville
The time, preparation, and training needed for a teacher to do the job well sometimes is extensive. It’s important to allow people the opportunity to learn how to do the job well, especially in specialty areas. A middle school science teacher that has a lot of background and experience in 1 area of science is not equally expert in all areas of middle school science. Students deserve to have a teacher that is very knowledgeable in their field and enthusiastic about teaching it. Imagine the difference of student experience in a class with a teacher that was pushed/forced into a teaching assignment or has to constantly change assignment, compared to a class where the teacher has studied and prepared extensively to teach the subject well. Isn’t continuity important?

On Friday, March 16, 2018, Brandice Hansmeyer <hans1355@isd194.org> wrote:
Assignment should mean content area, especially as it applies to secondary teachers, but also primary grade teachers.

On Friday, March 16, 2018, Brandice Hansmeyer <hans1355@isd194.org> wrote:
By not requiring mentorship, it’s saying that a tier 3/4 teacher’s experiences and prior training isn’t required in order to be effective.

On Friday, March 16, 2018, Brandice Hansmeyer <hans1355@isd194.org> wrote:
Brandi Gordon, Lakeville
I am in favor of mentoring requirements for tier 1 and tier 2 staff. It seems so strange to allow people that any not be familiar with working with children to go without continuing education and monitoring. A tier 3/4 teacher has received specific training in these areas of our work and shouldn’t need as much further training as 1 and 2.

--
Brandi Gordon
Kenwood Trail Middle School
Lakeville, MN
Minnesota Science Olympiad Director, Division B
MESTA board secretary
Brandi Gordon
Kenwood Trail Middle School
Lakeville, MN
Minnesota Science Olympiad Director, Division B
MESTA board secretary

Brandi Gordon
Kenwood Trail Middle School
Lakeville, MN
Minnesota Science Olympiad Director, Division B
MESTA board secretary

Brandi Gordon
Kenwood Trail Middle School
Lakeville, MN
Minnesota Science Olympiad Director, Division B
MESTA board secretary

Brandi Gordon
Kenwood Trail Middle School
Lakeville, MN
Minnesota Science Olympiad Director, Division B
MESTA board secretary
Hi Michelle:

Following are the comments I wanted to share with you.

Thanks!

Gary A.

Gary M. Amoroso, Ph.D.
Executive Director
Minnesota Association of School Administrators
1884 Como Avenue
St Paul MN 55108
<51.319.1211

Sent from my iPhone

Begin forwarded message:

From: "McAllister, Megan" <mMcAllis@916schools.org>
Date: March 15, 2018 at 2:35:42 PM CDT
To: "gamoroso@mnasa.org" <gamoroso@mnasa.org>
Cc: "Hayes, Connie" <chayes@916schools.org>
Subject: Meeting Recap-CTE Licensure

Hi Gary,

Below is a recap of what was discussed in our meeting with Sara Ford (Education Minnesota) and Debbie O’Dell (PELSB Interim Licensing Director) regarding licensure for our CTE teachers and we would greatly appreciate MASÁ’s support in these areas:

- In Tier 2, both Sara and Debbie were in agreement that teaching experience from a higher education institution would count for the “two or more years’ experience teaching in subject area”.
- In Tier 2, “passing scores on state tests in subject area” means passing scores on the content and pedagogy tests. In the absence of a content test (no CTE licensure areas currently have a content test), a passing score on the pedagogy would be sufficient.
- Both Sara and Debbie were in agreement that for areas where a license does not exist (i.e. Cosmetology and Law Enforcement), you should not have to re-post even if the person being hired would hold a Tier I license. Sara was going to see if they could put that on their legislative agenda as she thought it would be easy language to agree on.
• One teacher did challenge the language for the Tier 3 requirement which says “three years teaching experience at Tier 2 without being placed on an improvement plan”. She came to us with seven years of teaching experience at Century College and was frustrated that this would count in Tier 2, but not in Tier 3. As a result, it would take her four more years to be tenured in our district. We wondered if language could be changed that would create an exception for CTE teachers who show evidence of three years of teaching experience outside of K-12 to apply for a Tier 3 license upon hire. It could be a long shot but, maybe worth looking into?

Please let me know if you need any additional information.

Thank you,
Megan

Megan McAllister • HR Staffing Coordinator
Northeast Metro 916 Intermediate School District
p: 651-415-5569 • f: 651-415-5511 • e: mmcallis@916schools.org
www.916schools.org • Facebook • Twitter • LinkedIn
Dear Alex,

At the conclusion of the Stakeholders Meeting on November 16, you encouraged all Stakeholders to send further feedback via email regarding additional issues or concerns that were not able to be voiced at this meeting, with the thought that those issues could then be placed in the Statement of Need and Reasonableness (SONAR). You also encouraged us to share our concerns during the public comment period. Therefore, based upon your request, we are sharing the following concerns regarding the Tiered Teacher Licensure. We are not entirely certain if our feedback can be addressed in rulemaking or if it would require a change in statute. Either way, these are significant concerns that we want to share with you and others working on this issue.

1. We do not support the proposed rule that would allow an individual to receive an unlimited number of Tier I licensure renewals. It seems to us that 3 renewals should be sufficient time for an individual to engage in the work necessary to obtain a license in a higher tier.

2. We are not supportive of the Tier 3 alternative pathway which only requires that an individual holding a Tier 2 license may obtain a Tier 3 license if they hold a BA, pass the board-approved pedagogy and content examinations, complete a minimal background check, have at least 3 years of experience teaching as the teacher-of-record aligned to the licensure area sought under a Tier 2 license and present evidence of summative teacher evaluations that do not result in placing or otherwise keeping the teacher on an improvement plan. Teaching is an important and complex task that should require more than passing tests and not being placed on an improvement plan in order to receive a Tier 3 teaching license.

Those listed below have all reviewed this statement of concerns and represent feedback from the University of St. Thomas teacher preparation programs. Thank you for considering this feedback. We will also plan to watch for and respond during the public comment period that will be forthcoming as well.

Thanks for your advocacy on behalf of effective teaching and learning for each student in the state of Minnesota!

Sincerely,

Todd Busch
Jan Frank
Shelley Neilsen Gatti
Barbara Jo Stahl
Muffet Trout
Candace Chou
Laura Medwetz
Amy Smith
Lynn Stansberry Brusnahan
Terri Vandercook

---

Terri Vandercook, Ph.D.
Associate Professor and Department Chair
Department of Special Education

(r) 1 (651) 962-4389
(f) 1 (651) 962-4169

University of St. Thomas | stthomas.edu
Hi Erin:

Hope you've had a great Thanksgiving holiday.

I wanted to provide some comments based on the Nov. 3 draft rules for out of state teachers and the Board's related working group discussion.

For purposes of streamlining rules, it would seem either 8710.0450, subpart 2, clause 2, or clause 10 is sufficient - that including both is duplicative.

Under subpart 2, clause 6, would a 20 year veteran teacher from Wisconsin, for example, be required to show they completed a minimum of 12 weeks of student teaching, or would their classroom teaching experience exempt them from having to show they had student teaching experience? I would suggest the actual classroom teaching experience would be sufficient and we wouldn't need this clause for experienced teachers (e.g. 2 years or more).

Subpart 7, Portfolio review, the first sentence excludes out of state licensed teachers from "traditional" prep programs - why? I also presume the portfolio option is available for others who're changing careers (into teaching), and Minnesota licensed teachers who want licensure in an additional field...?

Subpart 7, paragraph A, if licensed teachers from other states must also pass Minnesota's basic skills tests, content and pedagogical tests, why also require college transcripts or syllabi. Also, if needed, why not explicitly ask for MN teaching standards covered by college coursework, rather than just course titles?

Subpart 7, paragraph D, the phrase "student growth on normed assessments" is too limiting. Most, if not all state exams that have been used in compliance with NCLB - and in the future under the reauthorized version are criterion-referenced tests, and not normed. They're tests vis-à-vis state standards, not in relation to other students. As a result, as currently worded, this provision would exclude results from state standards-based exams.

I hope this is helpful, and please let me know if you'd like me to follow-up.

Thank you for your time!

Jim

Jim Bartholomew
Minnesota Business Partnership
612-370-0840
Sent from my iPad
December 28, 2015

Dear Executive Director Doan, Chair Bellingham and the members of the Minnesota Board of Teaching,

Thank you for taking the necessary steps to initiate the rulemaking process for out-of-state and alternatively certified educators. I urge your agency to align these rules with current law, focusing on the changes made during the 2015 legislative session. It must be the goal of this Board to define and implement a clear process through which all candidates trained or licensed in another state understand what they must do to obtain a standard professional license to teach in Minnesota.

It is important that the Board’s rules and practices reflect current laws and the intent of the Legislature. In addition to promulgating clear requirements for out-of-state teacher licensure, the Board must also reinstate licensure via portfolio, a pathway to licensure that the Legislature has required for several years and that was previously an effective alternative for many skilled educators.

Per the education bill Gov. Dayton signed into law in June 2015, the Board-adopted rules must include a number of streamlined provisions. As the rules are developed, the Legislature expects to see them reflect all of the following:

1. Preparation equivalency vs. applicants licensed in other states

To clarify legislative intent, the rules must determine when an out-of-state teacher candidate's application is governed by the requirements of MINN. STAT. 122A.23 subd. 1 or MINN. STAT. 122A.23 subd. 2. Subdivision 1 requires the teacher applicant’s out-of-state preparation meet the Board-established criteria for education, experience and professional credentials. Subdivision 2 outlines requirements that applicants licensed in other states must meet to obtain a professional teaching license.

2. Interpret MINN. STAT. 122A.23 subd. 1

For applicants to which MINN. STAT. 122A.23 subd. 1 applies, the Board must develop rules to establish criteria and streamlined procedures to recognize their experience and professional credentials. The Board must establish clear performance measures and criteria that allow a candidate to demonstrate their qualifications based on performance.

1. Temporary licenses vs. standard professional licenses
<table>
<thead>
<tr>
<th>H.F. 1 section</th>
<th>H.F. 1 language</th>
<th>Description</th>
<th>Board of Teaching draft rules</th>
<th>Suggestions to Board of Teaching</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.4; 33.14;</td>
<td>Candidates must complete: 1. Field specific teaching methods; or 2. Student teaching; or 3. 2 years of teaching experience as the teacher of record in a similar field</td>
<td>Law allows two years of teaching experience to fulfill the field-specific methods and student teaching requirements.</td>
<td>Rules fail to implement new language by requiring that teachers submit “Documentation of the successful completion of a supervised, evaluated, field-based classroom experience of 12 or more weeks,” (Subpart 2f) with no allowance for experience.</td>
<td>Clearly state and define that teacher candidates must complete field-specific methods, student teaching, OR 2 years as the teacher of record to comply with current law.</td>
</tr>
<tr>
<td>33.7</td>
<td>“The Board of Teaching may issue a standard license on the basis of teaching experience and examination requirements only.”</td>
<td>This provision clarifies that the Board may issue licenses based on experience and exams alone.</td>
<td>Allows applicants to use Licensure via Portfolio to fulfill this requirement.</td>
<td>Create a published, transparent process for Licensure via Portfolio.</td>
</tr>
<tr>
<td>34.1</td>
<td>“The Board of Teaching must issue a restricted teaching license only in the content field or grade levels specified in the out-of-state licenses to an applicant.”</td>
<td>Law allows teachers who do not currently qualify for a standard Minn. license to be granted unlimited temporary 2-year licenses. The licenses would be restricted in scope, meaning, for example, a teacher who holds a 9-12 math license could only teach in grades 9-12, and would not qualify for a full, Minn. 5-12 math license unless they complete coursework to expand the scope.</td>
<td>Provides Restricted Licenses for applicants who hold a full professional license from another state and meet Subpart 2 requirements.</td>
<td>State that these licenses are 2-year licenses without a cap.</td>
</tr>
<tr>
<td>H.F. 1 section</td>
<td>H.F. 1 language</td>
<td>Description</td>
<td>Board of Teaching draft rules</td>
<td>Suggestions to Board of Teaching</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------</td>
<td>-------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td></td>
<td>Department and requires the Board to notify candidates within 90 days after the portfolio is received of application results.</td>
<td>available to teacher applicants, and that Board/MDE to not have authority to discontinue the process.</td>
<td>local teacher prep program or completed alternative or nonconventional programs.</td>
<td>Licensure via Portfolio. Subpart 3c implies that alternatively certified teachers are likely not provided access to standard licenses, which is out of line with intent of law. Portfolio licensure should be one of many pathways.</td>
</tr>
<tr>
<td>31.35</td>
<td>Candidate may resubmit a revised portfolio at any time and MDE must approve or disapprove the portfolio within 60 days of receiving it</td>
<td>Law gives candidates ability to submit a revised portfolio at any time. Requires MDE to respond within 60 days.</td>
<td>No rules reflect this law in the Licensure via Portfolio section (Subpart 3c) nor the appeals section (Subpart 4)</td>
<td>Add language to rules to reflect this portion of statute. Provide information on how the Board/MDE will accept portfolios, including portfolio criteria and timelines.</td>
</tr>
<tr>
<td>32.21</td>
<td>&quot;The diploma or degree must be granted by virtue of completing coursework in teacher preparation as preliminary to the granting of a diploma or a degree of the same rank and class&quot; (Removes the 'essentially equivalent' clause)</td>
<td>Law requires the Board to provide a license to teachers who complete coursework in the same rank and class as determined by the Board. Coursework for licensure are not required to be equivalent to a Minn. postsecondary institution as determined by a teacher preparation program.</td>
<td>Applicants must complete a Minn. program, or a program aligned with either the Minn. Standards of Effective Practice or the Core Teaching Standards of the Interstate Teacher Assessment and Support Consortium, plus pass required exams, have content-specific teaching methods preparation, human relations/cultural diversity training, reading instruction training, a major in content field for secondary licensure, and completion of a 12-week supervised, evaluated, field-based</td>
<td>Allow out-of-state teachers to complete programs with pedagogy preparation aligned to other high-quality standards, such as: - National Board Standards - NCATE - TEAC Clarify use of phrase &quot;content-specific teaching methods.&quot; Where is this required in current law? What is its definition? How is it different from field-specific teaching.</td>
</tr>
<tr>
<td>H.F. 1 section</td>
<td>H.F. 1 language</td>
<td>Description</td>
<td>Board of Teaching draft rules</td>
<td>Suggestions to Board of Teaching</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------</td>
<td>-------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>25.14; 33.12; 33.19; 33.27</td>
<td>criteria for determining a 'similar content field' and 'similar licensure area.'</td>
<td>&quot;similar&quot; licensure fields to obtain a Minn. license, rather than &quot;same&quot; as previously required. Board must draft rules to define the term &quot;similar.&quot;</td>
<td></td>
<td>aligned with legislative intent of ensuring that candidates are not denied licensure based on semantic cross-state licensure differences.</td>
</tr>
</tbody>
</table>
| 22.10; 28.21; 33.18; 33.24 | "four temporary, one-year teaching licenses to an otherwise qualified candidate" | Law requires the Board to provide up to four, one-year teaching licenses to teachers who have not passed the skills exam or have not completed the field-specific teaching methods, student teaching, or teacher experience requirement. | Draft rules cap temporary licenses below the law’s required cap of four one-year teaching licenses:  
- Initial professional license capped at one, one-year license  
- Limited License capped at three, one-year licenses  
- Variance capped at three, one-year licenses | Make caps for all eligible licenses compliant with law allowing for four temporary, one-year teaching licenses. |
| 30.9; 34.9 | The Board may grant two-year provisional licenses to educators in a shortage area. | Law creates pathway to a two-year provisional license for teachers in shortage areas. Law does not cap the number of these licenses. | Caps Provisional licenses to three two-year licenses | Remove cap for Provisional Licenses in shortage areas. |
| 30.11 | Defines shortage area as, "an inadequate supply of licensed personnel in a given licensure area as determined by the Commissioner." | Clearly defines the term "shortage area" | Removes and replaces the definition of "shortage area," which is clearly defined in law. | Ensure definition of shortage area in rules is consistent with definition in statute. |
| 31.23 | Allows candidates to apply for licensure via portfolio through the process (Subpart 3c) for teachers who have not been referred by a Portfolio must be | Adds review deadline to law to emphasize that Licensure via Portfolio must be | Establishes Portfolio Review process (Subpart 3c) for teachers who have not been referred by a | Current rule is too narrow. Must allow all prospective teachers have access to |
Item II

Streamlining licensure for out-of-state teachers
An in-depth analysis and comparison of HF1 (current law) and the Board of Teaching’s working draft of proposed rules

<table>
<thead>
<tr>
<th>Standard Licensing Requirements in Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For teachers trained in Minn. (122A.18)</strong></td>
</tr>
<tr>
<td>• Subject to background checks</td>
</tr>
<tr>
<td>• Pass Board-required exams</td>
</tr>
<tr>
<td>• Complete a Board-approved college or university teacher preparation program that includes a common core of teaching knowledge including, but not limited to, providing instruction to English learners, standards established by the 1992 document “model standards for beginning teacher licensing and development”, research-based best practices in reading instruction, and digital and blended learning</td>
</tr>
<tr>
<td>• Complete human relations requirements (can be waived through Peace Corps, VISTA, or Teacher Corps)</td>
</tr>
<tr>
<td>• Applicants may submit a portfolio to present professional experiences for Licensure via Portfolio</td>
</tr>
<tr>
<td>• Complete Board-required human relations preparation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H.F. 1 section</th>
<th>H.F. 1 language</th>
<th>Description</th>
<th>Board of Teaching draft rules</th>
<th>Suggestions to Board of Teaching</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.9</td>
<td>“The rules must adopt”</td>
<td>Law allows teachers with</td>
<td>Not included in current draft</td>
<td>Add clear language to rules,</td>
</tr>
<tr>
<td>Depth of content methods or general pedagogy</td>
<td>National Board Certification</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------</td>
<td>----</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of edTPA at or above MN standard</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coursework in similar field</td>
<td>5/semester credit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Masters or Doctoral Degree</td>
<td>20/per degree</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuing Education Units</td>
<td>5/unit hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State/district designated leadership</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total points for area:**

<table>
<thead>
<tr>
<th>Subject-specific professional development, recognition, and contribution to the field</th>
<th>Participation in state or district approved induction program</th>
<th>10/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional publication or peer-review of publications</td>
<td>5/publication as teacher of record</td>
<td></td>
</tr>
<tr>
<td>Presentations, curriculum development, faculty</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Awards within the last 10 years</td>
<td>5/award</td>
<td></td>
</tr>
<tr>
<td>Service/leadership in professional organizations</td>
<td>5/leadership term</td>
<td></td>
</tr>
</tbody>
</table>

**Total points for area:**

<table>
<thead>
<tr>
<th>Classroom performance</th>
<th>Documented student growth on normed assessments</th>
<th>5/year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Documented effectiveness on local evaluation</td>
<td>5/year</td>
</tr>
</tbody>
</table>

**Total points for area:**
For applicants to which MINN. STAT. 122A.23 subd. 2 applies, the Board must establish standards to determine when the licensing agency will issue a temporary license and when the agency will issue a standard, professional license.

4. Adopt "streamlined procedures" for out-of-state applicants

To comply with Sec. 18, Chapter 3 of the 2015 Special Session, the Board must promulgate rules interpreting MINN. STAT. 122A.23 subd. 1 and define and adopt "streamlined procedures" for applicants trained out-of-state. These streamlined procedures should maximize the ease of applying for licensure and should not add additional licensing burdens that are not present in current statute.

6. Reinstall the Licensure via Portfolio process

The Board must reinstall licensure via portfolio in compliance with MINN. STAT. 122A.21 subd. 2. Licensure via portfolio must be open to all teacher candidates, with information on this licensure pathway available to the public in published documents and on all applicable websites.

7. Define interstate agreements

The Board will be entering into interstate licensure agreements “after determining that the rigor of the teacher licensure or certification requirements in the adjoining state is commensurate with the rigor of Minnesota’s teacher licensure requirements.” In so doing, the Board must establish rules to define what constitutes “commensurate rigor” and a framework that outlines areas that determine “commensurate rigor.” Commensurate rigor should consider licensure, training and professional experience requirements aligned with Board-adopted minimum standards for professional licensure.

8. Align rules with current law

It is critical that the Board use the rulemaking process to develop standards clearly aligned with statute, offering additional detail and definition where warranted that is aligned with legislative intent. Current statute requires the Board to clarify terms such as “similar content area” and “similar license” with the goal to create a clear process for teacher applicants with diverse training and professional experience backgrounds. The Board must refrain from creating additional requirements for licensure or vague terms such as “content specific teaching methods,” that are neither defined in law or rule.

The Board has the opportunity to make the licensure process compliant with current law and legislative intent. I encourage the Board to welcome well-prepared educators through more streamlined paths to the classroom. I appreciate the Board’s work on this very important issue, and would be happy to offer additional feedback.

Sincerely,

Rep. Roz Peterson
District 56B

Roz Peterson
State Representative 56B Burnsville-Lakeville
Written Comments

Other
Statement to the Professional Educator Licensing and Standards Board (PELSB)
February 24, 2018

The Office of Teacher Education staff and teacher education faculty at the U of M understand the complexity of Minnesota Administrative rule-making and state legislation that governs PELSB member and staff responsibilities. An executive director and full complement of qualified PELSB staff are key to ensuring not only that the rule-making processes for tiered-licensure legislation is completed on time, but also that institutions offering teacher licensure programs can complete the required PERCA and RIPA review processes that PELSB oversees. Our institution alone offers nearly 100 unique initial and additional approved teacher licensure programs: from Autism Spectrum Disorder to 10 World Languages. Each University of Minnesota – Twin Cities specific licensure program is reviewed for re-approval every other year by this staff, peer-reviewers, the peer review panel and this board in order to ensure our institution is approved to recommend nearly 400 teacher licensure candidates each year to teach Minnesota’s children.

We have worked diligently to diversify our pathways to teaching and meet the demand areas identified. We are proud of the fact that our efforts to provide non-conventional programs and pathways have steadily increased the number of ethnically, socio-economically, and linguistically diverse candidates in the past five years. For example, these efforts have resulted in ethnically diverse teacher candidates in our programs increasing from 13.7% in 2014 to 21.3% in 2017.

I’m here on behalf of our Office of Teacher Education team of 9 individuals in the College of Education and Human Development who work on behalf of our university to ensure all of the state’s teacher licensure program expectations are met, licensure recommendations are in order, clinical documentation is in place, and continuous improvement is fully supported. We want to talk to you today about two areas of focus in our work with PELSB that are of immediate concern at our institution: 1) PERCA and RIPA program renewal support from PELSB and 2)

Driven to Discover℠
clarity regarding licensure recommendation of current, past and future U of M teacher candidates.

Regarding PERCA and RIPA program review process, our faculty and OTE staff will develop, revise and update well over 85 PERCAs and RIPAs for PELSB by October 1st of 2018. This is a time intensive and ongoing undertaking at our institution, as it is at others. To provide a clear example of how much work it is to prepare just one licensure program’s report for the state’s EPPAS system, here is a hard copy of a complete PERCA report for one program with all materials printed as they were submitted in September of 2016 for MnBOT staff review. This binder contains all of the narrative, documentation, syllabi, forms and standards matrices that are required to be uploaded into the EPPAS system for our Special Education: Academic Behavior Strategist licensure program. Yes, the paper is two-sided. This is what is required for just one licensure program. We have 85 of these to revise, compile and re-submit. PELSB staff will have 85 of these, for the U of M- Twin Cities alone, to review and move through the appropriate review processes.

We want to make this explicit today as we are only one of 31 state approved higher education institutions that provide teacher education licensure program information to PELSB staff, peer reviewers, the review panel and to you -- the board. Half of MN’s universities that currently offer state approved teacher licensure programs will submit their documentation in the next academic year for PELSB review. We depend heavily on support from the staff, (including the executive director) of the Professional Educator Licensing and Standard Board to assist us through these processes.

In addition to this workload of submitting our program renewals and new program proposals, our office will process and submit over 400 initial and additional licensure applications for newly prepared teacher candidates between the end of May and the June 30, 2018 deadline. We are simultaneously advising current candidates on licensure processes based on current rules, while we are trying to correctly advise teacher candidates who will not complete their programs by July 1st, 2018. Because of the recent tiered-licensure legislation, the process for licensure applications remains unclear after July 1st which is very stressful for students, staff and faculty.
Passage of the new rules is critical so that our future teacher candidates have clear processes for submitting licensure applications during the transition.

In an effort to contribute to the public conversation regarding the rule-making process specific to PELSB, we submitted these comments to the Chief Administrative Judge and want to share them with you today:

On behalf of the College of Education and Human Development's Office of Teacher Education, which represents and serves teacher licensure programs at the University of Minnesota-Twin Cities, we write to confirm that we participated in multiple stakeholder public meetings held in the past six months that included a wide-range of constituents (including incoming PELSB members) who worked collectively to create the current draft. We confirm the statement filed by PELSB's interim executive director as accurate. We, with all other stakeholders, will continue to participate in future review phases to support the process. We concur that PELSB is within their rights to make changes they deem necessary to the rules as they continue through the review process that began early enough to ensure rules are in place by July 1, 2018 to support licensing teachers in Minnesota.

We welcome the new PELSB board members. We look forward to working with you. We are aware of the important responsibilities and decisions you will consider to support teacher licensure preparation, the teaching profession, and Minnesota’s Birth-21 students. Our intent is to provide you with some additional perspectives regarding the important work of this new board and the board employees. We look forward to collaboration to expedite the work because of the direct impact it has on our joint effort to provide high quality teacher education programs and effective licensed teachers for Minnesota’s children and communities.

Sincerely,

Dr. Stacy Ernst, Director, Office of Teacher Education
Ms. Jo Matson, Assistant Director (Continuous Improvement Manager)
Dr. Shuji Asai, Compliance Officer (Student Support and Licensing Team Manager)
Ms. Amy Jo Lundell, K-12 Clinical Placements & Partnership Team Lead

Office of Teacher Education, College of Education and Human Development (CEHD)
University of Minnesota- Twin Cities Campus, ote@umn.edu, 612-625-5060
Open letter to members of the Professional Educator Licensing and Standards Board (PELSB):

I come to speak with you today to share my appreciation for your willingness to serve on this board. Your service will not be easy; this board faces many challenges and upcoming changes, and the decisions you make will shape the direction of education for many years to come. I applaud you for your willingness to face this task and to give of your time and expertise in doing so.

I am a stakeholder in this process at a variety of levels.

- I am a faculty member in one of the teacher preparation programs accredited by this board, and I take my work in preparing our future teachers very seriously.

- I am a high school mathematics teacher, licensed by this board. I have returned to the classroom several times in the last few years in an effort to stay current in my field and to do what I love. I have taught in districts with students of primarily low socio-economic status and low cultural diversity. I have taught in districts where students have levels of cultural diversity higher than many schools here in the metro area. I have most recently spent my past summer teaching students in high school summer programs in math. Many of these students were teenage immigrants who were seeking credit advancement, rather than credit recovery, as they face a deadline of achieving graduation by the age of 21.

- I am a parent, with four children who graduated from Minnesota schools – 3 from a rural public school and one from a metro charter school (Perpich Center for Arts Education).

- I am a grandparent, and 11 of my grandchildren attend schools in Minnesota – some rural, some metro.

In the end, I believe we are all seeking the same thing – we want good schools and good teachers for the students in this state, regardless of whether that school is public, private, or charter; rural, suburban, or metro; and regardless of the demographics of the students in the district. In order to achieve this, we will need to work together, putting aside our own individual preferences, as we aim for the greater good – for all students to be taught by a highly qualified, effective teacher. We now have the research to show the results of teacher effectiveness on student learning. Dr. Bill Sanders looked over a multi-year time frame at what happened to students whose teachers produced high achievement versus those whose teachers produced low achievement.

... The results of this study well document that the most important factor affecting student learning is the teacher. The immediate and clear implication of this finding is that more can be done to improve education by improving the effectiveness of teachers than by any other single factor. Effective teachers appear to be effective with students of all achievement levels, regardless of the level of heterogeneity in their classrooms. (Wright, Horn, & Sanders, 1997).

I ask you today to keep this research from 20 years ago in the forefront of your work on this board. Each of your decisions should result in increasing the number of highly qualified, well prepared teachers for ALL of the students in Minnesota classrooms. As you search for a new executive director, please remember that each of you represents me – as a teacher preparation provider, a teacher, a parent/grandparent, and finally as a citizen of this great state. I again thank you for your dedication to the betterment of education in Minnesota.

Dr. Rhonda Bonnstetter, Professor of Education at Southwest Minnesota State University, Marshall, MN

I am writing in favor of the mentoring requirement for tier 1 and tier 2 licensure renewal. As a past president of the Minnesota Earth Science Teachers' Association and current teacher in the North St. Paul Maplewood Oakdale school district I am deeply concerned about pressure to eliminate mentoring.

It's hard to imagine how students could benefit from a system where a teacher without prior pedagogy or content training would not even be required to participate in on the job mentoring. Proposals to not require mentoring would likely result in poor quality teaching and learning with little chance for improvement.

--
Kent Gordon
Science Teacher
Tartan High School
828 Greenway Avenue North
Oakdale, MN 551286
651-702-8685
kgordon@isd622.org
Betsy Weis from Farmington Public Schools I am speaking in opposition to the current draft language on mentoring. School districts who hire tier1 and tier2 teachers need to have a mentorship program in place in order to be successful with our students. These teachers have not been in a teacher preparation program so they do not know how to be an effective teacher. Would you want someone working on your car who has had no training and no one mentoring them? Why would we want someone to teach our kids who has had no training and no mentoring to help guide them and teach them how to teach?
March ___, 2018

Dear Administrative Law Judge Jeanne Cochran;

Thank you for the opportunity to provide comments on the Minnesota Professional Educator Licensing and Standards Board’s proposed Administrative Rules.

The Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans serves as the "principal agency of the state that advocates on behalf of Minnesotans who are deaf, deafblind, and hard-of-hearing by working to ensure those persons have equal access to the services, programs, and opportunities available to others." (256C.28) The Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans has a unique perspective on teacher licensure and its impact on deaf, deafblind and hard of hearing students and the professionals who serve this low incidence, special education population. We have a 15 member Governor appointed commission who address policy issues and engage the broader community to develop policy solutions.

Our primary concern is access to language for students who are deaf or hard of hearing. Our second concern is that tiered licensure does not take into account the sign language proficiency currently required for teachers of the deaf and hard of hearing. Our last concern is that without clearer guidance, the state would be out of compliance with the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 (2004). In 34 CFR §300.324(a)(2)(iv), it requires that schools must “... in the case of the child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode."

Language is central to the human experience and communication is essential for social and academic growth. It is important that we consider the unique nature and the consequences of being Deaf and of hearing loss and the ability to communicate with students when we recommend any level of licensure for professionals who serve deaf, deafblind and hard of hearing students.

In order to comply with federal law, the rules related to Tier 1 teaching licenses need to include provisions that ensure that deaf and hard of hearing students get their communication needs met and receive sufficient direct instruction in the child’s language and communication mode.

The language in 3710.0311, Subp 4, paragraph C, in particular, which lists the requirements for renewing a Tier 1 license, should be expanded. Currently it limits the requirements to an attempt to pass the board-approved content exams. This requirement, however, overlooks an additional statutorily-required exam for teachers who serve students who are Deaf, DeafBlind, or hard of hearing. In addition to the special education content and pedagogy exams and the reading, writing and math exams, Minnesota Statutes, section 122A.28, also mandates achieving an Intermediate Plus score on the Sign Language Proficiency Interview (SLPI) or an
equivalent exam. Language proficiency of staff who serve students who use American Sign Language (ASL) as their primary mode of instructional access is vital.

Proposed change: “The hiring district must show the applicant attempted the board-approved content examination aligned to the assignment and Minnesota Statute, 122A.28 Subdivision 1. (a) and (b) and Subd. 2 (d), which requires Intermediate Plus American Sign Language Skills for Teachers of the Deaf and Hard of Hearing and minimum competency for teachers who teach in oral/aural programs during the academic year in which the applicant held a Tier 1 license.

In addition to being able to communicate with students in the child’s first language (including American Sign Language), and using their preferred communication mode (e.g. cued speech, assistive listening devices, amplification), teachers also must know how to work with students’ various abilities to help them learn.

Teachers who have students who are hard of hearing who use listening through technology to learn, have the unique challenge of teaching students who do not have consistent access to sound. Students have to be able to acquire phonemic awareness and phonics in order to ultimately gain fluency, comprehension and vocabulary. Students with limited access to sound need specialized instruction to succeed in academics. They need teachers who are prepared to teach reading strategies without complete dependence on sound input. Even Tier 1 teachers who are fluent in American Sign Language may not have the knowledge to teach to Deaf, DeafBlind and hard of hearing students how to read in English.

As such, we are have concerns about 8710.0311, subp. 6, paragraph C, clause (2) and the underlying statute which relate to additional, unlimited renewals for Tier 1 licenses. Unfortunately, there are shortages of teachers licensed to teach Deaf, DeafBlind and hard of hearing students and we understand the intent of the law is to get teachers in the classroom, with the hope that they will acquire the skills needed to provide a quality education. But we fear that the new Tiered Licensure statute and this proposed rule have the potential to allow a Tier 1 teacher to be placed in a class with deaf, deafblind and hard of hearing student from Pre-K through graduation without demonstrating they have sign language proficiency and without specialized literacy and numeracy teaching skills needed to be an effective teacher.

In 8710.0311 Subp 2.C (1) the rule draft requires mentorship for all Tier 1 teachers. Deaf/DeafBlind/Hard of Hearing education is a specialized field with a high attrition rate (more than 50% of teachers in special education fields leave the field in the first five years of service). One of the factors is a lack of support during the induction phase. Students who graduate from a teacher training program say they leave because of the lack of mentorship. Currently there is funding for new licensed teachers of the deaf and hard of hearing through MDE. This funding needs to be expanded to support a tiered system.
We understand from the SONAR that the PELSB will ask for legislative clarification of the statutory definition of “shortage area.” The Commission plans to work with them to exclude teachers of students who are Deaf, DeafBlind and hard of hearing from the Tier 1 licenses that can be renewed an unlimited number of times.

Thank you for considering our proposed changes.
1. Thank you for allowing me to share my experiences on many different fronts: as a teacher of deaf/hard of hearing, as a mentor for many young teachers in the field, as a mother of a son who is deaf, and as a deaf person who was raised in the general education setting.

2. Children who are deaf or hard of hearing have unique access needs. For this reason I would like to address why allowing Tier 1 for licensure is of great concern for students who are deaf, hard of hearing and deafblind. These students typically have compromised or no access to spoken language which impacts their ability to access the curriculum and the social environment in and outside of the school setting. For students who are hard of hearing, when access needs are not considered, teachers mistakenly assume that they have a learning disability or processing problems. Children cannot process what they cannot access. Teachers of deaf/hard of hearing have specific training, skill and experience teaching students who are deaf or hard of hearing. In addition, they are on the front lines teaching parents how to communicate with their children, providing support in learning American Sign Language and cued speech, encouraging parents to support early intervention also by having their children use hearing assistive technology such as hearing aids and cochlear implant processors.

3. For deaf students who cannot access spoken language or who are new to the country, or those who have additional disabilities, they require teachers fluent in American Sign Language in order to provide them with instruction that is accessible and gives them connections to the larger community of deaf/hard of hearing people. Remember that when in the setting with all hearing people, those students miss much information.

4. For those deaf students who have cochlear implants, teachers need to understand how processors work and when they are not working, be available to train and assist teams with troubleshooting. Tier 1 teachers, with limited or no training in all of the areas discussed, would require extensive mentoring to begin to be able to provide instructional support to deaf/hard of hearing students and for those students who have combined hearing and vision loss who are deafblind, further training is needed to teach children how to see with their fingers. The scope of instructional needs and skills needed not only in teaching academics, but also having a knowledge base about assistive technology options and skill to teach others, but also the ability to communicate skillfully and evaluate students is extensive. Tier 1 teachers would not be able to scratch the surface, even if they come in with a signing background with no other training.

5. For this reason, I appeal to the group to consider either requiring, at minimum, competency in American Sign Language per the rule that's currently in effect, or not allowing the Tier 1 licensure to apply to deaf, hard of hearing and deafblind students. To do so, would have a significantly negative ripple effect, not only for students in schools, but also parents, families and the greater community as students transition into the work world.

Thank you for your attention.
Date: May 7, 2018

To: Professional Educator Licensing Standards Board (PELSB)

From: Minnesota Deaf and Hard of Hearing (D/HH) Advisory Committee

Re: Tiered Licensure

We would like to recommend that Tier I teachers who work with D/HH students only be granted a one year opportunity to work with D/HH students. The reading levels of this particular group are so significant that up to 3 years could cause irreparable harm. We also recommend that these teachers be mentored by a practicing Teacher for Deaf/Hard of Hearing (TDHH) and that teacher should also sign off on the IEP or IFSP along with the Tier I teacher.

The chair of the D/HH advisory committee is Jay Fehrman. Please direct any questions that you have to him. jfehrman@916schools.org

2017-18 D/HH Advisory Committee members

- Mary Bauer: Department of Human Services
- Mary Cashman-Bakken: Department of Education DHH State Specialist
- Anne Grace Donatucci: Teacher
- Jay Fehrman (Committee Chair): Supervisor
- Herman Fuechtmann: Parent
- Kristin Ganyo-Larson: Teacher
- Katie Huttenmier: Teacher
- Michele Isham: Teacher
- Elise Knopf: Department of Employment and Economic Development
- Diane McDonagh: Higher Education
- Allison Mehlhorn: Parent
- Sara Smith: Parent
- Terry Wilding: Superintendent MSA
- Kerry Witherell: Higher Education