Supplemental Documents

Request for Comment (Tab 1)

Notice of Hearing (Tab 5)

Minnesota Management and Budget Letter (Tab 13)

Rule Change (Tab 10)
Official Notices

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn R 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition, and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on these reports. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA staff as authorized by the Commissioner, will make the final decision on the draft reports.

Minnesota Professional Educator Licensing and Standards Board
REQUEST FOR COMMENTS for Possible Amendment to Rules Governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes

Possible Amendment to Rules Governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes, Minnesota Rules, 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Repeal of Rules 8710.7620, 8710.0300, Subp. 1, 1a, 2, 2a, 2b, 3, 5, 6, 7, 8, 9, 10, and 11, 8710.0600, 8710.1000, 8710.1050, 8710.1250, 8710.1400, 8710.1410, and 8710.7100, Subp. 2; Revisor's ID Number R-04534

Subject of Rules. The Minnesota Professional Educator Licensing and Standards Board requests comments on its possible amendment to rules governing Issuance, Renewal, and Validity of Teacher Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes. The Department is considering rules that repeal the current teacher licensure structure and align it with tiered licensure statute, revise the renewal licensure rule to align with changes in statute, and define the licensure via portfolio process.

Persons Affected. The amendment to the rules would likely affect current teachers, aspiring teachers, district administrators and staff, Minnesota birth-age 21 students and their families, education stakeholder organizations, related service teachers, individuals holding a current board permission, teacher preparation provider staff, leadership and students, aspiring alternative teacher preparation providers, and teachers licensed and/or prepared outside of Minnesota.

Statutory Authority. Minnesota Statutes, section 122A.09, Subd. 9(a) and (b), which provides:

Professional Educator Licensing and Standards Board must adopt rules.


(b) The board must adopt rules relating to fields of licensure, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.
Official Notices

The Professional Educator Licensing and Standards Board’s statutory authority to adopt the rules as currently proposed is stated in Minn. Stat. section 122A.09, Subd. 9(a) and (b), First Special Session, 2017.

Under these statutes PELSB has the necessary statutory authority to adopt the proposed rules.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on March 26, 2018. The Department does plan to appoint an advisory committee to comment on the possible rules. Information about a meeting about this advisory committee can be received by requesting notices sent regarding rulemaking through signing up on the Department’s website and selecting “Rulemaking” under topics.

Rules Drafts. The Department has drafted possible rules amendments which can be found at the Departments website under Board: Rulemaking navigation: https://mn.gov/pelsh/board/rulemaking/

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Alex Liuizi at 1500 Highway 36 West, Roseville, MN 55113 or submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at https://minnesotaoh.granicusideas.com/discussions

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: February 20, 2018

Alex Liuizi
Interim Executive Director
Professional Educator Licensing and Standards Board

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the State Register also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the State Register itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: http://www.grants.state.mn.us/public/

Department of Administration

Governor’s Council on Developmental Disabilities

Notice of Cosponsorship Funds for Leadership Training Conferences

The Governor’s Council on Developmental Disabilities (GCDD) is pleased to announce the availability of a total of $4,500 in cosponsorship funds for training conferences held in Minnesota and supporting the participation of Minnesota residents. Conferences should focus on providing best practices information in the field of developmental disabilities.

(Cite 42 SR 1025) Minnesota State Register, Monday 26 February 2018 Page 1025
Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to Minnesota Statutes § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the State Register. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the State Register.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. Strikeout indicates deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” Adopted Rules - Underlining indicates additions to proposed rule language. Strikeout indicates deletions from proposed rule language.

Professional Educator Licensing and Standards Board
Proposed Permanent Rules Relating to Issuance, Renewal, and Validity of Teaching Licenses; Tiered Licensure; Licensure Via Portfolio; and Technical Changes to Teaching Licenses; Notice of Hearing

Proposed Permanent Rules Relating to Issuance, Renewal, and Validity of Teaching Licenses; Licensure via Portfolio; Tiered Licensure; and Technical Changes to Teaching Licenses; Rules 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Repeal of Rules 8710.7620, 8710.0300, Subp. 1, 1a, 2, 2a, 2b, 3, 5, 6, 7, 8, 9, 10, and 11, 8710.0600, 8710.1000, 8710.1050, 8710.1250, 8710.1400, 8710.1410, and 8710.7100, Subp. 2; Revisor’s ID Number RD4534

Public Hearing. The Professional Educator Licensing and Standards Board intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, Minnesota Statutes, sections 14.131 to 14.20. The board will hold a public hearing on the above-named rules in Room 13/14, Conference Center A, 1500 Highway 36 West, Roseville, MN, 55113, starting at 9:30am on June 8, 2018, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Barbara Case will conduct the hearing. The judge can

(Cite 42 SR 1373) Minnesota State Register, Monday 7 May 2018 Page 1373
Proposed Rules

be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7888, and fax (651) 539-0310. The rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules are about Issuance, Renewal, and Validity of Teaching Licenses; Licensure via Portfolio; Tiered Licensure; and Technical Changes to Teaching Licenses; Rules 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Repeal of Rules 8710.7620, 8710.0300, Subp. 1, 1a, 2, 2a, 2b, 3, 5, 6, 7, 8, 9, 10, and 11, 8710.0600, 8710.1000, 8710.1500, 8710.1250, 8710.1400, 8710.1410, and 8710.7100, Subp. 2. The proposed rules are authorized by Minnesota Statutes, section 122A.09, Subd. 9(a) and (b). A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The agency contact person is: Alex Liuazzi at 1500 Highway 36 West, Suite 300, Roseville, MN, 55113, 651.539.4180.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking e-comments website at https://minnesotaoah.granicusideas.com/discussions. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

Adoption Procedure after the Hearing. After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.
Proposed Rules

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: May 1, 2018

Alex Liuzzi
Interim Executive Director

8710.0310 DEFINITIONS AND GENERAL RULES FOR TEACHING LICENSES.

Subpart 1. Definitions.

A. For the purposes of parts 8710.0310 to 8710.0330, the terms in this subpart have the meanings given them.

B. "Assignment" means the course or courses taught in a school for which students are granted credit.

C. "Board" means the Professional Educator Licensing and Standards Board.

D. "Cultural competency training" means a training program that promotes self-reflection and discussion including but not limited to all of the following topics: racial, cultural, and socioeconomic groups; American Indian and Alaskan native students; religion; systemic racism; gender identity, including transgender students; sexual orientation; language diversity; and individuals with disabilities and mental health concerns. Training programs must be designed to deepen teachers' understanding of their own frames of reference, the potential bias in these frames, and their impact on expectations for and relationships with students, students' families, and the school communities, consistent with Interstate Teacher Assessment and Support Consortium (InTASC) standards and Minnesota Statutes, section 120B.30, subdivision 1, paragraph (q).

E. "District" means a school district or a charter school.

F. "Field specific methods" means differentiated instructional strategies targeting content and pedagogy for a singular licensure area to enable student learning.

G. "Good cause" means an applicant is unable to meet the requirements of a higher licensure tier due to the lack of a reasonable path to a higher licensure tier or the path to a higher licensure tier causes an undue burden on the applicant, as approved or denied by the board.

H. "Innovative program" means a school within a district that is either a state-approved area learning center or alternative learning program or provides a school board resolution designating the school as an innovative program, including the reason for the designation.

I. "Licensure area" or "licensure field" means the content taught for which standards have been adopted in Minnesota Rules.

J. "Professional license from another state" means a teaching license from a state other than Minnesota that allows the individual to be a teacher of record based on completion of a state-approved conventional, nonconventional, or alternative teacher preparation program from another state or licensure via a portfolio process in another state aligned to part 8710.0330 and Minnesota Statutes, section 122A.18, subdivision 10.

K. "Related services professional" means a teacher who holds a license issued by the board consistent with Minnesota Statutes, section 122A.06, subdivision 2, and who meets the requirements for a license issued pursuant to...
June 7, 2018

Amelia Cruver
Executive Budget Officer
Minnesota Management and Budget
658 Cedar St., Suite 400
St. Paul, MN 55155

Re: Proposed Permanent Rules Relating to Issuance, Renewal, and Validity of Teaching Licenses; Tiered Licensure; Licensure via Portfolio; and Technical Changes to Teaching Licenses; Rules 8710.0310, 8710.0311, 8710.0312, 8710.0313, 8710.0314, 8710.0320, 8710.0321, 8710.0325, 8710.0326, 8710.0330, 8710.4725, 8710.4925, 8710.7000, 8710.7100, 8710.7200; Revisor’s ID Number R-04534

Dear Amelia Cruver:

Minnesota Statutes, section 14.131, requires that an agency engaged in rulemaking consult with the Commissioner of Minnesota Management and Budget, “to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government.”

Enclosed for your review are copies of the following documents on proposed rules governing the issuance, renewal, and validity of teaching licenses.

1. The Governor’s Office Proposed Rule and SONAR Form
2. The April 26, 2018 Revisor’s draft of the proposed rule.
3. The April 27, 2018 draft of the SONAR.

I delivered copies of these documents to the Governor’s Office on April 27, 2018

If you or any other representative of the Commissioner of Minnesota Management & Budget has questions about the proposed rule, please call me at 651-539-4180. Please send any correspondence about this matter to me at the following address: Alex Liuzzi, Professional Educator Licensing and Standards Board, 1500 Highway 36 West, Suite 300, Roseville, MN 55113.

Yours very truly,

Alex Liuzzi
Executive Director

June 7, 2018 -- Letter Requesting Review by MMB
**Recommended Additional Changes**

**Justification for Changes**

Line 5.8 – 5.10 "Fees": REMOVE

Justification for Change: Upon further research, it was learned that a board does not have the statutory authority to set fees.

Lines 18.7 and 21.9: "...subdivision 5, or if the statutory models are not practicable, to another identified district-aligned evaluation; and"

Justification for Change: This language was established for Tier 1 and Tier 2 and was accidentally copy and pasted into Tier 3 and Tier 4. Tiers 3 and 4 must use TDE statute.

Line 40.3: "...if the applicant has completed a preparation program in school psychology accredited by the National Association of School Psychologists or holds the Nationally Certified School Psychologists (NCSP) credential from the National Association of School Psychologists."

Justification for Change: This allows an individual who completed a non-NASP accredited program to have another pathway to receive a Tier 3 (and Tier 4) license. The change came at the suggestion of school psychologist stakeholder organizations.