

Chair Youakim, committee members good morning, my name is Matt Shaver I am a teacher and the Policy Director at EdAllies. Thank you for the opportunity to testify on the PELSB bill.

I want to start by again saying that my organization supports the change required by OSEP and agreed to by MDE to limit Tier 1 SPED licenses to 3 years which is in this bill on lines 4.20-4.21 of HF 4361.

Our concerns are with the additional new application requirements related to Tier 1 and 2 special education licensure.

While we do not object to the spirit of the language—providing mentorship and professional development to support the growth of educators in this field—we are concerned with the implications of the language as currently drafted.

First, it is duplicative. All Tier 1 and Tier 2 teachers are already required by law to receive on the job PD and Mentorship while they have their license ([121A.181 Subd. 6](#); [122A.182 Subd. 7](#)).

Second, the language as drafted implies that candidates must demonstrate PD and mentorship in order to get an *initial* license (note the proposed language creates a *Subd.1a. in 122A.181 and 122A.182; which are application requirements, not renewal requirements which are in Subd. 3.*), meaning prospective teachers somehow have to get PD that is both high quality and intensive (*4.15, 5.10*), but not necessarily in any specified subject, which then has to have a positive and lasting impact on classroom instruction (*4.16, 5.11*) before they have even been hired by the district to teach.

We believe it is important that the language of the law captures the intent of policymakers, while avoiding confusion or potential barriers.

PD and mentorship are important to offer during employment, or even as a potential requirement for licensure *renewal*, but not for an initial license--a standard that would be written into law yet not possible to meet.

It's unlikely that this new language will lead to a better trained or higher quality workforce, but could mean fewer teachers working with students with disabilities and higher caseloads for those that remain.

We urge legislators to make the proposed language clearer in statute or authorize PELSB to do rulemaking on these new application requirements. Thank you for your time today.

Sincerely,
Matt Shaver
Policy Director - EdAllies

Tier 1 Qualifications - Renewals, Mentorship, PD

Current Law: 122A.181

Renewals:

- (c) 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. A Tier 1 license issued to teach
- (1) a class or course in a career and technical education or career pathway course of study, or
 - (2) in a shortage area, as defined in section [122A.06, subdivision 6](#), **may be renewed without limitation.**

Mentorship, PD, Additional Training Required to Hold and Renew the License

- (2) the teacher holding the Tier 1 license took a content examination in accordance with section [122A.185](#) and submitted the examination results to the teacher's employing district or charter school **within one year of the board approving the request for the initial Tier 1 license;**
- (3) the teacher holding the Tier 1 license participated in cultural competency training consistent with section [120B.30, subdivision 8](#), **within one year of the board approving the request for the initial Tier 1 license;** and
- (4) the teacher holding the Tier 1 license met the mental illness training renewal requirement under section [122A.187, subdivision 6](#).

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.**

Proposed by MDE/PELSB: HF3782

Subd. 1a. **Special education requirements.** The Professional Educator Licensing and Standards Board must approve an application for a Tier 1 special education license if the applicant:

- (1) receives high-quality professional development that is sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;
- (2) participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- (3) assumes the functions as a teacher only for a specified period of time not to exceed three years; and
- (4) demonstrates satisfactory progress toward professional licensure.

Questions/Concerns

1. **Some of the proposed language changes are not necessary and beyond the scope of what MDE committed to:**
 - a. OSEP in Noncompliance Letter Dated 5.17.23:
“Based on OSEP’s analysis of Minnesota Statutes, section 122A.181 do not clearly indicate that teachers participating in an alternate route to special education certification may assume functions as a teacher only for a specified period of time not to exceed three years. Based on these State requirements, and as reported by MDE staff to OSEP, a Tier 1 teacher may work as a special education teacher for more than three years, which does not align with the IDEA Part B requirement that establishes a three-year limit...the State must submit to OSEP a corrective action plan...revised policies that ensure that teachers participating in the alternate route to special education

certification assume functions as a teacher for a period not to exceed three years”

- b. CAP Letter 7.17.23:
“These proposals will amend Minnesota statutes and rules to ensure a person with a Tier 1 license may not assume the functions of a special education teacher for a period exceeding three years.”

2. Copying-and-pasting language from IDEA into MN Licensure laws creates confusion and potential barriers:

- a. How do we define and measure PD that has a “positive and lasting impact on classroom instruction”?
- b. How can a Tier 1 teacher have PD before they have been approved for the license?
- c. What is the definition of “program” in “participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program”? Is that a teacher prep program? Are districts required to create new programs specifically for SPED teachers? What does this look like in practice?
- d. This clause “or a teacher mentoring program” appears to make mentorship optional or at least conflicts with 122A.181 Subd 6, which requires Tier 1 teachers participate in a mentorship program.
- e. What does “demonstrate satisfactory progress toward professional licensure” mean? Who determines that? How do applicants demonstrate it?

Our Proposal

1. Limit renewals in the renewal section of 122A.181 instead of creating a new renewal line.

Modify 122A.181 Subd 3(c):

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. A Tier 1 license issued to teach (1) a class or course in a career and technical education or career pathway course of study, or (2) in a shortage area, as defined in section [122A.06, subdivision 6](#), may be renewed without limitation. A Tier 1 license issued to teach special education may not be renewed more than 2 times.

2. Modify the mentorship section of Subd 6 in 122A.181 instead of creating a new mentorship requirement

Mentorship and Professional Development are already required for all Tier 1 teachers in licensure statute so it is not necessary to add a redundant requirement. Instead of adding a new requirement, modify the current requirement.

3. Define “programs of intensive supervision” and “satisfactory progress toward professional licensure” and add these requirements to Tier 1 renewal - not initial licensure

The bill creates new and unclear requirements for Tier 1 licensure. Statute must create clear definitions for these requirements and how educators can fulfill these requirements. Additionally, these requirements are designed for current educators, not prospective teachers who are newly entering the profession. These new requirements should, therefore, be added to Tier 1 renewal, not initial licensure.

Tier 2 Qualifications - Renewals, Mentorship

Current law: 122A.182

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 8](#).

(b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section [122A.40, subdivision 8](#), or section [122A.41, subdivision 5](#).

MDE/PELSB Proposal

Subd. 1a. Special education requirements. The Professional Educator Licensing and Standards Board **must approve an application for a Tier 2 special education license if the applicant:**

(1) receives high-quality professional development that is sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(2) participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program; and

(3) demonstrates satisfactory progress toward professional licensure.

Questions/Concerns

1. Proposed changes to 122A.182 (Tier 2 Licensure) language are not necessary and beyond the scope of what MDE committed to change:

a. OSEP in Noncompliance Letter Dated 5.17.23:

*“Based on OSEP’s analysis of Minnesota Statutes, section 122A.181 do not clearly indicate that teachers participating in an alternate route to special education certification may assume functions as a teacher only for a specified period of time not to exceed three years. Based on these State requirements, and as reported by MDE staff to OSEP, a **Tier 1 teacher** may work as a special education teacher for more than three years, which does not align with the IDEA Part B requirement that establishes a three-year limit...the State must submit to OSEP a corrective action plan...revised policies that ensure that teachers participating in the alternate route to special education certification **assume functions as a teacher for a period not to exceed three years**”*

b. CAP Letter 7.17.23:

*“These proposals will amend Minnesota statutes and rules **to ensure a person with a Tier 1 license may not assume the functions of a special education teacher for a period exceeding three years.**”*

2. Mentorship is already required in licensure law for Tier 2 teachers (122A Subd.7)

Our Proposal

According to OSEP, It’s not necessary to make changes to Tier 2 to align licensure to IDEA.

If needed, establish a PD participation requirement for Tier 2 that mirrors language in Tier 1: 122A.182 Subd. 7:

“(c) A teacher holding a Tier 2 license must participate in the employing district or charter school's professional development.”