

Chapter: 73

Session: 2017 Regular Session

Topic: Teacher licensing

Analyst: Cristina Parra

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Overview

Chapter 73 was vetoed by Governor Dayton on May 18, 2017.

Section

Article 1: Professional Educator Licensing and Standards Board

Overview

This article establishes the Professional Educator Licensing and Standards Board (PELSB) and transfers all teacher licensure responsibilities to the PELSB from the Department of Education and the Board of Teaching.

- 1 Definitions.** Substitutes PELSB name.
 - “Field” or “subject area” means the content area in which a teacher may be licensed to teach.
 - “Shortage” means licensure fields and economic development regions experiencing a teacher shortage, and economic development regions where there is a shortage of teachers that reflect the racial or ethnic diversity of students.
 - “Teacher preparation program” means a program approved by the PELSB to prepare teachers for special license fields.
 - “Teacher preparation program provider” or “unit” means the entity with primary responsibility for a teacher preparation program.
- 2 PELSB membership.**
 - Subd. 1. Appointment of members.** The PELSB consists of 11 members appointed by the governor.

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Subd. 2. Eligibility; board composition. Changes eligibility requirements for board membership and composition.

Subd. 2a. First appointments. Provides expiration dates for first appointment to PELSB, and ineligibility of current Board of Teaching members for first appointments, except for two appointments.

Subd. 3. Vacant position. Defines when a position is deemed vacant.

Subd. 4. Terms, compensation; removal; vacancies. Eliminates provision of staff, administrative services, and office space from list of functions that are provided in chapter 214.

Subd. 4a. Administration. Establishes executive director appointment, removal, and duties. Requires Department of Administration to provide administrative support services. Requires Department of Education to provide offices until January 1, 2020.

Subd. 5. District reimbursement for costs of substitute teachers. Substitutes PELSB name in provision relating to reimbursing districts for cost of substitute teachers.

- 3 **Meetings.** Substitutes PELSB name. Requires the executive director to fulfill duties in section 122A.09, subdivision 6, and requires PELSB to review performance of the executive director.
- 4 **Code of ethics.** Substitutes PELSB name.
- 5 **Advise members of profession.** Substitutes PELSB name.
- 6 **Election of chairs and officers.** Substitutes PELSB name.
- 7 **Licensing.** Requires PELSB to license teachers. Prohibits board from delegating its authority to make licensing decisions. Eliminates board's general authority to adopt teacher licensure rules.
Language regarding approval of teacher preparation programs, license requirements, renewal, and teacher assessments is recoded in other sections.
- 8 **Reports.** Requires PELSB to provide reports in accordance with section 122A.091.
Language specifying reports is consolidated in section 122A.091.
- 9 **Register of persons licensed.** Substitutes PELSB name.
- 10 **Board money.** Eliminates requirement that commissioner of education provide support to the board. Requires appropriations to PELSB be used to administer section 120B.363 and sections in chapter 122A.
- 11 **Board rules.** Requires PELSB to adopt rules to implement certain sections. Provides that law prevails over board rules. Requires board to adopt rules relating to licensure fields and grade levels that a teacher may be licensed to teach. Requires board to consider proposed rule's effect on teacher supply and demand. Clarifies that board has limited rulemaking authority.

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- 12 Permissions.** Substitutes PELSB name in provision allowing board to grant permissions. Eliminates language regarding one-year license and one-year waiver. Provides that candidates with career and technical education certification may apply for a Tier 1 license under section 122A.181.
- 13 Reports.** Consolidates teacher-related reports by board and other entities under section 122A.091.
- Subd. 1. Teacher and administrator preparation and performance data; report.** Requires PELSB and Board of School Administrators (BOSA) to collect and report teacher and administration preparation and performance data.
- Subd. 2. Teacher preparation program reporting.** Requires PELSB to post on its website data related to teacher preparation programs.
- Subd. 3. School district reports.** Requires school districts to report certain teacher data to PELSB and BOSA.
- Subd. 4. State reports.** Requires PELSB to prepare reports on board activities under section 214.07.
- Subd. 5. Survey of districts.** Requires PELSB to survey school districts and submit teacher supply and demand report starting in 2019; report is currently responsibility of Department of Education.
- Subd. 6. Implementation report.** Requires PELSB to report on implementation of tiered licensure system.
- 14 Teacher preparation programs.** Consolidates requirements regarding teacher preparation program approval and other preparation program requirements.
- Subd. 1. Rules.** Requires PELSB to adopt rules to approve teacher preparation programs.
- Subd. 2. Requirements for board approval.** Provides requirements for program approval. Eliminates requirement for content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas.
- Subd. 3. Specialized credentials.** Requires PELSB to adopt rules for specialized credentials.
- Subd. 4. Teacher educators.** Requires PELSB to adopt rules requiring teacher educators to work with elementary or secondary school teachers.
- Subd. 5. Reading strategies.** Requires teacher preparation programs to include instruction in reading strategies.
- Subd. 6. Technology strategies.** Requires teacher preparation programs to include instruction in using technology.
- Subd. 7. Student teaching program.** Allows programs to provide one-year student teaching programs.
- Subd. 8. Remain in effect.** Provides that a program approved by the Board of Teaching is approved until PELSB denies approval or reapproves the program.

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- 15 Fraud; gross misdemeanor.** Recodifies language from section 122A.09, subdivision 8, classifying a false claim to be a licensed teacher as a gross misdemeanor.
- 16 District verification of teacher licenses.** Substitutes PELSB name in provision requiring districts to verify teacher is qualified.
- 17 Survey of districts.** Limits Department of Education’s responsibility over teacher supply and demand report to end in 2018, when PELSB will take responsibility for report under section 122A.092, subdivision 5.
- 18 Commissioner of education services.** Eliminates requirement that commissioner of education provide Board of Teaching offices and other space.
- 19 Coordination with other agencies.** Substitutes PELSB name in provision requiring agencies to coordinate regarding requirements for some school personnel.
- 20 Transfer of powers.** Transfers responsibilities for licensure, credentialing of teachers and school personnel, supply and demand report, and STAR system from Board of Teaching and Department of Education to PELSB in accordance with section 15.039. Section 15.039 provides for effect of transfers on rules, court actions, contracts, obligations, unexpended funds, personnel, and transfer of property.
Requires PELSB to review Board of Teaching rules, and approved teacher preparation programs.
- 21 First Appointments.** Requires the governor to make the first appointment to PELSB by September 1, 2017, for terms that begin January 1, 2018. Encourages the governor to consider appointing previous Board of Teaching members to PELSB. Exempts terms of first members appointed to PELSB from term limit if term expires before 2022. Allows members to informally organize and prepare for terms beginning October 2, 2017.
- 22 Revisor instruction.** Instructs revisor to substitute PELSB name for Board of Teaching.
- 23 Repealer.** Repeals section 122A.09, subdivisions 5, 8, and 11.
Subdivision 5 requires commissioner of education to comment on rules proposed by Board of Teaching. Subdivision 8 contains language that is recoded under section 122A.093. Subdivision 11 contains language recoded in section 122A.09, subdivision 2.

Article 2: Teacher Licensure**Overview**

This article establishes a tiered licensure system, and eliminates obsolete language pertaining to previous license terms.

- 1 Validity of certificates or licenses.** Substitutes PELSB name. Provides that licenses in effect on January 1, 2018, will be valid for one year longer than scheduled.

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- 2 Authority to license.** Requires PELSB to license teachers according to tiers in sections 122A.181 to 122A.184. Eliminates provision requiring licenses under jurisdiction of PELSB and BOSA to be issued through Department of Education. Substitutes PELSB name in provisions relating to data sharing. Requires PELSB and MDE to enter into data sharing agreement to share data in STAR system.
- 3 Support personnel qualifications.** Requires PELSB to issue licenses and credentials to support personnel. Language regarding teacher qualifications and preparation programs is recoded in other sections. Eliminates language regarding one-year license.
- 4 Reading specialist.** Substitutes PELSB name in provision regarding reading teacher licensure rules.
- 5 Permission to substitute teach.** Substitutes PELSB name. Allows a person who qualifies for a Tier 1 license to work as a short-call substitute teacher. Replaces references to five-year professional licenses with references to Tier 3 or Tier 4 licenses. Allows the board to issue lifetime qualified short-call or long-call substitute teaching licenses to qualifying teachers. Allows teachers holding lifetime short-call substitute teaching licenses to apply for a teaching license in tiered systems if educational and professional requirements are met.
- 6 Temporary military license.** Substitutes PELSB name. Requires PELSB to provide candidates for military licenses with information regarding tiered licensure system.
- 7 Background checks.** Substitutes PELSB name, and expands background check requirements to BOSA; eliminates responsibilities of commissioner of education. Requires PELSB to notify school district or charter school that license has been issued pending completion of background check.
- 8 Licensure via portfolio.** Recodes language from section 122A.09, subdivision 8; substitutes PELSB name, requires PELSB to adopt rules.
- 9 Tier 1 license.**
- Subd. 1. Application requirements.** Establishes requirements for a district or charter school requesting a Tier 1 license for a candidate.
- Subd. 2. Professional requirements.** Establishes educational and professional requirements for a Tier 1 license.
- Subd. 3. Term of license.** Provides a one-year term for a Tier 1 license and establishes renewal requirements. Allows three renewals unless license is to teach career and technical education courses or license is in shortage area, or district or charter school shows good cause.
- Subd. 4. Application.** Provides application deadlines for Tier 1 license.
- Subd. 5. Limitations on license.** Establishes limits on Tier 1 license. Provisions of sections 122A.40 and 122A.41 do not apply to teachers with Tier 1 license. A teacher with a Tier 1 license is not a teacher under PELRA.
- Subd. 6. Mentorship and evaluation.** Requires a teacher with a Tier 1 license to participate in mentorship and evaluation programs.

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- 10 Tier 2 license.**
- Subd. 1. Requirements.** Establishes general requirements for a Tier 2 license.
- Subd. 2. Coursework.** Establishes coursework requirements for a Tier 2 license. Includes coursework within field-specific methods of training in clause 2.
- Subd. 3. Term of license.** Provides a two-year term for a Tier 2 license and allows three renewals. Requires the board to adopt rules for additional renewals.
- Subd. 4. Application.** Provides application deadlines for a Tier 2 license.
- Subd. 5. Limitations on license.** Establishes limits on Tier 2 license. Provisions of sections 122A.40 and 122A.41 do not apply to teachers with Tier 2 license.
- Subd. 6. Application towards probationary period.** Requires up to two years of time spent teaching with a Tier 2 license while in a teacher preparation program to count towards probationary period. Probationary period must consist of three consecutive years, consistent with sections 122A.40 and 122A.41.
- Subd. 7. Mentorship and evaluation.** Requires a teacher with a Tier 2 license to participate in mentorship and evaluation programs.
- 11 Tier 3 license.**
- Subd. 1. Requirements.** Establishes general requirements for a Tier 3 license.
- Subd. 2. Coursework.** Establishes coursework requirements for a Tier 3 license. Allows two years of teaching experience to substitute for field-specific student teaching requirements.
- Subd. 3. Term of license.** Provides a three-year term for a Tier 3 license and allows unlimited renewals.
- Subd. 4. Mentorship and evaluation.** Requires a teacher with a Tier 3 license to participate in mentorship and evaluation programs.
- 12 Tier 4 license.**
- Subd. 1. Requirements.** Establishes general requirements for a Tier 4 license.
- Subd. 2. Term of license.** Provides a five-year term for a Tier 4 license and allows unlimited renewals.
- Subd. 3. Mentorship and evaluation.** Requires a teacher with a Tier 4 license to participate in mentorship and evaluation programs.
- Subd. 4. Five-year license.** A five-year license issued by the Board of Teaching must be treated as a Tier 4 license. An expired five-year license is treated as an expired Tier 4 license.
- 13 Teacher licensure assessments.** Consolidates teacher licensure assessment provisions that were previously at sections 122A.09 and 122A.18. Modifies prekindergarten licensing requirements, and makes technical changes. Eliminates skills exam requirement for Tier 1, 2, and 3 licenses.

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Subd. 1. Tests. Requires Tier 4 candidates to pass skills exams. Requires Tier 3 and Tier 4 candidates to pass pedagogy, content, and reading instruction exams. Eliminates testing requirement for prekindergarten teachers. Skills examination requirement does not apply to nonnative English speakers.

Subd. 2. Passing scores. Requires PELSB to establish passing scores in all required examinations.

Subd. 3. Testing accommodations. Requires testing accommodations.

Subd. 4. Remedial assistance. Requires teacher preparation programs to provide remedial assistance to candidates that have not passed required examinations. School districts may provide remedial assistance.

14 Expiration and renewal. Consolidates language regarding expiration and renewal previously in sections 122A.09 and 122A.18; clarifies applicable tiers.

Subd. 1. License form requirements. Provides license form requirements.

Subd. 2. Local committees. Requires PELSB to receive renewal recommendations from local committees.

Subd. 3. Professional growth. Requires Tier 3 and 4 teachers to show professional growth. Allows a teacher to meet requirements by submitting most recent summative evaluation or improvement plan.

Subd. 4. Behavior interventions. Requires Tier 3 and 4 teachers to train in behavior interventions.

Subd. 5. Reading preparation. Requires Tier 3 and 4 teachers to train in reading preparation.

Subd. 6. Mental illness. Requires Tier 3 and 4 teachers to train in suicide prevention and mental illness.

15 Licensure denial and appeal. Establishes process to appeal licensure denial.

Subd. 1. Denial letter. Requires PELSB to approve or deny completed applications within 30 days. Requires denial letters to include certain information.

Subd. 2. Review of denial. Establishes process for PELSB to review denial decisions.

Subd. 3. Appeal. Establishes appeal process under Administrative Procedure Act.

16 Bilingual and English as a second language teachers. Substitutes PELSB name. Requires teachers to meet tiered licenses requirements. Clarifies requirements for programs that prepare English as a second language teachers.

17 Suspension or revocation of licenses. Substitutes PELSB name. Requires PELSB and BOSA to report suspensions, revocations, and agreements involving loss of license relating to sexual conduct with a minor to law enforcement authorities. Board report does not modify mandatory reporting responsibilities.

18 Teacher licensure agreements with adjoining states. Substitutes PELSB name.

Section**19****Alternative teacher preparation providers and programs.**

Subd. 1. Definitions. Defines “provider” or “unit,” and “program.”

Subd. 2. Purpose. States the purpose of the alternative teacher preparation program as a means to provide pathways to teacher licensure outside the traditional methods, improve ethnic and cultural diversity in the classroom, and to close the achievement gap.

Subd. 3. Eligibility. Allows a school district, charter school, or certain nonprofit corporations to be eligible to participate as a provider under this section.

Subd. 4. Provider approval. Requires approval of a provider before they can operate an approved program. In order to be approved by the PELSB, the provider must meet the following requirements:

1. have evidence and history of fiscal solvency, capacity, and operation;
2. have evidence of necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, background checks, and license recommendations;
3. have policies and procedures in place ensuring the security of candidate records; and
4. have instructional capacity to provide an adequate instructional phase.

Subd. 5. Program approval. Requires approved programs to have the following characteristics:

1. an instructional phase that provides intensive preparation and observed classroom experience before the teacher candidate assumes classroom responsibilities;
2. a research-based and results-oriented approach;
3. a strategy to combine pedagogy and best teaching practices;
4. provide assessment, supervision, and evaluation of teacher candidates;
5. provide intensive and ongoing professional learning opportunities; and
6. a process to review a candidate’s final proficiency of required licensure content standards that leads to recommendation for a Tier 3 teaching license.

Subd. 6. Nontraditional means; program instructors. Requires the board to allow alternative teacher preparation program providers and teacher candidates to demonstrate pedagogy and content standard proficiency in school-based programs and through other nontraditional means. Allows the board to permit instructors to hold a baccalaureate degree only.

Subd. 7. Program disapproval, suspension. Allows the board to suspend or revoke approval of a program that fails to meet or is deficient in any of the program requirements.

Subd. 8. Candidate program completion; teacher licensure. (a) Requires a candidate that completes an approved program to apply for a Tier 1 license.

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(b) Allows a person who has successfully completed an out-of-state alternative teacher preparation program to apply to the board for a Tier 3 license.

Subd. 9. Reports. Requires an approved provider to report to the PELSB on program candidates, completions rates, and effectiveness. Requires the PELSB to report to the legislature on the program and providers.

- 20 Community education teachers exceptions.** Substitutes PELSB name.
- 21 Teachers of deaf and hard-of-hearing students.** Substitutes PELSB name.
- 22 Teachers of blind and visually impaired students.** Substitutes PELSB name.
- 23 Exemption for career and technical education instructors.** Provides that after June 30, 2020, part-time vocational or career and technical education program can apply for teaching license in tiered system.
- 24 Early childhood family education teachers.** Eliminates language permitting variance for licensure requirement.
- 25 Transition system for children with a disability; compliance with rules.** Substitutes PELSB name.
- 26 American Indian language and culture education licenses.** Substitutes PELSB name.
- 27 American Indian language and culture education licenses and exemptions.** Substitutes PELSB name, and eliminates commissioner of education responsibility for granting exemptions.
- 28 Academies teacher standards.** Applies PELSB standards to teachers and BOSA standards to administrators.
- 29 Teacher shortage loan forgiveness program.** Substitutes PELSB name, and eliminates commissioner of education responsibility for issuing licenses in definition of “teacher.”
- 30 Teacher of special education license review.** Directs the PELSB to conduct a review of all the available teacher of special education licenses and determine the options for cross-categorical licenses for teachers of special education.
- 31 Rule change; academic and behavioral strategist licensure.** Directs the Board of Teaching to amend Minnesota Rules, part 8710.5050, subpart 4, so that academic and behavioral strategist licenses may be issued and renewed without the candidate holding a license in another field.
- 32 Licenses under jurisdiction of Board of Teaching.** Provides how licenses issued by Board of Teaching must be treated under tiered licensure system.
- Subd. 1. One-year license.** One-year licenses must be treated as Tier 1 license.
- Subd. 2. Two-year license.** Two-year license must be treated as Tier 2 license.
- Subd. 3. Five-year license.** Five-year license must be treated in accordance with section 122A.184, subdivision 4.

Section

- 33** **Permissions, waivers, exceptions, and variances.** Allows PELSB to grant a one-year extension for a permission, waiver, variance, or temporary limited license in effect on January 1, 2018.
- 34** **Teachers of English as a second language.** Allows an ESL teacher that provided content instruction as a highly qualified teacher under No Child Left Behind to English language learners to continue to provide such instruction until the end of the 2018-2019 school year.
- 35** **Repealer.** Repeals the following sections:
- Section 122A.14, subdivision 5 – commissioner of education must comment on proposed BOSA rules.
 - Section 122A.162 – commissioner of education may make rules relating to school personnel not licensed by Board of Teaching or BOSA.
 - Section 122A.163 – commissioner of education may to grant variances to Board of Teaching and BOSA licensure rules.
 - Section 122A.18, subdivision 2a – recodified in section 122A.092, subdivision 5; subdivision 3 – commissioner of education must license qualified persons, and may adopt code of ethics for supervisory personnel; subdivision 3a – recodified in section 122A.092, subdivision 6; subdivision 4 – consolidated with other expiration and renewal requirements in section 122A.187; subdivision 4a – limited provisional licenses; subdivision 6 – recodified in section 122A.186; subdivision 7 – limited provisional licenses, definition of “shortage” recodified in section 122A.06, subdivision 5; and subdivision 7b – temporary limited licenses and personnel variances.
 - Section 122A.21, subdivision 2 – licensure via portfolio recodified in section 122A.18, subdivision 10.
 - Section 122A.23, subdivisions 1 and 2 – applicants trained in other states.
 - Section 122A.245 – alternative teacher preparation program.
 - 122A.25 – nonlicensed community experts.

Article 3: Nonteacher Credentialing

- 1** **Paraprofessional credential.** Substitutes PELSB name.