

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1257**

02/02/2023 Authored by Hill and Clardy
The bill was read for the first time and referred to the Committee on Education Policy
02/16/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act

1.2 relating to education; removing barriers to teacher licensure; modifying

1.3 requirements for licensure; establishing a short-call substitute teacher pilot program;

1.4 amending Minnesota Statutes 2022, sections 122A.09, subdivision 10; 122A.181,

1.5 subdivision 4, by adding a subdivision; 122A.182, subdivisions 1, 4, by adding a

1.6 subdivision; 122A.183, subdivisions 1, 2, by adding a subdivision; 122A.184,

1.7 subdivision 1; 122A.185, subdivisions 1, 4; 122A.635, subdivisions 3, 4; 122A.70,

1.8 by adding a subdivision; proposing coding for new law in Minnesota Statutes,

1.9 chapter 122A; repealing Minnesota Rules, part 8710.0500, subparts 8, 11.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2022, section 122A.09, subdivision 10, is amended to read:

1.12 Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and

1.13 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its

1.14 rules upon application by a school district or a charter school for purposes of implementing

1.15 experimental programs in learning or management.

1.16 (b) To enable a school district or a charter school to meet the needs of students enrolled

1.17 in an alternative education program and to enable licensed teachers instructing those students

1.18 to satisfy content area licensure requirements, the Professional Educator Licensing and

1.19 Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education

1.20 program to instruct students in a content area for which the teacher is not licensed, consistent

1.21 with paragraph (a).

1.22 (c) A special education license permission issued by the Professional Educator Licensing

1.23 and Standards Board for a primary employer's low-incidence region is valid in all

1.24 low-incidence regions.

2.1 (d) A candidate that has obtained career and technical education certification may apply
2.2 for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the
2.3 Professional Educator Licensing and Standards Board must strongly encourage approved
2.4 college or university-based teacher preparation programs throughout Minnesota to develop
2.5 alternative pathways for certifying and licensing high school career and technical education
2.6 instructors and teachers, allowing such candidates to meet certification and licensure
2.7 standards that demonstrate their content knowledge, classroom experience, and pedagogical
2.8 practices and their qualifications based on a combination of occupational testing, professional
2.9 certification or licensure, and long-standing work experience.

2.10 Sec. 2. Minnesota Statutes 2022, section 122A.181, is amended by adding a subdivision
2.11 to read:

2.12 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
2.13 Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision
2.14 2:

2.15 (1) an applicant for a Tier 1 license to teach career and technical education or career
2.16 pathways courses of study if the applicant has:

2.17 (i) an associate's degree;

2.18 (ii) a professional certification; or

2.19 (iii) five years of relevant work experience;

2.20 (2) an applicant for a Tier 1 license to teach world languages and culture pursuant to
2.21 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

2.22 (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota
2.23 Rules, parts 8710.4300 dance and theatre, 8710.4310 dance, 8710.4320 theatre, 8710.4650
2.24 vocal music and instrumental music, and 8710.4900 visual arts, if the applicant has at least
2.25 five years of relevant work experience.

2.26 (b) The Professional Educator Licensing and Standards Board must adopt rules regarding
2.27 the qualifications and determinations for applicants exempt from paragraph (a).

2.28 Sec. 3. Minnesota Statutes 2022, section 122A.181, subdivision 4, is amended to read:

2.29 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
2.30 accept and review applications for a Tier 1 teaching license beginning July 1 of the school
2.31 year for which the license is requested ~~and must issue or deny the Tier 1 teaching license~~

3.1 ~~within 30 days of receiving the completed application;~~ at the board's discretion, the board
3.2 may begin to accept and review licenses before July 1.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.4 Sec. 4. Minnesota Statutes 2022, section 122A.182, subdivision 1, is amended to read:

3.5 Subdivision 1. **Requirements.** ~~(a) The Professional Educator Licensing and Standards~~
3.6 ~~Board must approve a request from a district or charter school to issue~~ an application for a
3.7 ~~Tier 2 license in a specified content area to a candidate if:~~

3.8 ~~(1) the candidate meets the educational or professional requirements in paragraph (b)~~
3.9 ~~or (c);~~

3.10 ~~(2) the candidate:~~

3.11 ~~(i) has completed the coursework required under subdivision 2;~~

3.12 ~~(ii) is enrolled in a Minnesota-approved teacher preparation program; or~~

3.13 ~~(iii) has a master's degree in the specified content area; and~~

3.14 ~~(3) the district or charter school demonstrates that a criminal background check under~~
3.15 ~~section 122A.18, subdivision 8, has been completed on the candidate.~~

3.16 ~~(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside~~
3.17 ~~a career and technical education or career pathways course of study.~~

3.18 ~~(c) A candidate for a Tier 2 license must have one of the following credentials in a~~
3.19 ~~relevant content area to teach a class or course in a career and technical education or career~~
3.20 ~~pathways course of study:~~

3.21 ~~(1) an associate's degree;~~

3.22 ~~(2) a professional certification; or~~

3.23 ~~(3) five years of relevant work experience.~~

3.24 (1) the application has been submitted jointly by the applicant and the district;

3.25 (2) the application has been paid for by the district or the applicant;

3.26 (3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;

3.27 (4) the district demonstrates that a criminal background check under section 122A.18,
3.28 subdivision 8, has been completed for the applicant; and

3.29 (5) the applicant:

- 4.1 (i) has completed the coursework required under subdivision 2;
4.2 (ii) is enrolled in a Minnesota-approved teacher preparation program; or
4.3 (iii) has a master's degree in the specified content area.

4.4 Sec. 5. Minnesota Statutes 2022, section 122A.182, is amended by adding a subdivision
4.5 to read:

4.6 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
4.7 Tier 2 license are exempt from the requirement to hold a bachelor's degree in subdivision
4.8 1:

4.9 (1) an applicant for a Tier 2 license to teach career and technical education or career
4.10 pathways courses of study when the applicant has:

- 4.11 (i) an associate's degree;
4.12 (ii) a professional certification; or
4.13 (iii) five years of relevant work experience;

4.14 (2) an applicant for a Tier 2 license to teach world languages and culture pursuant to
4.15 Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language;
4.16 and

4.17 (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota
4.18 Rules, parts 8710.4300 dance and theatre, 8710.4310 dance, 8710.4320 theatre, 8710.4650
4.19 vocal music and instrumental music, and 8710.4900 visual arts, when the applicant has at
4.20 least five years of relevant work experience.

4.21 (b) The Professional Educator Licensing and Standards Board must adopt rules regarding
4.22 the qualifications and determinations for applicants exempt from the requirement to hold a
4.23 bachelor's degree in subdivision 1.

4.24 Sec. 6. Minnesota Statutes 2022, section 122A.182, subdivision 4, is amended to read:

4.25 **Subd. 4. Application.** The Professional Educator Licensing and Standards Board must
4.26 accept applications for a Tier 2 teaching license beginning July 1 of the school year for
4.27 which the license is requested ~~and must issue or deny the Tier 2 teaching license within 30~~
4.28 ~~days of receiving the completed application;~~ at the board's discretion, the board may begin
4.29 to accept and review licenses before July 1.

4.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 7. Minnesota Statutes 2022, section 122A.183, subdivision 1, is amended to read:

5.2 Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards
5.3 Board must issue a Tier 3 license to ~~a candidate~~ an applicant who provides information
5.4 sufficient to demonstrate all of the following:

5.5 ~~(1) the candidate meets the educational or professional requirements in paragraphs (b)~~
5.6 ~~and (c);~~

5.7 ~~(2) the candidate has obtained a passing score on the required licensure exams under~~
5.8 ~~section 122A.185; and~~

5.9 (1) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;
5.10 and

5.11 ~~(3)~~ (2) the candidate applicant has completed the coursework required under subdivision
5.12 2.

5.13 ~~(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or~~
5.14 ~~course outside a career and technical education or career pathways course of study.~~

5.15 ~~(c) A candidate for a Tier 3 license must have one of the following credentials in a~~
5.16 ~~relevant content area to teach a class or course in a career and technical education or career~~
5.17 ~~pathways course of study:~~

5.18 ~~(1) an associate's degree;~~

5.19 ~~(2) a professional certification; or~~

5.20 ~~(3) five years of relevant work experience.~~

5.21 ~~In consultation with the governor's Workforce Development Board established under section~~
5.22 ~~116L.665, the board must establish a list of qualifying certifications, and may add additional~~
5.23 ~~professional certifications in consultation with school administrators, teachers, and other~~
5.24 ~~stakeholders.~~

5.25 Sec. 8. Minnesota Statutes 2022, section 122A.183, subdivision 2, is amended to read:

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

5.28 (1) completion of a Minnesota-approved teacher preparation program;

5.29 (2) completion of a state-approved teacher preparation program that includes field-specific
5.30 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher

6.1 preparation programs. The field-specific student teaching requirement does not apply to a
6.2 ~~candidate~~ an applicant that has two years of field-specific teaching experience;

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

6.4 (4) a professional teaching license from another state, evidence that the ~~candidate's~~
6.5 applicant's license is in good standing, and two years of field-specific teaching experience;

6.6 or

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

6.11 Sec. 9. Minnesota Statutes 2022, section 122A.183, is amended by adding a subdivision
6.12 to read:

6.13 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
6.14 Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision
6.15 1:

6.16 (1) an applicant for a Tier 3 license to teach career and technical education or career
6.17 pathways courses of study when the applicant has:

6.18 (i) an associate's degree;

6.19 (ii) a professional certification; or

6.20 (iii) five years of relevant work experience;

6.21 (2) an applicant for a Tier 3 license to teach world languages and culture pursuant to
6.22 Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language;
6.23 and

6.24 (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota
6.25 Rules, parts 8710.4300 dance and theatre, 8710.4310 dance, 8710.4320 theatre, 8710.4650
6.26 vocal music and instrumental music, and 8710.4900 visual arts, when the applicant has at
6.27 least five years of relevant work experience.

6.28 (b) The Professional Educator Licensing and Standards Board must adopt rules regarding
6.29 the qualifications and determinations for applicants exempt from the requirement to hold a
6.30 bachelor's degree in subdivision 1.

7.1 Sec. 10. Minnesota Statutes 2022, section 122A.184, subdivision 1, is amended to read:

7.2 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards
7.3 Board must issue a Tier 4 license to ~~a candidate~~ an applicant who provides information
7.4 sufficient to demonstrate all of the following:

7.5 (1) the ~~candidate~~ applicant meets all requirements for a Tier 3 license under section
7.6 122A.183, and has completed a teacher preparation program under section 122A.183,
7.7 subdivision 2, clause (1) or (2);

7.8 (2) the ~~candidate~~ applicant has at least three years of field-specific teaching experience
7.9 ~~in Minnesota~~ as teacher of record;

7.10 (3) the ~~candidate~~ applicant has obtained a passing score on all required licensure exams
7.11 under section 122A.185; and

7.12 ~~(4) the candidate's most recent summative teacher evaluation did not result in placing~~
7.13 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~
7.14 ~~subdivision 8, or 122A.41, subdivision 5.~~

7.15 (4) if the applicant previously held a Tier 3 license under section 122A.183, the applicant
7.16 has completed the renewal requirements in section 122A.187.

7.17 Sec. 11. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:

7.18 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~
7.19 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~
7.20 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~
7.21 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~
7.22 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~
7.23 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~
7.24 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~
7.25 ~~122A.183, respectively.~~

7.26 ~~(b)~~ The board must adopt rules requiring candidates applicants for Tier 3 and Tier 4
7.27 licenses to pass an examination or performance assessment of general pedagogical knowledge
7.28 and examinations of licensure field specific content. An applicant is exempt from the
7.29 examination requirements if the applicant completed:

7.30 (1) a board-approved teacher preparation program; or

8.1 (2) a state-approved teacher preparation program in another state and passed licensure
8.2 examinations in that state, if applicable. The content examination requirement does not
8.3 apply if no relevant content exam exists.

8.4 ~~(c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must~~
8.5 ~~pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,~~
8.6 ~~scientifically based reading instruction under section 122A.06, subdivision 4, knowledge~~
8.7 ~~and understanding of the foundations of reading development, development of reading~~
8.8 ~~comprehension and reading assessment and instruction, and the ability to integrate that~~
8.9 ~~knowledge and understanding into instruction strategies under section 122A.06, subdivision~~
8.10 ~~4.~~

8.11 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~
8.12 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~
8.13 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~
8.14 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~
8.15 ~~provide direct instruction in their native language or world language instruction under section~~
8.16 ~~120B.022, subdivision 1.~~

8.17 Sec. 12. Minnesota Statutes 2022, section 122A.185, subdivision 4, is amended to read:

8.18 Subd. 4. **Remedial assistance.** ~~(a) A board-approved teacher preparation program must~~
8.19 ~~make available upon request remedial assistance that includes a formal diagnostic component~~
8.20 ~~to persons enrolled in their institution who did not achieve a qualifying score on a~~
8.21 ~~board-adopted skills examination, including those for whom English is a second language.~~
8.22 ~~The teacher preparation programs must make available assistance in the specific academic~~
8.23 ~~areas of candidates' deficiency.~~

8.24 ~~(b) School districts may make available upon request similar, appropriate, and timely~~
8.25 ~~remedial assistance that includes a formal diagnostic component to those persons employed~~
8.26 ~~by the district who completed their teacher education program, who did not achieve a~~
8.27 ~~qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2,~~
8.28 ~~or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in~~
8.29 ~~Minnesota.~~

8.30 Sec. 13. **122A.441] SHORT-CALL SUBSTITUTE TEACHER PILOT PROGRAM.**

8.31 (a) A school district or charter school and applicant may jointly request the Professional
8.32 Educator Licensing and Standards Board approve an application for a short-call substitute
8.33 teaching license. The application information must sufficiently demonstrate the following:

9.1 (1) the applicant:

9.2 (i) holds a minimum of an associate's degree or equivalent and has or will receive
9.3 substitute training from the school district or charter school; or

9.4 (ii) holds a minimum of a high school diploma or equivalent and has been employed as
9.5 an education support personnel or paraprofessional within the district or charter school for
9.6 at least one academic year; and

9.7 (2) the school district or charter school has requested a background check in accordance
9.8 with section 123B.03.

9.9 (b) The Professional Educator Licensing and Standards Board may issue a temporary
9.10 teaching license pending a background check under section 122A.18, subdivision 8, and
9.11 may immediately suspend or revoke the license upon receiving background check
9.12 information. An applicant submitting an application for a short-call substitute teaching
9.13 license in accordance with section 122A.18, subdivision 7a, paragraph (a), must not be
9.14 required to complete a joint application with a district and must not be issued a license
9.15 pending a background check under section 122A.18, subdivision 8.

9.16 (c) The board may prioritize short-call substitute teaching license applications to expedite
9.17 the review process.

9.18 (d) A school district or charter school must provide a substitute teacher who receives a
9.19 substitute teaching license through the pilot program with substitute teacher training. The
9.20 board may remove a school district or charter school from the pilot program for failure to
9.21 provide the required training.

9.22 (e) A school district or charter school must not require an employee to apply for a
9.23 substitute teaching license, or retaliate against an employee that does not apply for a substitute
9.24 teaching license under the pilot program.

9.25 (f) A school district or charter school must compensate an employee working as a
9.26 short-call substitute teacher under the pilot program with the greater of \$200 per day or the
9.27 employee's regular rate of pay.

9.28 **EFFECTIVE DATE.** This section is effective for the 2023-2024 and 2024-2025 school
9.29 years only.

9.30 Sec. 14. Minnesota Statutes 2022, section 122A.635, subdivision 3, is amended to read:

9.31 Subd. 3. **Grant program administration.** The Professional Educator Licensing and
9.32 Standards Board may enter into an interagency agreement with the Office of Higher

10.1 Education. The agreement may include a transfer of funds to the Office of Higher Education
10.2 to help establish and administer the competitive grant process. The board must award grants
10.3 to institutions located in various economic development regions throughout the state, but
10.4 must not predetermine the number of institutions to be awarded grants under this section
10.5 or set a limit for the amount that any one institution may receive as part of the competitive
10.6 grant application process. The competitive grant process for grants after fiscal year 2023
10.7 must be awarded for a two-year grant period. All grants must be awarded by August 15 of
10.8 the fiscal year in which the grants are to be used ~~except that, for initial competitive grants~~
10.9 ~~awarded for fiscal year 2020, grants must be awarded by September 15.~~ An institution that
10.10 receives a grant under this section may use the grant funds over a two- to four-year period
10.11 to support teacher candidates.

10.12 Sec. 15. Minnesota Statutes 2022, section 122A.635, subdivision 4, is amended to read:

10.13 Subd. 4. **Report.** (a) By ~~January~~ August 15 of each year, an institution awarded a grant
10.14 under this section must prepare for the legislature and the board a detailed report regarding
10.15 the expenditure of grant funds, including the amounts used to recruit, retain, and induct
10.16 teacher candidates of color or who are American Indian. The report must include the total
10.17 number of teacher candidates of color, disaggregated by race or ethnic group, who are
10.18 recruited to the institution, are newly admitted to the licensure program, are enrolled in the
10.19 licensure program, have completed student teaching, have graduated, are licensed, and are
10.20 newly employed as Minnesota teachers in their licensure field. A grant recipient must report
10.21 the total number of teacher candidates of color or who are American Indian at each stage
10.22 from recruitment to licensed teaching as a percentage of total candidates seeking the same
10.23 licensure at the institution.

10.24 (b) By November 1 of each year, the board must post a report on its website summarizing
10.25 the activities and outcomes of grant recipients and results that promote sharing of effective
10.26 practices among grant recipients.

10.27 Sec. 16. Minnesota Statutes 2022, section 122A.70, is amended by adding a subdivision
10.28 to read:

10.29 Subd. 5a. **Grant program administration.** The Professional Educator Licensing and
10.30 Standards Board may enter into an interagency agreement with the Office of Higher
10.31 Education or the Department of Education. The agreement may include a transfer of funds
10.32 to the Office of Higher Education or the Department of Education to help administer the
10.33 competitive grant process.

11.1 Sec. 17. **REPEALER.**

11.2 Minnesota Rules, part 8710.0500, subparts 8 and 11, are repealed.

8710.0500 EXAMINATIONS FOR TEACHER LICENSES.

Subp. 8. **Admission to upper division or graduate coursework.** Candidates for an initial license shall provide official evidence to the institutions they attend of having taken the examinations adopted under subpart 1, item A, before enrolling in upper division coursework in the professional education sequence. Candidates for an initial license who have a baccalaureate degree shall provide official evidence to the institutions they attend of having taken the examinations adopted under subpart 1, item A, before enrolling in coursework in the professional education sequence. Candidates who fail to achieve the minimum passing score on one or more of the examinations may enroll in upper division or graduate coursework in the professional education sequence; however, candidates must achieve the passing scores established under subpart 3 before recommendation for a first professional teaching license. Colleges and universities must provide candidates who fail the examinations access to opportunities to enhance their skills.

Subp. 11. **Applicants prepared outside Minnesota.** Applicants for Minnesota licensure who complete teacher preparation outside Minnesota but who have not met the requirements under subpart 1 and who otherwise meet the applicable statutes and rules shall be granted no more than three one-year temporary licenses. An applicant who has not achieved a minimum passing score on the examinations required under subpart 1, may renew a temporary license under this subpart if the applicant provides evidence of having taken all required examinations under subpart 1 and having enrolled in programs designed to assist the applicant to achieve the minimum passing scores. Applicants prepared outside Minnesota who provide evidence of meeting all examination requirements for professional Minnesota licensure shall be granted the professional teaching licenses for which they qualify.