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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3580

02/20/2020 Authored by Youakim
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying teacher licensure provisions; modifying
1.3 Professional Educator Licensing and Standards Board composition; authorizing
1.4 rulemaking; making technical changes; amending Minnesota Statutes 2018, sections
1.5 122A.06, subdivisions 2, 5, 7, 8; 122A.07, subdivisions 1, 2, 4a; 122A.09,
1.6 subdivision 9; 122A.182, subdivisions 1, 2; 122A.185, subdivision 1; 122A.187,
1.7 subdivision 3, by adding a subdivision; 122A.19, subdivision 4; Minnesota Statutes
1.8 2019 Supplement, sections 122A.18, subdivision 10; 122A.635, subdivisions 3,
1.9 4.

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

1.11 Section 1. Minnesota Statutes 2018, section 122A.06, subdivision 2, is amended to read:

1.12 Subd. 2. Teacher. "Teacher" means a classroom teacher or other similar professional
1.13 employee required to hold a license or permission from the Professional Educator Licensing
1.14 and Standards Board.

1.15 Sec. 2. Minnesota Statutes 2018, section 122A.06, subdivision 5, is amended to read:

1.16 Subd. 5. Field. A "field," "licensure area," or "subject area" means the content area in
1.17 which a teacher may become licensed to teach.

1.18 Sec. 3. Minnesota Statutes 2018, section 122A.06, subdivision 7, is amended to read:

1.19 Subd. 7. Teacher preparation program. "Teacher preparation program" means a
1.20 program approved by the Professional Educator Licensing and Standards Board for the
1.21 purpose of preparing individuals for a specific teacher licensure field in Minnesota. Teacher
1.22 preparation programs include traditional programs delivered by postsecondary institutions,
1.23 alternative teacher preparation programs, and nonconventional teacher preparation programs.

2.1 Sec. 4. Minnesota Statutes 2018, section 122A.06, subdivision 8, is amended to read:

2.2 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program
2.3 provider" or "unit" means an entity that has primary responsibility for overseeing and
2.4 delivering a teacher preparation program. Teacher preparation program providers include
2.5 postsecondary institutions and alternative teacher preparation providers aligned to section
2.6 122A.2451.

2.7 Sec. 5. Minnesota Statutes 2018, section 122A.07, subdivision 1, is amended to read:

2.8 Subdivision 1. **Appointment of members.** The Professional Educator Licensing and
2.9 Standards Board consists of ~~11~~ 13 members appointed by the governor, with the advice and
2.10 consent of the senate. Membership terms, compensation of members, removal of members,
2.11 the filling of membership vacancies, and fiscal year and reporting requirements are as
2.12 provided in sections 214.07 to 214.09. No member may be reappointed for more than one
2.13 additional term.

2.14 Sec. 6. Minnesota Statutes 2018, section 122A.07, subdivision 2, is amended to read:

2.15 Subd. 2. **Eligibility; board composition.** Each nominee, other than a public nominee,
2.16 must be selected on the basis of professional experience and knowledge of teacher education,
2.17 accreditation, and licensure. The board must be composed of:

2.18 (1) ~~six~~ seven teachers who are currently teaching in a Minnesota school or who were
2.19 teaching at the time of the appointment, have at least five years of teaching experience, and
2.20 were not serving in an administrative function at a school district or school when appointed.
2.21 The ~~six~~ seven teachers must include the following:

2.22 (i) one teacher in a charter school;

2.23 (ii) one teacher from the seven-county metropolitan area, as defined in section 473.121,
2.24 subdivision 2;

2.25 (iii) one teacher from outside the seven-county metropolitan area;

2.26 (iv) one teacher from a related service category licensed by the board;

2.27 (v) one special education teacher; and

2.28 (vi) two teachers that represent current or emerging trends in education;

2.29 ~~(vi)~~ (2) one teacher from educator currently teaching in a state-approved teacher
2.30 preparation program;

3.1 ~~(2)~~ (3) one superintendent that alternates each term between a superintendent from the
 3.2 seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a
 3.3 superintendent from outside the metropolitan area;

3.4 ~~(3)~~ (4) one school district human resources director;

3.5 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,
 3.6 who oversees a special education program;

3.7 ~~(5)~~ (6) one principal that alternates each term between an elementary and a secondary
 3.8 school principal; and

3.9 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

3.10 Sec. 7. Minnesota Statutes 2018, section 122A.07, subdivision 4a, is amended to read:

3.11 Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief
 3.12 administrative officer for the board but shall not be a member of the board. The executive
 3.13 director shall maintain the records of the board, account for all fees received by the board,
 3.14 supervise and direct employees servicing the board, and perform other services as directed
 3.15 by the board.

3.16 (b) The Department of Administration must provide administrative support in accordance
 3.17 with section 16B.371. The commissioner of administration must assess the board for services
 3.18 it provides under this section.

3.19 ~~(c) The Department of Education must provide suitable offices and other space to the
 3.20 board at reasonable cost until January 1, 2020. Thereafter, the board may contract with
 3.21 either the Department of Education or the Department of Administration for the provision
 3.22 of suitable offices and other space, joint conference and hearing facilities, and examination
 3.23 rooms.~~

3.24 Sec. 8. Minnesota Statutes 2018, section 122A.09, subdivision 9, is amended to read:

3.25 Subd. 9. **Professional Educator Licensing and Standards Board must adopt rules.** (a)
 3.26 The Professional Educator Licensing and Standards Board must adopt rules subject to the
 3.27 provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092,
 3.28 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185,
 3.29 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.2451, 122A.26, 122A.28, and
 3.30 122A.29.

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

4.4 (c) The board must adopt rules relating to the grade levels that a licensed teacher may
 4.5 teach.

4.6 (d) If a rule adopted by the board is in conflict with a session law or statute, the law or
 4.7 statute prevails. Terms adopted in rule must be clearly defined and must not be construed
 4.8 to conflict with terms adopted in statute or session law.

4.9 (e) The board must include a description of a proposed rule's probable effect on teacher
 4.10 supply and demand in the board's statement of need and reasonableness under section 14.131.

4.11 (f) The board must adopt rules only under the specific statutory authority.

4.12 Sec. 9. Minnesota Statutes 2019 Supplement, section 122A.18, subdivision 10, is amended
 4.13 to read:

4.14 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards
 4.15 Board must adopt rules establishing a process for an eligible candidate to obtain ~~any teacher~~
 4.16 a Tier 3 license under subdivision 1, or to add a licensure field, via portfolio. The portfolio
 4.17 licensure application process must be consistent with the requirements in this subdivision.

4.18 (b) A candidate for a Tier 3 license via portfolio must submit to the board one portfolio
 4.19 demonstrating pedagogical competence and one portfolio demonstrating content competence.

4.20 (c) A candidate seeking to add a licensure field via portfolio must submit to the board
 4.21 one portfolio demonstrating content competence for each licensure field the candidate seeks
 4.22 to add.

4.23 (d) The board must notify a candidate who submits a portfolio under paragraph (b) or
 4.24 (c) within 90 calendar days after the portfolio is received whether or not the portfolio is
 4.25 approved. If the portfolio is not approved, the board must immediately inform the candidate
 4.26 how to revise the portfolio to successfully demonstrate the requisite competence. The
 4.27 candidate may resubmit a revised portfolio at any time and the board must approve or
 4.28 disapprove the revised portfolio within 60 calendar days of receiving it.

4.29 (e) A candidate must pay a fee for a portfolio in accordance with section 122A.21,
 4.30 subdivision 4.

5.1 Sec. 10. Minnesota Statutes 2018, section 122A.182, subdivision 1, is amended to read:

5.2 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
5.3 Board must approve a request from a district or charter school to issue a Tier 2 license in a
5.4 specified content area to a candidate if:

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

5.7 (2) the candidate:

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

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

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

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

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

5.15 (c) A candidate for a Tier 2 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 Sec. 11. Minnesota Statutes 2018, section 122A.182, subdivision 2, is amended to read:

5.22 Subd. 2. **Coursework.** (a) A candidate for a Tier 2 license must meet the coursework
5.23 requirement by demonstrating completion of two of the following:

5.24 (1) at least eight upper division or graduate-level credits in the relevant content area;

5.25 (2) field-specific methods of training, including coursework;

5.26 (3) at least two years of teaching experience in a similar content area in any state, as
5.27 determined by the board;

5.28 (4) a passing score on either the pedagogy exam or performance assessment and a passing
5.29 score on content exams under section 122A.185; or

6.1 (5) completion of a state-approved teacher preparation program.

6.2 (b) For purposes of paragraph (a), "upper division" means classes normally taken at the
6.3 junior or senior level of college which require substantial knowledge and skill in the field.
6.4 Candidates must identify the upper division credits that fulfill the requirement in paragraph
6.5 (a), clause (1).

6.6 Sec. 12. Minnesota Statutes 2018, section 122A.185, subdivision 1, is amended to read:

6.7 Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board
6.8 must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted
6.9 examination of skills in reading, writing, and mathematics before being granted a Tier 4
6.10 teaching license under section 122A.184 to provide direct instruction to pupils in elementary,
6.11 secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier
6.12 3 license to provide direct instruction to pupils in elementary, secondary, or special education
6.13 programs if candidates meet the other requirements in section 122A.181, 122A.182, or
6.14 122A.183, respectively.

6.15 (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to
6.16 pass an examination or performance assessment of general pedagogical knowledge and
6.17 examinations of licensure field specific content. The content examination requirement does
6.18 not apply if no relevant content exam exists.

6.19 (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
6.20 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
6.21 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge
6.22 and understanding of the foundations of reading development, development of reading
6.23 comprehension and reading assessment and instruction, and the ability to integrate that
6.24 knowledge and understanding into instruction strategies under section 122A.06, subdivision
6.25 4.

6.26 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills
6.27 examination does not apply to nonnative English speakers, as verified by qualified Minnesota
6.28 school district personnel or Minnesota higher education faculty, who, after meeting the
6.29 content and pedagogy requirements under this subdivision, apply for a teaching license to
6.30 provide direct instruction in their native language or world language instruction under section
6.31 120B.022, subdivision 1.

7.1 Sec. 13. Minnesota Statutes 2018, section 122A.187, subdivision 3, is amended to read:

7.2 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
7.3 license under sections 122A.183 and 122A.184, respectively, who have been employed as
7.4 a teacher during the renewal period of the expiring license, as a condition of license renewal,
7.5 must present to their local continuing education and relicensure committee or other local
7.6 relicensure committee evidence of work that demonstrates professional reflection and growth
7.7 in best teaching practices, ~~including among other things, cultural competence in accordance~~
7.8 ~~with section 120B.30, subdivision 1, paragraph (c), and practices in meeting the varied~~
7.9 ~~needs of English learners, from young children to adults under section 124D.59, subdivisions~~
7.10 ~~2 and 2a.~~ A teacher may satisfy the requirements of this paragraph by submitting the teacher's
7.11 most recent summative evaluation or improvement plan under section 122A.40, subdivision
7.12 8, or 122A.41, subdivision 5.

7.13 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
7.14 relicensing requirements include paragraph (a).

7.15 Sec. 14. Minnesota Statutes 2018, section 122A.187, is amended by adding a subdivision
7.16 to read:

7.17 Subd. 7. **Cultural competency training.** The Professional Educator Licensing and
7.18 Standards Board must adopt rules that require all licensed teachers who are renewing a Tier
7.19 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include
7.20 in the renewal requirements cultural competency training and meeting the varied needs of
7.21 English learners from young children to adults under section 124D.59, subdivisions 2 and
7.22 2a.

7.23 Sec. 15. Minnesota Statutes 2018, section 122A.19, subdivision 4, is amended to read:

7.24 Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual
7.25 and English as a second language teachers, the board may approve teacher preparation
7.26 programs at colleges or universities designed for their training.

7.27 (b) Programs that prepare English as a second language teachers must provide instruction
7.28 in implementing research-based practices designed specifically for English learners. The
7.29 programs must focus on developing English learners' academic language proficiency in
7.30 English, including oral academic language, giving English learners meaningful access to
7.31 the full school curriculum, developing culturally relevant teaching practices appropriate for
7.32 immigrant students, and providing more intensive instruction and resources to English

8.1 learners with lower levels of academic English proficiency and varied needs, consistent
8.2 with section 124D.59, subdivisions 2 and 2a.

8.3 Sec. 16. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 3, is amended
8.4 to read:

8.5 Subd. 3. **Grant program administration.** The Professional Educator Licensing and
8.6 Standards Board may enter into an interagency agreement with the Office of Higher
8.7 Education. The agreement may include a transfer of funds to the Office of Higher Education
8.8 to help establish and administer the competitive grant process. The board must award grants
8.9 to institutions located in various economic development regions throughout the state, but
8.10 must not predetermine the number of institutions to be awarded grants under this section
8.11 or set a limit for the amount that any one institution may receive as part of the competitive
8.12 grant application process. All grants must be awarded by August 15 of the fiscal year in
8.13 which the grants are to be used except that, for initial competitive grants awarded for fiscal
8.14 year 2020, grants must be awarded by September 15. An institution that receives a grant
8.15 under this section may use the grant funds over a two- to four-year period to support teacher
8.16 candidates. Grants awarded after fiscal year 2021 will be awarded for a two-year grant
8.17 period.

8.18 Sec. 17. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 4, is amended
8.19 to read:

8.20 Subd. 4. **Report.** (a) By ~~January 15~~ June 30 of each year, an institution awarded a grant
8.21 under this section must prepare for the legislature and the board a detailed report regarding
8.22 the expenditure of grant funds, including the amounts used to recruit, retain, and induct
8.23 teacher candidates of color or who are American Indian. The report must include the total
8.24 number of teacher candidates of color, disaggregated by race or ethnic group, who are
8.25 recruited to the institution, are newly admitted to the licensure program, are enrolled in the
8.26 licensure program, have completed student teaching, have graduated, are licensed, and are
8.27 newly employed as Minnesota teachers in their licensure field. A grant recipient must report
8.28 the total number of teacher candidates of color or who are American Indian at each stage
8.29 from recruitment to licensed teaching as a percentage of total candidates seeking the same
8.30 licensure at the institution.

8.31 (b) The board must post a report on its website summarizing the activities and outcomes
8.32 of grant recipients and results that promote sharing of effective practices among grant
8.33 recipients.

9.1 Sec. 18. **TRANSFER OF POWERS.**

9.2 The responsibilities of the Professional Educator Licensing and Standards Board with
9.3 respect to the staff automated reporting (STAR) system are transferred by law to the
9.4 Department of Education for purposes of Minnesota Statutes, section 15.039.