

8705.2600 BOARD ACTIONS, DISCRETIONARY VARIANCES, AND APPEALS.

Subpart 1. **Interim conditional approval.** When amendments or additions to Minnesota statutes or to Professional Educator Licensing and Standards Board rules regarding teacher licensure requirements necessitate substantial unit or preparation program revisions, the board may grant interim conditional approval to any currently approved unit and its currently approved teacher preparation programs upon receipt of assurances on a form established by the board that the new requirements will be met by their effective date. The unit or program is returned to its former status upon full compliance with new requirements on a schedule determined by the board.

Subp. 2. **Revocation or suspension of approval.** The board may revoke or suspend the approval status of a unit or program when the board determines that the unit violated ethical or legal practices or board rules. A provider may reapply for approval after two years have passed since the date of the board action.

Subp. 3. **Appeal of board decision.** A provider may appeal a decision by the board regarding the approval status of a unit or a program to prepare candidates for teacher licensure pursuant to Minnesota Statutes, chapter 14.

Subp. 4. **Voluntary discontinuation.**

A. For a unit to voluntarily discontinue an approved licensure program, the unit must submit a letter signed by the unit's administration to the executive director of the board, including:

- (1) a brief rationale for discontinuing the program;
- (2) the last date when new candidates are allowed to enter the program; and
- (3) a list of candidates enrolled with expected completion dates.

B. The unit must notify all enrolled candidates in writing of the program's discontinuation and their program completion options.

C. A provider must submit a request for initial program approval (RIPA) application according to part 8705.2100 to obtain approval of a program that has been voluntarily discontinued.

Subp. 5. **Discretionary variance.** The board may grant a discretionary variance to authorize a provider or program to meet a requirement in this chapter in a manner other than as specified in rule or to waive the requirement entirely when application of the requirement would result in undue hardship. A provider may request a discretionary variance by using a form developed by the board. To apply for a discretionary variance, a provider must:

- A. identify the requirement for which the variance is requested;
- B. describe why adherence to the particular rule requirement would impose an undue burden or hardship; and
- C. describe the alternative practices or measures in place to protect the rights and learning opportunities of candidates and students and the rationale for any alternative practices or measures.

The board shall review discretionary variance requests. If the discretionary variance request is denied, the board shall provide a written determination listing the reason for the denial. The board may attach conditions to granting the variance if it is determined that conditions are needed to protect the rights of candidates and students.

Subp. 6. Interim reports.

A. If the board identifies new or repeated violations of the requirements in this chapter, chapter 8710, or Minnesota Statutes, chapter 122A, the board may require the unit to submit an interim report. The unit must submit an interim report within two months of receiving notice, and the report must include evidence of how the violations were resolved and how the unit or program has achieved compliance.

B. Upon receipt of the interim report, the board must take one or more of the following actions:

(1) notify the unit in writing that sufficient evidence has been submitted to determine that the violations identified in the interim report are "Met";

(2) change the unit's approval status to "continuing approval with focus areas" for the remainder of the unit's approval period or until the unit provides evidence that all requirements identified in the interim report are "Met";

(3) change the unit's approval status to probationary for the remainder of the unit's approval period but no longer than two years or until the unit provides additional evidence that all requirements identified in the interim report are "Met";

(4) disapprove the unit;

(5) change a program's approval status to "approved with focus areas" for the remainder of the program's approval period or until the program provides evidence that all requirements identified in the interim report are "Met";

(6) change a program's approval status to "probationary" for the remainder of the program's approval period but no longer than two years or until the program provides evidence that all requirements identified in the interim report are "Met"; or

(7) discontinue its program or programs.

C. When taking a board action against a unit or program, the board must consider the nature and severity of the violation of law or rule and the effect of the violation on the rights of the candidates in the program.

Statutory Authority: *MS s 122A.09; 122A.092*

History: *39 SR 822; L 2017 1Sp5 art 12 s 22; 45 SR 1159*

Published Electronically: *July 1, 2021*