

**8710.0311 TIER 1 LICENSE.**

Subpart 1. **Purpose.** If a district is unable to fill an open position with a teacher holding a Tier 2, 3, or 4 license, a Tier 1 license must be issued, consistent with this part, to an applicant who does not hold a Tier 2, 3, or 4 license on behalf of a district request except as provided in part 8710.0310, subpart 4. A Tier 1 license authorizes the license holder to teach within the requesting district and the specific licensure field in the application.

Subp. 2. **Requirements.** The board must issue a Tier 1 license to an applicant upon request by the designated administrator of the hiring district. The applicant must initiate the application process and meet the requirements of this subpart.

A. The applicant must:

(1) hold the minimum of a bachelor's degree from a college or university located in the United States that is regionally accredited by the Higher Learning Commission or by the regional association for accreditation of colleges and secondary schools, as verified by a college transcript;

(2) hold a credential from outside the United States that is equivalent to a bachelor's degree, as verified by a credential evaluation completed by a credential evaluator approved by the National Association of Credential Evaluation Services or other board-approved credential evaluation service; or

(3) for applicants in career and technical education fields and career pathway courses of study, have one of the following:

(a) five years of relevant work experience aligned to the assignment;

(b) an associate's degree aligned to the assignment; or

(c) a professional certification aligned to the assignment from an approved certifying organization.

B. The hiring district must show:

(1) the position was posted for at least 15 days on the board-approved statewide job board; and

(2) a Tier 1 license for this applicant is warranted for this assignment because one of the following:

(a) no individual who holds a Tier 2, 3, or 4 license for the assignment applied for the position;

(b) no individual who holds a Tier 2, 3, or 4 license for the assignment accepted the position; or

(c) for each individual who holds a Tier 2, 3, or 4 license that may have accepted the assignment, the individual was unacceptable for the assignment because one or more of the following:

- i. the individual was not fluent in the language required for the assignment;
- ii. the individual was unwilling to abide by or unable to apply the pedagogical model of the district or school;
- iii. the individual had disciplinary action with the board or final disciplinary action in a district;
- iv. the individual was unwilling to abide by culturally responsive teaching principles; or
- v. the individual had references that indicated an unwillingness or ineligibility to rehire the individual, including in the applying district.

C. The hiring district must affirm the applicant:

- (1) will participate in a mentorship program;
- (2) will participate in an evaluation aligned to the district's teacher development and evaluation model under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another identified district-aligned evaluation; and
- (3) has the necessary skills and knowledge to teach in the content field aligned to the assignment.

D. A committee of board staff designated by the board must review applications that meet board criteria to fill an emergency position under this subpart. An emergency position is any position opened due to exigent circumstances, including but not limited to an unexpected resignation, leave of absence, or death of a position holder, in which the position starts within five days of the emergency request; the district has no reasonable alternative to fill the position; the applicant meets the professional qualifications for a Tier 1 license pursuant to Minnesota Statutes, section 122A.181, subdivision 2; and the district has completed a background check pursuant to Minnesota Statutes, section 123B.03, subdivision 1. If all criteria for an emergency position are met, the committee must issue an interim permission within three business days of receipt of the request that expires upon any of the following, whichever occurs first:

- (1) the district hires a Tier 2, 3, or 4 licensed teacher;
- (2) the applicant is issued a short-call substitute license;
- (3) the district submits a completed Tier 1 application that is denied or accepted by the board; or
- (4) 30 days after issuance.

Subp. 3. **Duration.** A Tier 1 license is valid for up to one year and expires on June 30 of the expiration year. A Tier 1 license may be used until September 1 after the date of expiration if the placement is in a summer school program at the district aligned to the license or is part of a year-round school at the district aligned to the licensure area.

Subp. 4. **First renewal.** To renew a Tier 1 license for the first time, the applicant must initiate the renewal application process, and the hiring district must meet the requirements of this subpart.

A. The hiring district must show that the position was posted for at least 60 days on the board-approved statewide job board. If an applicant accepts the position but later turns it down, the hiring district must repost the position for 15 days.

B. The hiring district must show one of the following:

(1) no individual who holds a Tier 2, 3, or 4 license for the assignment applied for the position;

(2) no individual who holds a Tier 2, 3, or 4 license for the assignment accepted the position; or

(3) for each individual who holds a Tier 2, 3, or 4 license that may have accepted the assignment, the individual was unacceptable for the assignment because one or more of the following:

(a) the individual was not fluent in the language required for the assignment;

(b) the individual was unwilling to abide by or unable to apply the pedagogical model of the district or school;

(c) the individual had disciplinary action with the board or final disciplinary action in a district;

(d) the individual was unwilling to abide by culturally responsive teaching principles; or

(e) the individual had references that indicated an unwillingness or ineligibility to rehire the individual, including in the applying district.

C. The applicant must show the applicant attempted the board-approved content examination aligned to the assignment, if applicable, during the academic year in which the applicant held a Tier 1 license. Any licensure area that does not have a board-approved content examination is exempt from this requirement.

D. The hiring district must show the applicant participated in:

(1) cultural competency training;

(2) a mentorship program; and

(3) an evaluation aligned to the district's teacher development and evaluation model under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another identified district-aligned evaluation.

E. A committee of board staff designated by the board must review applications that meet board criteria to fill an emergency position under this subpart. An emergency position is any position opened due to exigent circumstances, including but not limited to an unexpected resignation, leave of absence, or death of a position holder, in which the position starts within five days of the

emergency request; the district has no reasonable alternative to fill the position; the applicant meets the professional qualifications for a Tier 1 license pursuant to Minnesota Statutes, section 122A.181, subdivision 2; and the district has completed a background check pursuant to Minnesota Statutes, section 123B.03, subdivision 1. If all criteria for an emergency position are met, the committee must issue an interim permission within three business days of receipt of the request that expires upon any of the following, whichever occurs first:

- (1) the district hires a Tier 2, 3, or 4 licensed teacher;
- (2) the applicant is issued a short-call substitute license;
- (3) the district submits a completed Tier 1 application that is denied or accepted by the board; or
- (4) 30 days after issuance.

Subp. 5. **Second and third renewals.** To renew a Tier 1 license for the second or third time, the applicant must initiate the renewal application process, and the hiring district must meet the requirements of this subpart.

A. The hiring district must show that the position was posted for at least 60 days on the board-approved statewide job board. If an applicant accepts the position but later turns it down, the hiring district must repost the position for 15 days.

B. The hiring district must show one of the following:

- (1) no individual who holds a Tier 2, 3, or 4 license for the assignment applied for the position;
- (2) no individual who holds a Tier 2, 3, or 4 license for the assignment accepted the position; or
- (3) for each individual who holds a Tier 2, 3, or 4 license that may have accepted the assignment, the individual was unacceptable for the assignment because one or more of the following:
  - (a) the individual was not fluent in the language required for the assignment;
  - (b) the individual was unwilling to abide by or unable to apply the pedagogical model of the district or school;
  - (c) the individual had disciplinary action with the board or final disciplinary action in a district;
  - (d) the individual was unwilling to abide by culturally responsive teaching principles; or
  - (e) the individual had references that indicated an unwillingness or ineligibility to rehire the individual, including in the applying district.

C. The hiring district must show the applicant participated in:

(1) a mentorship program; and

(2) an evaluation aligned to the district's teacher development and evaluation model under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another identified district-aligned evaluation.

D. A committee of board staff designated by the board must review applications that meet board criteria to fill an emergency position under this subpart. An emergency position is any position opened due to exigent circumstances, including but not limited to an unexpected resignation, leave of absence, or death of a position holder, in which the position starts within five days of the emergency request; the district has no reasonable alternative to fill the position; the applicant meets the professional qualifications for a Tier 1 license pursuant to Minnesota Statutes, section 122A.181, subdivision 2; and the district has completed a background check pursuant to Minnesota Statutes, section 123B.03, subdivision 1. If all criteria for an emergency position are met, the committee must issue an interim permission within three business days of receipt of the request that expires upon any of the following, whichever occurs first:

(1) the district hires a Tier 2, 3, or 4 licensed teacher;

(2) the applicant is issued a short-call substitute license;

(3) the district submits a completed Tier 1 application that is denied or accepted by the board; or

(4) 30 days after issuance.

Subp. 6. **Additional renewals.** To renew a Tier 1 license more than three times, the applicant must initiate the renewal application process, and the hiring district must meet the requirements of this subpart.

A. The hiring district must show that the position was posted for at least 60 days on the board-approved statewide job board. If an applicant accepts the position but later turns it down, the hiring district must repost the position for 15 days.

B. The hiring district must show one of the following:

(1) no individual who holds a Tier 2, 3, or 4 license for the assignment applied for the position;

(2) no individual who holds a Tier 2, 3, or 4 license for the assignment accepted the position; or

(3) for each individual who holds a Tier 2, 3, or 4 license that may have accepted the assignment, the individual was unacceptable for the assignment because one or more of the following:

(a) the individual was not fluent in the language required for the assignment;

(b) the individual was unwilling to abide by or unable to apply the pedagogical model of the district or school;

(c) the individual had disciplinary action with the board or final disciplinary action in a district;

(d) the individual was unwilling to abide by culturally responsive teaching principles;  
or

(e) the individual had references that indicated an unwillingness or ineligibility to rehire the individual, including in the applying district.

C. The hiring district must show one of the following:

(1) the Tier 1 teacher is teaching in a career and technical education field or career pathway course of study; or

(2) the Tier 1 teacher is teaching in a licensure area, including licensure field shortages, economic development region shortages, and regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region as identified in the biennial supply and demand report under Minnesota Statutes, section 127A.05, subdivision 6.

If the hiring district cannot meet the requirements of item C, the district must provide within the renewal application good cause justification for why the applicant should receive additional Tier 1 renewals pursuant to part 8710.0310, subpart 1, item G. The renewal application is reviewed pursuant to Minnesota Statutes, section 122A.181, subdivision 3. The board must issue or deny the renewal no later than 60 days after receiving the renewal application.

D. The hiring district must show the applicant participated in:

(1) a mentorship program; and

(2) an evaluation aligned to the district's teacher development and evaluation model under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5, or if the statutory models are not practicable, to another identified district-aligned evaluation.

E. A committee of board staff designated by the board must review applications that meet the board criteria to fill an emergency position under this subpart. An emergency position is any position opened due to exigent circumstances, including but not limited to an unexpected resignation, leave of absence, or death of a position holder, in which the position starts within five days of the emergency request; the district has no reasonable alternative to fill the position; the applicant meets the professional qualifications for a Tier 1 license pursuant to Minnesota Statutes, section 122A.181, subdivision 2; and the district has completed a background check pursuant to Minnesota Statutes, section 123B.03, subdivision 1. If all criteria for an emergency position are met, the committee must issue an interim permission within three business days of receipt of the request that expires upon any of the following, whichever occurs first:

(1) the district hires a Tier 2, 3, or 4 licensed teacher;

(2) the applicant is issued a short-call substitute license;

(3) the district submits a completed Tier 1 application that is denied or accepted by the board; or

(4) 30 days after issuance.

Subp. 7. **Position change.** If a Tier 1 license holder moves to another licensure area within a district or to another district, prior to the expiration of the Tier 1 license, the license holder must initiate a new application, including paying the application fee, and the hiring district must meet the requirements under subpart 2 for the new position. The applicant is not required to complete a new background check by the board. The Tier 1 license issued by the board under this subpart is considered a new license, not a renewal under subparts 4 to 6.

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

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