

8710.0320 OUT-OF-FIELD PERMISSION.

Subpart 1. **Purpose.** An out-of-field permission authorizes a teacher holding a Tier 2, 3, or 4 license, consistent with this part, to teach in a field not aligned with the license held.

Subp. 2. **Requirements.**

A. The board must issue an out-of-field permission upon request by the designated administrator of the hiring district. The applicant must initiate the application process, and the hiring district must show:

- (1) the applicant holds a valid Tier 2, 3, or 4 license;
- (2) the applicant holds a license other than for a related services professional under parts 8710.6000 to 8710.6400;
- (3) the applicant holds a bachelor's degree to receive an out-of-field permission for any license under parts 8710.3000 to 8710.5850;
- (4) the applicant approves the request; and
- (5) the position was posted for at least 15 days on the board-approved statewide job board.

B. The district must show one of the following:

- (1) the licensed applicant is an internal hire with one or more years of employment within the district;
- (2) the applicant has additional qualifications that align with the requirements of the position; or
- (3) one of the following:
 - (a) no teachers who hold a Tier 2, 3, or 4 license in the assignment applied for the position;
 - (b) no teachers who hold a Tier 2, 3, or 4 license in the assignment accepted the position; or
 - (c) for each teacher who holds a Tier 2, 3, or 4 license in the assignment that may have accepted the position, one of the following:
 - i. the applicant is not fluent in the language required for the position;
 - ii. the applicant was unwilling to abide by or unable to apply the pedagogical model of the district or school;
 - iii. the applicant had a disciplinary action with the board or final disciplinary action in a district;

iv. the applicant was unwilling to abide by culturally responsive teaching principles; or

v. the applicant had references that indicated an unwillingness or ineligibility to rehire the applicant, including in the applying district.

C. An applicant who holds a Tier 2, 3, or 4 license in career and technical education or career pathways fields without a baccalaureate degree may obtain an out-of-field permission for another career and technical education or career pathways field.

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.** An out-of-field permission is valid for up to one year and expires on June 30 of the expiration year.

Subp. 4. **Renewal.** An out-of-field permission may be renewed four times. To renew an out-of-field permission, the applicant must initiate the application process, and the hiring district must show:

- A. the applicant approves the request;
- B. 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; and
- C. one of the following:
 - (1) the licensed applicant is an internal hire with one or more years of employment within the district;
 - (2) the applicant has additional qualifications that align with the requirements of the position; or

(3) one of the following:

(a) no teachers who hold a Tier 2, 3, or 4 license in the assignment applied for the position;

(b) no teachers who hold a Tier 2, 3, or 4 license in the assignment accepted the position; or

(c) for each teacher who holds a Tier 2, 3, or 4 license in the assignment that may have accepted the position, one of the following:

i. the applicant is not fluent in the language required for the position;

ii. the applicant was unwilling to abide by or unable to apply the pedagogical model of the district or school;

iii. the applicant had a disciplinary action with the board or final disciplinary action in a district;

iv. the applicant was unwilling to abide by culturally responsive teaching principles; or

v. the applicant had references that indicated an unwillingness or ineligibility to rehire the applicant, including in the applying district.

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. 5. **Additional renewals.** To renew an out-of-field permission more than four times, the hiring district must provide within the renewal application good cause justification for why the applicant should receive additional out-of-field permission 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.

Subp. 6. Limitations and exceptions.

A. An individual cannot hold an out-of-field permission to work in a related services position.

B. An out-of-field permission is limited to the licensure area and the district for which it was granted.

C. An out-of-field permission granted for a summer school only position may be renewed an unlimited number of times.

Statutory Authority: *MS s 122A.09*

History: *43 SR 463*

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