

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 an assignment outside of the scope or field of 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 if required by statute or rule to teach the field for which the out-of-field permission is sought;
- (4) the applicant approves the request;
- (5) the district will provide professional development, mentorship, or other supports for the applicant in any content area assigned to an out-of-field permission; and
- (6) the position was posted for at least 15 days on the board-approved statewide job board. The hiring district does not need to post the position on the board-approved statewide job board when:
 - (a) the assignment is a full-time equivalency of 0.25 or less; or
 - (b) the applicant is enrolled in and making meaningful progress, as defined by the provider, in a teacher preparation program aligned to the assignment.

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.

Subp. 3. **Duration.** An out-of-field permission is valid for one school year and expires on June 30 of the expiration year, unless otherwise indicated under item A or B at the time the permission is granted.

An out-of-field permission can be used until September 1 after the date of expiration if the placement is aligned to the permission and is:

- A. in a summer school program at the district; or
- B. part of the year-round school.

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 district will provide professional development, mentorship, or other supports for the applicant in any content area assigned to an out-of-field permission;
- C. 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. The hiring district does not need to post the position on the board-approved statewide job board when:

- (1) the assignment is a full-time equivalency of 0.25 or less; or
- (2) the applicant is enrolled in and making meaningful progress, as defined by the provider, in a teacher preparation program aligned to the assignment; and

D. 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.

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 H. 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.

D. A teacher holding a Tier 2 license may hold an out-of-field permission for no more than 50 percent of the teacher's total assignments.

Statutory Authority: *MS s 122A.09; 122A.092; 122A.18*

History: *43 SR 463; 47 SR 986*

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