

8710.1400 PERSONNEL VARIANCES.

Subpart 1. **Authority to issue personnel variances.** The Professional Educator Licensing and Standards Board hereby authorizes the issuance of personnel variances which permit a teacher to teach in related subjects or fields for which such teacher is not currently licensed. The designated administrator of a local school district or charter school may request the board to issue a personnel variance which permits a teacher to teach subjects or fields for which that teacher is not currently licensed.

Subp. 2. **Criteria for issuance.** A personnel variance authorized by subpart 1 shall be issued to the designated administrator of a school district or charter school if the following conditions are met:

A. the designated administrator of the school district or charter school requests a personnel variance according to this part;

B. the designated administrator of the school district or charter school verifies in writing that:

(1) reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher;

(2) no applicant holding a teaching license in a subject or field for which a personnel variance is requested can fulfill the requirements of the position; and

(3) the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide;

C. the teacher for whom the request is made holds a current valid Minnesota entrance, professional, or nonrenewable license granted by the Professional Educator Licensing and Standards Board; and

D. the teacher for whom the request is made is aware of the assignment.

Subp. 2a. **Exceptions.** No personnel variances shall be granted based on holding a current valid Minnesota temporary limited license unless the temporary limited license was granted based on having met all requirements except part 8710.0500. No personnel variances shall be granted for educational speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers.

Subp. 3. **Duration of personnel variance.** An application for a personnel variance must not be submitted prior to July 1 of the school year for which it is requested. A personnel variance is valid for one school year or a portion of a school year from the date of state approval to the following June 30. If the requesting school district or charter school offers summer school, the personnel variance that expires on June 30 is valid for teaching summer school in the year of expiration of the personnel variance.

Subp. 3a. **Number of personnel variances allowed.** Beginning with personnel variances issued on or after October 16, 2000, no more than three personnel variances shall be granted for any teacher to teach in subjects or fields for which the teacher is not licensed.

Subp. 4. **Written conditions for granting or denying personnel variance.** The Professional Educator Licensing and Standards Board shall state in writing to the designated administrator of the school district or charter school the conditions for granting or denying the personnel variance requested pursuant to this part.

Statutory Authority: *MS s 14.388; 122A.09; 122A.18; 125.05; 125.185*

History: *L 1995 1Sp3 art 16 s 13; L 1998 c 397 art 11 s 3; 23 SR 1928; 25 SR 805; 26 SR 81; L 2017 1Sp5 art 12 s 22*

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