

Categorical Summary of Statutory References to Teacher Licensure

Prepared for the Legislative Study Group on Educator Licensure created under Laws 2016, chapter 189, article 24, section 24, by Kevin R. Behr, Assistant Revisor of Statutes

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Below is a summary of all statutory references to teacher licensure in Minnesota, including references to how a teaching license is applied for, issued, obtained, and retained, including continuing education, teacher development, and disciplinary actions. The summary also includes relevant references to various definitions of “teacher”, requirements for teacher preparation programs, duties of the Board of Teaching, and the relationships between the Board, the Department of Education, and the commissioner of education. All references have been divided into categories for ease of navigation. All references herein include any and all changes made by Laws 2016, Chapter 158, Article 1; and Laws 2016, Chapter 189, Articles 24–34.

Definitions

122A.06, subd. 2: defines “teacher” as a classroom teacher required to hold a license issued by the Board of Teaching

122A.15: for licensure purposes, defines “teachers” as any person employed in a public school who is a member of the instructional (classroom teachers, secondary vocational teachers), supervisory (superintendent, principal, supervisor), or support staff (librarians, counselors, psychologists, nurses, social workers, audio-visual directors/coordinators, recreational personnel, media generalists/supervisors, speech therapists); “supervisory personnel” is defined as principals, superintendents, athletic coaches, and those who devote 50% or more of their time to administrative duties

122A.16: defines a “qualified teacher” as a teacher holding a valid license and employed in a public school

122A.40: generally outlines employment and termination of teachers;

- **subd. 1:** for employment and contract purposes, “teacher” is defined as “a principal, supervisor, and classroom teacher and any other professional employee required to hold a license from the [department]”
- **subd. 2:** for employment and contract purposes, a “nonprovisional license” is defined as “an entrance, continuing, or life license”

122A.41, subd. 1: for purposes of the Teacher Tenure Act, which generally outlines employment and termination of teachers in cities of the first class, “teacher” is defined as “every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher; includes counselors and school librarians if they are licensed as teachers or school librarians; “nonprovisional license” is defined as “an entrance, continuing, or life license”

123A.33, subd. 1: for the purposes of cooperative and intermediate districts, “teacher” is defined as “a teacher who is employed by a district or center...except that it does not include a superintendent”; an “education support position” is defined as a position not requiring a teaching license but in which an employee assists a teacher by providing instructional, counseling, or evaluative support services directly to students

124D.454, subd. 2: for purposes of career and technical education programs for children with disabilities, “essential personnel” is defined as a licensed teacher, licensed support staff, paraprofessional providing direct services, or personnel holding a valid career and technical license (from the commissioner pursuant to the Board’s rules) or vocational license (from MnSCU)

124D.59, subd. 3: for the purposes of English learner programs, “essential instructional personnel” is defined as: (1) a teacher licensed by the Board to teach bilingual education or English as a second language (ESL); or (2) any licensed teacher, if the district assures the department that the teacher will obtain training necessary to provide appropriate service to English learners

126C.12, subd. 2: for the purposes of learning and development revenue, “classroom teacher” is defined as a public employee licensed by the Board to teach all subjects in K-6; the definition excludes teachers who receive federal or categorical special education aid, itinerant teachers, or teachers who provide instruction outside a regular classroom

136A.1791, subd. 1: for purposes of the teacher shortage loan forgiveness program, “teacher” is defined as a person holding a teaching license issued by the department “on behalf of the Board” who is employed in a school district to provide instruction in a shortage area

179A.03, subd. 18: for purposes of public employment and labor relations, “teacher” is defined as any public employee (except superintendents and principals) “in a position for which the person must be licensed by the Board of Teacher or the commissioner of education...”

354A.011, subd. 27: for purposes of teacher retirement funds, “teacher” is defined as a person rendering services in a public school (charter schools not included) in St. Paul with a license from the department

Board Duties

120B.363: the Board of Teaching must adopt rules to credential education paraprofessionals aiding licensed teachers

122A.09: generally establishes the duties of the Board of Teaching; specifically:

- **subd. 4:** the Board must adopt rules to license public school teachers and interns
- **subd. 4a:** the Board must submit an annual report regarding performance outcomes in teacher prep programs
- **subd. 6:** the Board must keep a register of all licensed teachers
- **subd. 9:** the Board may adopt rules to implement teacher licensing provisions in statute
- **subd. 10:** the Board may grant variances (or waivers) to rules for experimental programs in learning or management (such as licenses for Montessori teachers and career and technical instructors)

122A.17: the Board cannot adopt rules affecting the validity of licenses in effect on July 1, 1974

122A.18: generally authorizes the Board to issue teaching licenses; specifically:

- **subd. 2:** describes multiple levels of licensure, including initial one-year professional licenses, one-year temporary licenses, restricted licenses, and professional five-year licenses
- **subd. 2b:** the Board must adopt rules for a reading specialist license
- **subd. 4a:** authorizes issuance of a two-year provisional license
- **subd. 7:** authorizes issuance of a two-year provisional license in a shortage field
- **subd. 7b:** the Board must accept applications for temporary limited licenses
- **subd. 7c:** the Board must establish a temporary teaching license for active-duty members of the military or recent veterans

Commissioner Involvement

122A.09: generally establishes the duties of the Board, but also requires participation by the commissioner:

- **subd. 5:** a representative of the commissioner of education must comment on any rule adopted by the Board

- **subd. 7:** the commissioner must provide all materials and assistance for the Board to carry out its business

122A.162: the commissioner may make rules related to licensing school personnel who are not licensed by the Board

122A.163: upon agreement with the Board, the commissioner may grant a variance to rules governing licenses issued by the Board

122A.18, subd. 3: the commissioner must issue licenses for coaches and supervisory personnel

214.04, subd. 1: the commissioner must provide administrative support services to the Board; the Attorney General's Office must provide all investigative services to the Board

Teacher Preparation

122A.18: generally outlines the Board's duties to issue licenses, but specifically refers to teacher prep programs as follows:

- **subd. 2a:** requires all teacher prep programs to include research-based best practices in reading and literacy
- **subd. 3a:** requires all teacher prep programs to include digital and blended learning curricula training
- **subd. 6:** the Board must accept certain alternatives (e.g., training through Peace Corps, VISTA, or Teacher Corps) to completing the human relations component of teacher training programs
- **subd. 7a:** a person who has completed student teaching and is enrolled in a teaching program may be employed as a short-call substitute teacher

122A.245: the Board must approve alternative teacher prep programs and issue preliminary teaching licenses that can lead to professional five-year licenses upon successful completion of the alternative prep program

122A.69: the Board may partner with teacher prep institutions to place teaching students (who have completed at least two years of the program) with licensed teachers as practice or student teachers

122A.71: requires the Board to evaluate the effectiveness of teacher prep programs

125A.64, subd. 5: the Minnesota State Academies may partner with teacher prep institutions for student teachers to get practical experience in the classroom

214.03, subd. 1: the Board must use national standardized tests for the objective, non-practical portion of any exam given to prospective licensees

Applications / Background Checks

122A.18, subd. 8: first-time applicants for a teaching license must submit to a background check

122A.21: establishes a license application fee and outlines the requirements for licensure via portfolio

123B.03: generally outlines use of background checks on potential teachers; specifically:

- **subd. 1:** a school hiring authority has the discretion to not order a criminal background check on an individual who holds “an initial entrance license” issued by the Board within the last year
- **subd. 1a:** teachers must indicate on applications for employment whether there are any current or previous disciplinary actions taken against their license; the school hiring authority must contact the Board if there has been any action and obtain public information regarding the substance of the action
- **subd. 2:** a school hiring authority may refuse to hire or may warn the teacher that employment may be terminated based on the result of the Board’s action

364.09: the prohibition of the use of criminal records in evaluating an applicant for public or private employment does not apply to a school district or to eligibility for a license issued or renewed by the Board or the commissioner

Out-of-State Applicants / Teachers

122A.23: generally outlines eligibility for those trained or licensed outside Minnesota; specifically:

- **subd. 1:** outlines prep program equivalencies for applicants trained out-of-state
- **subd. 2:** outlines requirements for the Board to issue professional five-year licenses, initial professional one-year licenses, and two-year provisional permissions to teachers licensed in another state
- **subd. 3:** the Board must enter interstate agreements to allow certified teachers in adjoining states to transfer their certifications to Minnesota

122A.90: codification of interstate agreement to facilitate the employment of qualified teachers in Minnesota who were trained or have experience elsewhere

Continuing Education / Teacher Development

120A.415: a portion of the school calendar must be dedicated to staff development, which includes peer mentoring, peer gathering, continuing education, or professional development

120B.12, subd. 4: requires teachers to have sufficient training to ensure all children can read at or above grade level by the end of grade 3

122A.414, subd. 2: Q-comp may be used to incentivize teachers to obtain advanced certification in their licensure field or obtain an additional license in a shortage area; it may also be used to fund “grow your own” new teacher initiatives

122A.61: districts must reserve at least two percent of their basic revenue for teacher development and evaluation

122A.68: authorizes a teaching residency program designed to help train/mentor new teachers (licensed for less than two years with less than nine months of full-time licensed teaching experience); individual plans must be approved by the Board

122A.70: establishes teacher mentorship programs aimed at new teachers, teachers of color, teachers with special needs, or experienced teachers in need of peer coaching

122A.72: provides for creation of teacher centers, which, among other things, must provide professional development programs to train teachers in STEM fields

Renewal

122A.18, subd. 4: outlines expiration and renewal of teaching licenses; the Board must establish requirements to renew coaches’ licenses

214.06: authorizes the Board to collect licensing and renewal fees

214.12, subd. 1: the Board must establish rules for license renewal and continuing education; a 50-hour-per-year limitation on continuing education requirements does not apply to the Board of Teaching

326.55, subd. 2: members of the military are exempt from license renewal fees and their licenses cannot be canceled for nonpayment while on active duty or for six months after active duty concludes

Specific Licenses

122A.19: outlines eligibility, prep programs, employment, hiring, and requirements for bilingual and ESL teaching licenses

122A.25: the Board may issue variances to schools to hire non-licensed community experts—who pass background checks—to teach on a limited basis

122A.26: community education teachers are exempt from licensure requirements except: adult basic education programs (further excepting ESL teachers with advanced linguistics degrees); early childhood and family education programs; driving instructors; and those who teach courses to persons under age 18 that offer credit toward graduation

122A.28: outlines licensing requirements to teach deaf and hard-of-hearing students

122A.29: requires teachers of blind and visually impaired students be competent in reading and writing Braille

122A.30: part-time vocational or technical education teachers are exempt from licensure through June 30, 2020

122A.31: outlines additional requirements for American sign language/English interpreters over and above regular licensure requirements; requires the state to hire a specialist in deaf and hard-of-hearing education

122A.33: a head varsity coach does not need a coaching license or a bachelor's degree if: the school board determines the coach has enough knowledge to coach the sport; the coach has six quarter credits or 60 clock hours of first aid training, and the coach has completed a coaching methods or theory course

124D.13, subd. 11: a school board must employ licensed teachers for early childhood family education programs, but the Board of Teaching may grant a variance

124D.52, subd. 4: a teacher competent to communicate in English and another language does not need a license to teach ESL at a worksite; a person with a bachelor's or master's degree in ESL, applied linguistics, or bilingual education does not need a license to teach ESL for an approved adult basic education program

124D.75: the Board must grant initial and continuing teaching licenses in American Indian language and culture education

128B.05, subd. 4: "instructors in Indian culture" in ISD 309 (Park Rapids) do not need to be licensed by the Board but are considered teachers for all other purposes

Miscellaneous Provisions

120A.22, subd. 10: a person must have a teaching license to provide instruction to children

122A.22: a school district must verify through the department's website that a teacher is indeed "qualified" before the district can account for that qualified teacher

122A.56, subd. 3: allows, upon agreement between a school district and a postsecondary institution, a member of a postsecondary institution to teach in an elementary or secondary school without a license that may otherwise be necessary on a temporary basis, and vice versa

122A.63: authorizes grant program to help American Indian students become teachers and provide additional education for American Indian teachers in certain schools

124E.12, subd. 1: charter schools must employ licensed teachers, and state aid may be reduced if a teacher is not appropriately licensed by the Board

127A.42, subd. 2: state aid may be reduced if a school district employs a teacher in a public school without a valid teaching license

127A.43: when a district employs one or more teachers without a valid license, state aid shall be reduced by: the ratio of unlicensed teachers to the total number of teachers, multiplied by 60 percent of basic revenue received by the district in the year the employment occurred

127A.70, subd. 2a: Minnesota P-20 partnership stakeholders must examine possibilities to redesign teacher licensure requirements and make recommendations to the Board to create specialized licenses, credentials, and endorsements for language immersion, career development, work-based learning, early college, and career and technical programs

214.045: "The commissioner of health and health-related licensing boards must coordinate with the Board of Teaching when modifying licensure requirements for regulated persons in order to have consistent regulatory requirements for personnel who perform services in schools."

214.07: the Board must report to the governor in each even-numbered year various licensure-related statistics, including the number of licensees, their demographics, the number of revocations and suspensions, the number of exams taken, etc.

Disciplinary Actions

122A.20: generally outlines the grounds for revocation, suspension, or denial of a teaching license and related procedures

- **subd. 2:** requires a school board to report all teacher discharges, resignations, and suspensions to the Board, which must then forward the report to the Attorney General's Office for assistance in determining whether to suspend or revoke said teachers' licenses

122A.40: generally outlines employment and termination of teachers; specifically as to discipline:

- **subd. 13:** a school board may immediately discharge a teacher for a number of reasons, including conviction of a felony, conduct unbecoming of a teacher, or immoral conduct; the discharge information must then be sent to the Board for consideration on renewal, suspension, or revocation of the teacher's license

122A.41: the Teacher Tenure Act generally outlines employment and termination of teachers in cities of the first class; specifically as to discipline:

- **subd. 6:** a teacher may be discharged for cause for a number of reasons, including conviction of a felony, conduct unbecoming of a teacher, or immoral conduct; the discharge information must then be sent to the Board for consideration on renewal, suspension, or revocation of the teacher's license

136A.1791: generally outlines the teacher shortage loan forgiveness program; specifically as to discipline:

- **subd. 7:** a teacher who submits a false or misleading application for loan forgiveness may have their license suspended or revoked

214.10: generally outlines the complaint, investigation, and discipline procedures related to various license holders in the state

- **subd. 2a:** a licensing board must initiate proceedings to suspend or revoke a license or refuse to renew a license of someone convicted of one of a number of crimes, including mistreatment of confined persons, criminal abuse, criminal neglect, or theft
- **subd. 9:** if a licensed person is convicted of one of a number of crimes against minors, including murder, manslaughter, criminal vehicular homicide/operation, aiding suicide, assault, criminal sexual conduct, or malicious punishment of a child, there is a rebuttable presumption in a license revocation proceeding that the person is unfit to practice their profession or occupation

214.101: if a licensing board receives a court order indicating a person is in arrears on child support, the board must suspend the person's license within 30 days

609A.03, subd. 7a, paragraph (b), clause (5): an expunged record of a conviction may be opened for background checks by the Board unless the expungement order is directed to the Board or the department; the Bureau of Criminal Apprehension must notify the Board or the department of the existence of a sealed record

609B.121: a teaching license shall be revoked upon conviction of child abuse, sexual abuse of a child, using minors in a sexual performance, or possessing pornographic works involving a minor

609B.122: upon notice of license revocation due to a conviction for child abuse or sexual abuse of a child, a teacher under contract as a probationary or continuing-contract teacher must be discharged

626.556, subd. 11: the commissioner must be given all requested data relevant to a report of maltreatment of a student and if the maltreatment involved a person licensed by the Board, the commissioner must provide all relevant information to the Board to consider suspension or revocation of the license

626A.20: if a person is convicted of illegally intercepting and disclosing wire, electronic, or oral communications, the court administrator must send notice of the conviction to the Board for consideration of suspension or revocation of the person's license

631.40: generally outlining entry of judgment of a conviction; specifically:

- **subd. 2:** if an offender convicted of a crime against a minor holds a professional license, the court administrator shall send a certified copy of the conviction to the licensing board, which must then initiate revocation proceedings within 30 days
- **subd. 4:** if a person is convicted of child abuse or sexual abuse of a child, the court must determine whether the person is a licensed teacher, and if so, the court administrator must send a certified copy of the conviction to the Board within 10 days