

Categorical Summary of Statutory References to School Administrator 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 school administrator licensure in Minnesota, including references to how an administrator license is applied for, issued, obtained, and retained, including continuing education and disciplinary actions. The summary also includes relevant references to various definitions of “supervisory personnel” or “school administrators”, requirements for alternative administrator preparation programs, duties of the Board of School Administrators, and the relationships between BOSA, the Department of Education, and the commissioner of education. All references have been divided into categories for ease of navigation.

Definitions

122A.11, subd. 3: references **122A.15, subd. 2** to define “supervisory personnel” for the purpose of licensure as “superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel”

- **Note:** although 122A.15, subd. 2 includes athletic coaches, 122A.11, subd. 3 specifically excludes them

122A.40, subd. 1: for purposes of employment, contracts, and termination, principals and supervisors are deemed “teachers”; superintendents are deemed “teachers” only for subdivisions 3 and 19 of this section (hiring/firing and expungement of records, respectively)

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, principals, superintendents, and supervisors of classroom instruction are included in the definition of “teacher”

125A.76, subd. 1: for purposes of special education revenue, administrators and supervisors are not considered “essential personnel”

179A.03, subd. 12: for purposes of public employment and labor relations, “principal” and “assistant principal” are defined as any person licensed by the commissioner who devotes more than 50 percent of their time to administrative or supervisory duties

354.05, subd. 2: for purposes of teacher retirement, supervisors, principals, and superintendents are included in the definition of “teacher”, unless exempted from licensure under 122A.30 (technical education instructors)

354A.011, subd. 27: for purposes of teacher retirement in certain cities, any full-time employee in a position requiring a valid license from the department is included in the definition of “teacher”

Board Duties

122A.14: generally outlines the duties of the Board of School Administrators

- **subd. 1:** requires BOSA to license all school administrators and adopt rules for licensure; requires rules for licensure of administrators who have completed alternative prep programs; allows collaboration with the Board of Teaching “regarding multiple license matters”
- **subd. 2:** BOSA must review and approve/disapprove prep programs; prep programs must include instruction on meeting the needs of English learners both in English and in the students’ native language, where practicable
- **subd. 3:** BOSA must adopt rules for continuing education requirements, including English learner strategies
- **subd. 4:** BOSA must develop a code of ethics, including ethical conduct, professional performance, and enforcement (*see also 122A.18, subd. 3* below)
- **subd. 6:** BOSA must keep a register of all licensed school administrators
- **subd. 8:** BOSA must develop accountability measures for prep programs and report to the legislature every odd-numbered year
- **subd. 10:** BOSA must annually report cumulative summary results of three years of data reported under 122A.09, subd. 4a(c) for each principal prep program

122A.18: generally requires BOSA to issue licenses to supervisory personnel, except athletic coaches

- **subd. 1:** BOSA must enter a data sharing agreement with the department of education to improve administration programs at E-12 levels

Commissioner Involvement

122A.14: generally establishes BOSA's duties, but also requires participation by the commissioner:

- **subd. 5:** a representative of the commissioner of education must comment on any rule adopted by BOSA
- **subd. 7:** the commissioner must provide all materials and assistance for BOSA to carry out its business

122A.162: the commissioner may make rules relating to licensure of school personnel not licensed by BOSA

122A.163: upon agreement from BOSA, the commissioner may grant a rule variance for licensure

122A.18, subd. 3: the commissioner may develop a code of ethics for supervisory personnel, including ethical conduct, professional performance, and enforcement (see also **122A.14, subd. 4** above)

122A.18, subd. 8: the commissioner must request a background check from the BCA on "all applicants for initial licenses" under the commissioner's jurisdiction; however, please note that school administrators are not specifically mentioned herein

122A.27: generally outlines alternative preparation programs, but includes duties to be performed by the commissioner:

- **subd. 1, paragraph (c):** the commissioner issues a one-year "alternative preparation license" to participants upon their admission to alternative administrator prep programs
- **subd. 5:** the commissioner must issue a standard entrance license to an alternative prep licensee who completes the school year in the alternative prep program and receives a positive recommendation

School Administrator Preparation

122A.09, subd. 4a, paragraph (c): BOSA must annually report summary data on administrator preparation and performance outcomes, including, among others, faculty

qualifications; time needed to complete the program; and the number and percent of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator

122A.27: generally outlines requirements for alternative administrator preparation programs that lead to “an entrance license”

- **subd. 6:** a person with a valid alternative preparation license is considered a qualified administrator under **122A.16** (defining “qualified teacher”)

Applications / Background Checks

122A.14, subd. 9: establishes an annual license fee of \$75; if unpaid, the administrator’s license is automatically suspended without the right to a hearing until the fee is paid

122A.21, subd. 1: changes made by Laws 2016, Chapter 158, Article 1, Section 40 and Laws 2016, Chapter 189, Article 33, Section 1 removed the Board of Teaching’s discretion to set an application processing fee for administrator or supervisor licenses; this change makes it unclear whether BOSA or the Board of Teaching is actually authorized to collect a processing fee on applications for the issuance, renewal, or extension of a license of an administrator or supervisor (specific language is “license to teach”)

Renewal

122A.18, subd. 4: outlines expiration and renewal of administrator licenses

214.06: generally authorizes BOSA to collect licensing and renewal fees

214.12, subd. 1: authorizes BOSA to establish rules for license renewal and continuing education

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

Miscellaneous Provisions

123A.22, subd. 4: cooperative centers for vocational education must employ licensed school administrators

123B.147, subd. 2: all principals must have a valid license for supervision and administration as established by rules set by the commissioner

124D.19, subd. 3: a school board may apply to BOSA to use an unlicensed individual as a community education director; in districts with a total population less than 6,000, a person with a superintendent license may be a director of community education

124E.12, subd. 2: a person without a valid administrator's license may nonetheless perform administrative, supervisory, or instructional leadership duties at a charter school

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

135A.153, subd. 4: the Higher Education Center on Violence and Abuse must convene a task force for school administrators to review current programs and licensing regulations to ensure administrators are properly prepared and updated on violence and abuse issues in schools

136D.73, subd. 4: intermediate school districts must hire licensed school administrators

214.07: BOSA 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 an administrator license and related procedures

- **subd. 2:** requires a school board to report all administrator discharges, resignations, and suspensions to BOSA, 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 administrators; specifically as to discipline:

- **subd. 13:** a school board may immediately discharge an administrator 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 BOSA for consideration on renewal, suspension, or revocation of the administrator's license

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

- **subd. 6:** an administrator 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 BOSA for consideration on renewal, suspension, or revocation of the administrator's license

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 BOSA unless the expungement order is directed to the department; the Bureau of Criminal Apprehension must notify the licensing division of the department of the existence of a sealed record

609B.122: upon notice of license revocation due to a conviction for child abuse or sexual abuse of a child, a teacher (including principals and supervisors) 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 BOSA, the commissioner must provide all relevant information to BOSA 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 BOSA 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

