OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

EVALUATION REPORT

Minnesota Teacher Licensure

MARCH 2016

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OLA
OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA • James Nobles, Legislative Auditor

March 2016

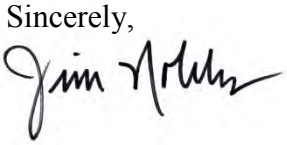
Members of the Legislative Audit Commission:

At your request, the Office of the Legislative Auditor evaluated teacher licensure in Minnesota. This report presents the results of our evaluation.

We found that teacher licensure laws are complex, unclear, and confusing. We also found that because the Minnesota Board of Teaching and the Minnesota Department of Education share responsibility for licensing teachers in Minnesota, accountability is diffuse and decision making is not always transparent. We make a number of recommendations for the Legislature to consider that would clarify teacher-licensure requirements and more clearly assign responsibility for licensing teachers in the state.

Our evaluation was conducted by Judy Randall (evaluation manager), Sarah Delacueva, and Katie Reed. The Minnesota Board of Teaching and the Minnesota Department of Education cooperated fully with our evaluation.

Sincerely,



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Summary

Minnesota's teacher-licensure system is broken and needs significant changes.

Key Facts and Findings:

- In Minnesota, two state agencies—the Board of Teaching (BoT) and the Minnesota Department of Education (MDE)—share responsibility for licensing teachers. In general, BoT establishes requirements for teacher licensure, and MDE reviews license applications, makes licensure decisions, and issues teaching licenses. (pp. 4-6)
- Minnesota's structure for licensing teachers is confusing, which makes it difficult to hold BoT or MDE accountable for licensing decisions. Statutes blur the lines of responsibility and accountability between BoT and MDE. (pp. 85-88)
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- The constantly changing and poorly defined teacher-licensure laws make it difficult for BoT board members, MDE licensing specialists, and teacher candidates to understand Minnesota's teacher-licensure requirements. (pp. 72-74)
- Multiple exceptions to licensure requirements have led to loopholes and meaningless standards. (pp. 74-75)
- As a result of actions taken by the 2015 Legislature, Minnesota's licensure requirements are now more rigorous for candidates attending Minnesota teacher-preparation programs than for candidates trained and licensed in other states. (pp. 31-33)
- In many cases, MDE has not provided teacher candidates sufficient information about why it denied licensure applications. (pp. 60-63)
- The process BoT requires candidates to follow when appealing licensure decisions is not consistent with the law. (pp. 63-65)

Key Recommendations:

- The Legislature should consolidate all teacher-licensure activities into one state entity. (pp. 93-97)
- If nothing else, the Legislature should clarify in statute whether BoT or MDE is responsible for the various teacher-licensure activities. (p. 97)
- The Legislature should clarify Minnesota statutes regarding teacher-licensure requirements. (pp. 75-76)
- The Legislature should restructure the state's teacher-licensure system to ensure consistency and transparency; we recommend the Legislature consider establishing a tiered-licensure system. (pp. 76-78)
- In its licensure denial letters, MDE should specifically state the deficiencies it identified in an applicant's preparation or qualifications. (pp. 61-63)
- BoT should ensure that its licensure-appeal process is consistent with the law. (p. 66)

Report Summary

During the 2013-2014 school year, more than 58,000 teachers taught in Minnesota public schools. In general, teachers must hold a valid Minnesota teaching license to teach in a public school.[1] In Minnesota, the Board of Teaching (BoT) and Minnesota Department of Education (MDE) share responsibility for teacher licensure. BoT establishes standards for teacher preparation and licensure, and disciplines licensed teachers who violate the teachers' code of ethics. MDE reviews applications, decides whether an applicant is qualified to receive a license, and issues teacher licenses.

There are serious concerns about teacher shortages in Minnesota. While there are many causes for the teacher shortage, legislators and others have identified teacher licensure as a contributing factor. Minnesota's complex and frequently changing licensure requirements further complicate finding appropriately licensed teachers.

MDE issues different types of licenses depending on the extent to which applicants have met licensure requirements outlined in law.

To receive a five-year full professional license, which is the highest "level" of teaching license available in Minnesota, teacher candidates trained in the state must complete a BoT-approved teacher-preparation program. Each program must embed certain requirements, such as (1) 12 weeks of student teaching within the field(s) and grade level(s) in which the candidate is seeking licensure; and (2) courses on reading strategies, technology strategies, and working with diverse learners. Teacher candidates must also pass skills and pedagogy exams, and field-specific exams related to the content they wish to teach.

MDE may issue a "temporary" license to teacher candidates who meet some but not all licensure requirements. A temporary license allows candidates to teach while they work toward meeting the requirements. Depending on the candidates' qualifications, MDE may renew these one-year licenses up to three times to give candidates additional time to satisfy the requirements.

Based on school district or charter school request, BoT may issue candidates "special permissions." These permissions allow individuals to teach in a classroom without meeting all licensure requirements. Some special permissions allow *licensed* teachers to work outside of their licensed field. One type of special permission—the nonlicensed community expert permission—allows school districts and charter schools to hire *unlicensed* individuals to teach in a classroom. In most cases, BoT must approve special permission requests.

Minnesota's licensure requirements for teacher candidates trained outside of the state are now lower than for candidates trained in Minnesota.

The 2015 Legislature changed licensure requirements for teacher candidates trained outside of Minnesota. MDE can now license candidates trained and licensed in another state without evidence of reading instruction or technology strategies, among other things. In contrast to candidates trained in Minnesota, candidates from other states must show field-specific methods training *or* student teaching, *or* two years of experience. Additionally, student teaching experience of five days (as compared with the 12 weeks required of Minnesota-trained candidates) is sufficient.

[1] *Minnesota Statutes* 2015, 120A.22, subd. 10. *Minnesota Statutes* 2015, 122A.25 and 122A.30, identify some exceptions to this requirement.

MDE does not provide sufficient information about why it denies license applications, and BoT's appeal process is not consistent with law.

When MDE denies a teaching license to an applicant, its practice is to notify the candidate in a letter explaining the reasoning for the decision, options the candidate can pursue, and the candidate's right to appeal the decision.

We reviewed 100 application files, including the files of 31 candidates for whom MDE fully or partially denied licensure. Based on our review, 14 of these candidates received no letter explaining (1) why MDE denied them licenses or (2) that they had a right to appeal the decision. Among those who did receive a letter, we found MDE's reasoning unclear in a majority of cases. We recommend that MDE provide candidates a specific explanation as to why it denied a license application.

Applicants can challenge their licensing denial by appealing to BoT. However, BoT requires candidates to submit two written requests for appeal, rather than the one written request required by law. We recommend that BoT ensure that its licensure-appeal process aligns with the law.

Frequent changes to teacher-licensure requirements have made it difficult for applicants to know what Minnesota requires for a license.

In each of the past four legislative sessions, the Legislature has changed the law related to the skills exam that candidates must pass to receive a five-year full professional teaching license. The Legislature has also regularly added new requirements that board-approved teacher-preparation programs must include in their curricula. These frequent changes can impact teacher candidates. For example, one teacher candidate attended a Minnesota preparation program from 2007 to 2012 but did not successfully pass her licensure exams until 2015. When she applied for a five-year full professional license in 2015, the training she had completed—which met 2007 licensure standards—did not meet the 2015 standards. As a result, MDE denied the candidate the five-year license and advised her to take the necessary courses to meet current requirements.

In recent years, the Legislature has also established a number of exceptions to its licensure requirements. For example, candidates have at least four years to pass the required licensure exams, during which time MDE issues them a temporary license that allows them to teach in a Minnesota classroom. Similarly, special permissions allow candidates who do not meet licensure requirements to teach in a classroom, subject to board approval.

Teacher-licensure statutes use undefined and unclear terms, which makes licensure requirements difficult to understand.

Depending on an applicant's qualifications, statutes require BoT or MDE to issue a "teaching license," "standard license," or "initial license." However, neither statute nor rule defines any of these license types. As a result, it is not clear what type of license a candidate should receive based on these sections of law.

Additionally, one license type—a "restricted license"—has two different statutory meanings. One type of restricted license permits a candidate who is licensed in another state to be granted a license with a narrowed grade-level or content scope. For example, rather than receiving a license to teach Spanish in kindergarten through grade 12 (the typical Minnesota Spanish teaching license), a candidate licensed in another state to teach Spanish in grades

7 through 12 could receive a "restricted" Minnesota license to teach only secondary Spanish.

Statutes also permit MDE to grant a "restricted license" to a candidate who has completed all licensure requirements except for passing the skills exam. MDE issues this license at the request of the school district in which the candidate is currently teaching; the license is restricted to the subject area, grade level, and school in which the candidate is currently teaching.

The poorly defined terms, exceptions, and frequent changes in law make Minnesota's teacher-licensure system complex and confusing.

In response to our survey, BoT board members told us that current teacher-licensure laws are "ambiguous and difficult to navigate," "unclear," and "confusing and counterproductive." One board member noted that teacher-licensure statutes change regularly, which makes the laws that much more difficult to understand.

Similarly, MDE licensing specialists—the people who review applicants' qualifications and issue the licenses—are also occasionally confused by the frequently changing teacher-licensure laws. For example, MDE staff did not fully understand changes made by the 2015 Legislature that extended the number of years candidates have to pass the required licensure exams.

Finally, many applicants are confused about Minnesota's licensure requirements. As part of our evaluation, we surveyed licensure applicants who were trained or licensed in another state and who applied online for their first Minnesota teaching license in fiscal year 2015. Several respondents commented that the requirements to obtain a license are not clear. As one respondent said, "you need a firm understanding of Minnesota education laws to know how to apply and what is needed."

We recommend that at the very least, the Legislature clarify statutes regarding teacher-licensure requirements. While these changes will help, we think larger changes need to be made. Therefore, we also recommend an overhaul of the licensure system. We suggest the Legislature consider a tiered-licensing system that provides transparency, consistency, and flexibility.

Having two state entities responsible for teacher licensure is confusing and results in diminished accountability.

Stakeholders who regularly deal with the department and board often do not know which entity to contact with questions regarding teacher licensure. They told us that the structure is "confusing," "frustrating," and "complicated"; that "accountability is diffused"; and there is a lot of "finger pointing." In interviews, a longtime administrator told us that he could not define which entity does what task regarding teacher licensure, and that he typically contacts both BoT and MDE with any questions. Referring to the licensure structure, a school board member said, "There is a lot of mystery to it." MDE staff acknowledged that the public generally does not understand the difference between MDE and BoT.

The lack of transparency regarding which organization is responsible for a given task results in less accountability. If school administrators and license applicants do not know which state organization is making licensing decisions, it is difficult to hold the responsible organization accountable. We recommend that the Legislature consolidate all teacher-licensure activities into one state entity, and we think it makes the most sense to have BoT be the entity responsible for teacher licensure in Minnesota.

Introduction

Teachers in Minnesota public schools must meet certain requirements. The Legislature has established some of these requirements in statute, and the Minnesota Board of Teaching (BoT) has established additional requirements in rule. Both the board and the Minnesota Department of Education (MDE) are involved in licensing teachers, although they have different responsibilities.

Teacher licensure has been an area of perennial concern at the Legislature. Past and current legislative priorities have included (1) increasing diversity among Minnesota teachers as a means of addressing the widening student-achievement gap, (2) making teacher-testing requirements less onerous, and (3) establishing simpler pathways for teachers trained in other states to receive a Minnesota teaching license.

Concerns about statewide teacher shortages have also focused attention on teacher-licensure requirements. A 2015 MDE report identified teacher shortages in 11 areas, including special education, math, and English as a second language.[1] These shortages make it difficult for school administrators to hire appropriately licensed teachers and have magnified difficulties with Minnesota's complex licensure system.

In April 2015, the Legislative Audit Commission directed the Office of the Legislative Auditor to evaluate the Board of Teaching and activities related to teacher licensure. Our evaluation addressed the following questions:

- **To what extent do the Board of Teaching and the Minnesota Department of Education manage licensing, licensure appeals, and special permission requests in a transparent and consistent manner?**

- **What have been the results of legislative changes regarding teacher licensure, and what progress have the Board of Teaching and Minnesota Department of Education made in implementing these changes?**

- **To what extent do the Board of Teaching's activities overlap with those of the Minnesota Department of Education, and how do they coordinate efforts?**

To answer these questions, we interviewed current and former BoT and MDE staff, school administrators, and licensure applicants. We attended multiple BoT board and committee meetings and observed how the board has implemented recent legislative changes. To gather the perspectives of key stakeholders, we surveyed four different groups: BoT board members, school district and charter school administrators, representatives of teacher-preparation programs, and teacher candidates trained or licensed in another state who applied online for their first Minnesota teaching license in fiscal year 2015.[2] The results from these surveys informed our work related to all three evaluation questions listed above.

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[1] Minnesota Department of Education, *Teacher Supply and Demand, Fiscal Year 2015 Report to the Legislature* (Roseville, 2015).

[2] We received responses from all 11 board members, 88 percent of school district and charter school administrators, 68 percent of teacher-preparation programs, and 42 percent of teacher-license applicants surveyed.

To evaluate the transparency and consistency of the teacher-licensing process, we analyzed data on teacher licenses and special permissions.[3] We reviewed 100 licensure files belonging to teacher candidates who were trained or licensed in another state and who applied online for their first Minnesota license between fiscal years 2012 and 2015. We also reviewed 10 percent (58) of the files related to nonlicensed community expert requests (a specific type of special permission) approved during fiscal year 2015.

We studied Minnesota statutes and rules to understand the current structure of Minnesota's teacher-licensure system, and we examined related legislative history to learn how teacher-licensure laws have changed over time. To increase our understanding, we reviewed the national literature related to teacher licensure and studied the licensure systems in a handful of other states. We also met with a number of Minnesota education groups, including Association of Metropolitan School Districts, Education Minnesota, MinnCAN, Minnesota Association of Charter Schools, Minnesota Association of Colleges for Teacher Education, Minnesota Rural Education Association, Minnesota School Board Association, and Teach For America.

When the Legislative Audit Commission first authorized this evaluation, the focus was largely on the Board of Teaching, including its approval and oversight role of teacher-preparation programs. As the evaluation progressed, however, we found much greater problems related to teacher licensing and the relationship between the board and MDE. As a result, we shifted the evaluation to focus more directly on teacher licensure and less on the other responsibilities of the board. This report contains a number of significant findings, and some of the associated recommendations will be difficult to implement. However, we urge the Legislature and other interested parties to take an honest look at the problems with Minnesota's teacher-licensure structure and help pave the way to a more transparent and accountable system.

[3] Special permissions allow an individual to teach in a public school classroom, at the request of a school district or charter school, without meeting all licensure requirements.

Chapter 1: Background

During the 2013-2014 school year, more than 58,000 teachers taught in Minnesota public schools. These teachers worked in more than 2,000 schools and served approximately 858,000 students in prekindergarten through grade 12.

In this chapter, we provide an overview of teacher licensure in Minnesota, including the number and subject area of active licenses in Minnesota as of July 1, 2015. We then discuss the structure in place to regulate teacher licensure in Minnesota and provide some general information on teacher-preparation programs in Minnesota. We conclude with a brief discussion about two concerns often linked to discussions about teacher licensure: teacher shortages and the achievement gap.

OVERVIEW

Licensure is required for a wide variety of professions in Minnesota: lawyers, medical practitioners, accountants, architects, and cosmetologists, among others. License holders in each one of these professions are subject to regulations and ongoing monitoring to ensure that those who practice the profession meet certain basic standards.

In general, teachers must hold a valid Minnesota teaching license to provide instruction in a public school.

Minnesota statutes state that "Any person providing instruction in a public school must…hold a valid Minnesota teaching license in the field and for the grade level taught."[1] In 2015, Minnesota teachers held more than 140,000 active licenses. An individual teacher may hold more than one license, which is why there are more than 140,000 active licenses but only 58,000 teachers. Additionally, not everyone who holds an active license is necessarily currently teaching. Exhibit 1.1 shows the number of active Minnesota teaching licenses in 2015 by broad content-area grouping. Elementary education licenses are by far the most common, making up 28 percent of all active licenses. Special education licenses, including licenses for teachers of students with emotional or behavioral disorders, autism spectrum disorders, and developmental disabilities, make up the second most common license grouping.

Teaching licenses are issued by content area for a certain grade level and duration. Some licenses may have restrictions or conditions that must be met for renewal. We discuss the different license types and their specific requirements in Chapter 2.

[1] *Minnesota Statutes* 2015, 120A.22, subd. 10. *Minnesota Statutes* 2015, 122A.30, exempts career and technical education teachers from having to hold a license, and *Minnesota Statutes* 2015, 122A.25, permits the Board of Teaching to grant permission to teach to "nonlicensed community experts." We discuss nonlicensed community expert permissions in more detail in chapters 2 and 3.

Exhibit 1.1: Active Teaching Licenses by Content Area, as of July 1, 2015

Content Area	Number of Licenses	Percentage of Licenses
Elementary education	40,352	28.0%
Special education	27,611	19.1
Communication arts and literature	10,066	7.0
Social studies	9,669	6.7
Science	9,226	6.4
Early childhood education	8,279	5.7
Physical education and health	7,650	5.3
Mathematics	7,132	4.9
Music	4,688	3.2
Reading	3,697	2.6
World languages	3,395	2.4
English as a second language	2,821	2.0
Visual arts	2,125	1.5
Business and technology	1,772	1.2
Library and media	1,275	0.9
Parent and family education	1,240	0.9
Career and technical education	1,145	0.8
Driver's education	869	0.6
Family and consumer sciences	698	0.5
Other[a]	600	0.4
Total	144,310	100.0%

NOTES: This exhibit includes all types of teaching licenses issued by the state of Minnesota, with the exception of substitute-teaching licenses. The content areas above do not necessarily reflect the specific names of licenses offered; instead, they are grouped into their closest-matching content area. The exhibit includes both standalone licenses and those, such as reading instruction, that are offered only as "endorsements" for teachers who are already licensed in another subject area. Individuals may be licensed in multiple subject areas and, therefore, may be represented multiple times within the data. The exhibit excludes administrative licenses; coaching licenses; and licenses for other school personnel, such as counselors or psychologists. Percentages do not sum to 100 due to rounding.

[a] "Other" licenses include adult basic education and American Indian language and culture, among others.

SOURCE: Office of the Legislative Auditor, analysis of Minnesota Department of Education licensing data.

TEACHER-LICENSURE REGULATION

There are several responsibilities related to licensing teachers in Minnesota, including establishing licensing policies, approving teacher-preparation programs, reviewing license applications, issuing licenses, reviewing allegations of misconduct by licensees, and disciplining licensees as needed.

Two state agencies—the Board of Teaching and the Minnesota Department of Education—share responsibility for teacher licensure in Minnesota.

Exhibit 1.2 outlines the teacher-licensure responsibilities of the two state agencies involved in licensing teachers. The Board of Teaching's (BoT's) duties related to teacher preparation and licensure include (1) establishing licensure and license-renewal requirements,

(2) approving teacher-preparation programs, (3) investigating allegations of violations of the teachers' code of ethics, and (4) disciplining licensed teachers found to have violated the code of ethics.[2] The board is also responsible for granting "special permissions," which allow individuals to teach in subject areas for which they are not licensed (usually when a school district has been unable to hire an appropriately licensed teacher).

While BoT is responsible for establishing licensure requirements, the Minnesota Department of Education (MDE) issues teacher licenses. The department also processes license applications and makes licensure determinations. If MDE denies the issuance or renewal of a license, applicants may appeal the decision to BoT.

Exhibit 1.2: Teacher-Licensure Responsibilities by State Agency, 2016

Board of Teaching	Minnesota Department of Education
• Adopt a teachers' code of ethics • Adopt teacher-licensure and license-renewal rules • Establish teacher-licensure policies • Review and approve teacher-preparation programs and institutions • Collect and report summary data on teacher-preparation programs • Review and approve requests for special permissions[a] • Review licensure appeals and make final licensure determinations for these cases • Investigate possible breaches of teacher ethics • Discipline licensed teachers, as warranted • Develop interstate agreements for teacher licensure	• Comment on proposed rules • Process applications for licenses and license renewals • Make licensure determinations • Issue teacher licenses

NOTES: The responsibilities listed above are generally those identified in law. The Board of Teaching has additional responsibilities, including negotiating the state's contract for teacher-licensure exams, credentialing instructional aides, and fulfilling federal reporting requirements regarding teacher preparation. The Minnesota Department of Education also has additional responsibilities, including developing and maintaining the state's online teacher-licensure application system, providing customer service to licensure applicants, and ensuring school district and charter school compliance with teacher-licensure requirements.

[a] Special permissions allow individuals to provide classroom instruction in fields for which they are not licensed.

SOURCES: *Minnesota Statutes* 2015, 122A.09, subds. 1, 4, 4a, 5, 9, 10; 122A.18, subds. 1 and 4; 122A.20; 122A.23, subd. 3; and 122A.25; and *Minnesota Rules*, 8710.7100, subp. 3, posted November 19, 2009.

Board of Teaching

The Board of Teaching has 11 members, all of whom are appointed by the governor and approved by the Senate. As discussed more in Chapter 5, the board must include six teachers; one higher education representative; one school administrator; and three members of the public, two of whom must be present or former school board members. The full

[2] The teachers' code of ethics is a set of principles that defines professional conduct for teachers. The code is outlined in *Minnesota Rules*, 8710.2100, posted August 4, 2015.

board meets monthly and reviews and approves teacher-licensure rules, special permission requests, and teacher-preparation programs and institutions.

The board has established five standing committees to conduct some of its work: Disciplinary, Executive, Legislative, Licensure, and Policy Review.[3] Members on the **Disciplinary Committee** review allegations of improper teacher conduct and make recommendations regarding disciplinary action that should be taken against a teacher's license, such as licensure suspension or revocation. The **Executive Committee** serves as the steering committee for conducting board business; its members set meeting agendas. The **Legislative Committee** members keep the board informed of existing and proposed legislation and develop strategies for implementing legislative initiatives. Members of the **Licensure Committee** review some of the more complicated MDE licensing decisions, and members on the **Policy Review Committee** are expected to meet at least once annually to review the board's bylaws. The board also has an external advisory committee—called "Standards and Rules"—that gives stakeholders an opportunity to provide feedback on board initiatives.

Six staff people support the work of the board, including an executive director, two people focused on teacher-preparation programs, one person focused on special permission requests, one ethics specialist, and an office manager.

Minnesota Department of Education

The Division of Educator Licensing within the Minnesota Department of Education handles the department's teacher-licensure responsibilities, which include reviewing license applications, making licensure determinations, and issuing teacher licenses. This division has 13 positions, including a division director, a supervisor, 5 licensing specialists, and 3 customer service representatives.[4] An MDE assistant commissioner oversees the division.

In addition to staff in the licensing division, other MDE staff support the state's teacher-licensure efforts. Department staff manage administrative and financial services, such as financial reporting, contracts, and purchasing, for both the licensing division and BoT. Similarly, MDE's MN.IT staff provide support for licensing databases used by both the division and the board.[5] MDE licensing division and BoT staff share space in MDE offices in Roseville, Minnesota. We discuss the regulation and oversight of teacher licensure in more depth in Chapter 5.

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[3] Minnesota Board of Teaching, *Minnesota Board of Teaching By-Laws* (Roseville, 2013), 6-7. The Licensure Committee was established in 2014 and is not reflected in the board's bylaws.

[4] Two of the division's positions are filled on a part-time basis only; MDE shares a small portion of the time of one of the BoT staff members who focuses on teacher-preparation programs. Several licensing division staff share responsibility for issuing licenses governed by the Board of School Administrators. In addition to the positions enumerated above, the division also has one staff person responsible for license renewals and one staff person who handles licensing compliance and data.

[5] MN.IT is the Information Technology (IT) agency for Minnesota executive branch agencies; see http://mn.gov /mnit/about-mnit/who-we-are/index.jsp, accessed January 3, 2016.

TEACHER-PREPARATION PROGRAMS

Minnesota's regionally accredited colleges and universities operate the state's teacher-preparation programs, which are responsible for training a large percentage of Minnesota's teachers. Minnesota rules define a teacher-preparation program as "a college or university program approved by the Board of Teaching for the purpose of preparing individuals for a specific teacher-licensure field in Minnesota."[6]

Approval of Teacher-Preparation Institutions and Programs

State law requires BoT to adopt rules to approve teacher-preparation institutions and programs.[7] In response, the board has developed a two-step system in which it approves (1) the institution providing the teacher-training courses, and (2) the institution's individual teacher-preparation programs.

The Board of Teaching approves Minnesota teacher-preparation institutions and programs, which have an important role in certifying the teacher candidates they train.

BoT approves a university or college at the "institutional level" before it may offer teacher-preparation courses.[8] Once the board has approved an institution, that institution submits its specific teacher-preparation programs for "program-level" approval. A teacher-preparation program is the specific set of courses and experiences designed to lead to licensure in a particular field, such as elementary education or secondary math.

BoT reviews and approves teacher-preparation *institutions* every five-to-seven years; it reviews and approves teacher-preparation *programs* every two years. As of January 2016, BoT had approved 31 Minnesota institutions offering baccalaureate or postbaccalaureate teacher-preparation programs.[9] Exhibit 1.3 lists Minnesota's approved teacher-preparation institutions. These institutions provided more than 850 approved teacher-preparation programs at both the undergraduate and graduate levels. Institutions vary widely in the numbers and types of teacher-preparation programs they offer. Some offer as few as 3 programs (Capella University) while others have as many as 93 (University of Minnesota, Twin Cities). Some institutions focus entirely on graduate-level programs while others offer only undergraduate programs or a mixture of the two. Exhibit 1.4 provides an example, showing the mixture of teacher-preparation programs offered by Bemidji State University.

[6] *Minnesota Rules,* 8705.0200, subp. 11, posted August 4, 2015.

[7] *Minnesota Statutes* 2015, 122A.09, subd. 4(c).

[8] As part of the institutional review and approval process, an institution must submit electronically to BoT a report explaining how the institution satisfies certain standards outlined in Minnesota rules. An institution must submit this report 60 days before its scheduled onsite evaluation. The onsite evaluation team consists of a BoT staff person, two higher education representatives, and one representative of teacher practitioners. The evaluation team interviews stakeholders to verify the accuracy of the written report; makes findings and recommendations; and recommends the institution for approval, approval with conditions, or disapproval. Onsite evaluators do not review the content of specific licensure programs. Institutions submit specific course information electronically as part of a separate program-approval process.

[9] Institutions offering teacher training include 4 campuses of the University of Minnesota system, 7 state universities, and 20 private colleges and universities.

Exhibit 1.3: Board of Teaching-Approved Teacher-Preparation Institutions, January 2016

Institution	Count of Programs Offered
University of Minnesota System	
University of Minnesota, Crookston	4
University of Minnesota, Duluth	9
University of Minnesota, Morris	19
University of Minnesota, Twin Cities	93
State University System	
Bemidji State University	35
Metropolitan State University	9
Minnesota State University, Mankato	56
Minnesota State University, Moorhead	33
St. Cloud State University	39
Southwest Minnesota State University	27
Winona State University	49
Private Institutions	
Augsburg College	35
Bethany Lutheran College	8
Bethel University	59
Capella University	3
Carleton College	11
College of St. Benedict/St. John's University	21
College of St. Scholastica	17
Concordia College, Moorhead	26
Concordia University, St. Paul	23
Crown College	12
Gustavus Adolphus College	18
Hamline University	33
Martin Luther College	36
North Central University	9
St. Catherine University	39
St. Mary's University of Minnesota	41
St. Olaf College	29
University of Northwestern	17
University of St. Thomas	55
Walden University	4
Total	869

NOTES: "Programs" represent specific sets of courses designed to lead to teacher licensure in a particular field, such as elementary education or secondary math. *Minnesota Rules,* 8710, posted August 4, 2015, defines the standards and content for most subject-area programs. It is possible for an institution to have more than one unique program within a given program area. For example, the University of Minnesota, Twin Cities has multiple programs in elementary education, each using distinct instructional strategies.

SOURCE: Office of the Legislative Auditor, analysis of Board of Teaching's Educator Preparation Program Application System data, January 2016.

Exhibit 1.4: Teacher-Preparation Programs Offered by Bemidji State University, 2016

Teacher-Preparation Program	Program Level	
	Undergraduate	Graduate
Communication arts and literature 5-12	✓	✓
Communication arts and literature 5-8 endorsement[a]	✓	
Elementary education K-6	✓	
Health education 5-12	✓	✓
Mathematics 5-12	✓	✓
Mathematics 5-8 endorsement[a]	✓	
Music: instrumental and classroom music K-12	✓	
Music: vocal and classroom music K-12	✓	
Physical education K-12	✓	✓
Preprimary endorsement age 3-K[a]	✓	
Reading K-12[a]	✓	
Science 5-8 endorsement[a]	✓	
Science: chemistry 9-12	✓	✓
Science: earth and space science 9-12	✓	✓
Science: general science 5-8	✓	
Science: life science 9-12	✓	✓
Science: physics 9-12	✓	✓
Social studies 5-12	✓	✓
Social studies 5-8 endorsement[a]	✓	
Special education: autism spectrum disorders birth-12		✓
Special education: emotional or behavioral disorders K-12		✓
Special education: learning disabilities K-12		✓

[a] Middle-level (grades 5-8), reading, and preprimary "endorsement" programs do not lead to licensure on their own. A candidate must already hold a valid license in order to add one of these licensure areas.

SOURCE: Office of the Legislative Auditor, analysis of Board of Teaching's Educator Preparation Program Application System data, January 2016.

Minnesota has a "standards-based" (rather than "course-based") system for preparing teachers. In a course-based system, the state determines which specific courses one must take to earn teacher licensure in a particular field. Rather than dictating specific sequences of courses, Minnesota rules establish standards that teacher-licensure candidates must meet. These include "standards of effective practice" for all teachers, as well as content-specific standards for each licensed subject area.[10] BoT approves only those teacher-preparation programs that satisfactorily demonstrate how they deliver all required standards.

The board does not require any program to include specific courses; institutions have flexibility to incorporate the standards into their programs in a variety of ways. One institution might meet a specific standard with a single course, while another may spread the elements of that standard over two or more courses. For example, the board requires a teacher of communication arts and literature to demonstrate the "knowledge, skills, and ability to teach speaking." There are four subparts to this standard, and an institution could deliver them all in a single course, such as

[10] *Minnesota Rules,* 8710.2000, posted August 4, 2015, outlines ten "standards of effective practice," which must be met by all Minnesota-trained teacher-licensure candidates as part of their teacher-preparation program. These include skills such as understanding major concepts, assumptions, and debates in the discipline being taught; adapting instruction for diverse learners; and creating learning environments that promote positive social interactions, among other things. We discuss standards of effective practice and content-specific standards in greater depth in Chapter 2.

Public Speaking Basics offered by the College of St. Benedict. Augsburg College, on the other hand, requires three courses to deliver this standard: 5-12 Methods: Speaking and Listening, Public Speaking, and Persuasion. Teacher-preparation programs differ in other ways as well, such as requiring several smaller field experiences as opposed to one longer field experience, or assessing students through performance rather than exams. As a result, each teacher-preparation program is unique, devising its own set of courses, experiences, and assessments to deliver the required teacher-training standards.

Beyond preparing teachers for the classroom, approved institutions play an important administrative role in the teacher-licensure process. Each approved institution has a "certifying officer" responsible for officially verifying that students have completed one of the institution's teacher-preparation programs. When a Minnesota-trained candidate applies for teacher licensure, the certifying officer of that candidate's teacher-preparation institution must audit the candidate's files and ensure that he or she has met all licensure requirements. The certifying officer then signs a form "recommending" the candidate for licensure in a particular field. Without the recommendation of a teacher-preparation institution, MDE will not issue the candidate a full professional teaching license.

The vast majority of Minnesota's teacher-preparation programs are traditional programs, which meet all of the requirements described in BoT rules and deliver all required standards to their enrolled students. Minnesota law, however, also allows the board to approve both "alternative" and "nonconventional" teacher-preparation programs.[11] These programs also go through institutional- and program-approval processes but deliver some of the required standards differently than their traditional counterparts. We describe these teacher-preparation programs in the next section.

Alternative Teacher-Preparation Programs

In 2011, the Legislature required BoT to approve "alternative" teacher-preparation programs in order to "improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap."[12] An alternative program is one that uses means other than coursework to deliver required standards. The law states that school districts, charter schools, or nonprofit organizations may establish alternative programs by partnering with a college or university that has a board-approved alternative teacher-preparation program. School districts and charter schools may also establish alternative programs by partnering with certain nonprofit organizations after consulting with a college or university with an approved teacher-preparation program. The Legislature directed BoT to approve alternative programs based on board-adopted criteria. This legislation was at least partially designed for Teach For America, which had been operating in the Twin Cities, in partnership with Hamline University, since 2009. The Teach For America model involves teaching and completing coursework concurrently. The organization had been placing its corps members into classrooms through the use of discretionary variances issued by BoT.[13]

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[11] *Minnesota Statutes* 2015, 122A.245; and *Minnesota Rules,* 8705.2300 and 8705.2400, posted August 4, 2015.

[12] *Laws of Minnesota* 2011, chapter 5, sec. 4, codified in *Minnesota Statutes* 2015, 122A.245.

[13] BoT has the authority to waive its teacher-licensure rules when no other option is available. The board may grant a "discretionary variance" to a school district or charter school to hire an individual who has not met licensure requirements. The board used this mechanism to allow Teach For America members to begin teaching before they had completed teacher-preparation programs.

The board released its alternative teacher-preparation program-approval criteria in January 2012, and Teach For America was the first organization to undertake the process. The nonprofit organization sought the equivalent of institutional approval, as well as approval for field-specific programs. According to current and former staff, Teach For America found that creating a stand-alone alternative program that met the board's requirements was labor intensive and would have resulted in the creation of a program that was no longer true to Teach For America's model. The organization ultimately partnered with the University of Minnesota to create a "nonconventional" program instead.

Minnesota has several programs that people describe as "alternative" in the broad sense. However, they do not necessarily meet the statutory definition of alternative teacher-preparation programs. These programs are actually nonconventional programs, described below.

Nonconventional Teacher-Preparation Programs

Like alternative programs, nonconventional teacher-preparation programs deviate in some way from the BoT-determined standards that traditional teacher-preparation programs must deliver. In contrast with statutorily defined "alternative" programs, however, nonconventional programs are offered by a teacher-preparation institution and do not need to be associated with a particular school district, charter school, or nonprofit organization. Institutions that plan to offer nonconventional teacher-preparation programs (or existing programs that wish to become nonconventional) apply to the board for a waiver of one or more of the board's rules for teacher-preparation programs. The application must identify the specific rule to be waived and how the nonconventional program will still incorporate the standards that it is required to deliver. For example, an institution might ask the board to waive the requirement for 12 *continuous* weeks of student teaching and instead allow the program to implement a longer stretch of four-day student teaching weeks with coursework on Fridays. In another example, the Minneapolis Public Schools and the University of Minnesota have collaborated on a program that helps classroom instructional aides become licensed teachers. This program allows portfolio assessment as a means of evaluating knowledge learned "on the job." To date, student teaching structure is the most common reason programs have requested nonconventional status.

Previously, nonconventional programs were referred to as "experimental" programs and could be approved with experimental status for only five years. After five years had elapsed, the program would be considered traditional despite its nonconventional structure. This led to confusion on site visits for subsequent institutional approval, when the institution might be cited for having programs that failed to comply with traditional program expectations. Under new rules, which took effect on January 1, 2016, nonconventional programs are subject to the same approval decisions and duration as traditional programs, but according to board staff, the waivers granted to nonconventional programs will not expire.[14]

Recent Legislation Related to Teacher Preparation

In recent years, the Legislature has adopted several new requirements for teacher-preparation programs and institutions. In 2011, the Legislature required teacher-preparation programs to

[14] *Minnesota Rules,* 8705.2300, posted August 4, 2015.

include a board-approved performance-based assessment that measures teacher candidates.[15] In response, BoT adopted "edTPA," a performance-based teaching assessment, developed by Stanford University, that requires teacher candidates to demonstrate their skills in areas such as planning, instruction, and student assessment. In the 2012-2013 school year, all 31 BoT-approved Minnesota teacher-preparation institutions implemented the edTPA process, which evaluates teacher candidates over the course of several weeks using lesson plans, samples of students' work, and videos of student teaching, among other things. As part of other recent legislation, the 2015 Legislature required the board to annually collect and report summary data on teacher-preparation programs' performance outcomes, such as the number and percentage of students who graduated, received a standard teaching license, and were hired to teach in their field in the preceding year.[16]

CONCERNS

Even though 31 teacher-preparation institutions train teachers in Minnesota, concerns about teacher shortages persist. These concerns, as well as worries about Minnesota's achievement gap, have been cited as reasons to reevaluate Minnesota's teacher-licensure system.

Teacher Shortages

In recent years, there have been widespread concerns about teacher shortages in Minnesota's public schools, as well as in other states. In 2015, MDE published a report on teacher supply and demand in the state, which highlighted teacher shortages in 11 areas, including several special education disability categories, math, physics, and English as a second language.[17] The report highlighted special education teachers for students with emotional or behavioral disorders as the area with the largest teacher shortage in Minnesota.

As part of our evaluation, we conducted a survey of school district and charter school personnel regarding licensure policies and the districts' or schools' ability to fill vacancies for the 2015-2016 school year.[18] Many respondents cited teacher-shortage challenges, and 80 percent of survey respondents said that it was difficult or very difficult to fill teacher vacancies for the 2015-2016 school year. Some people think that simplifying the requirements for obtaining a teaching license may reduce teacher shortages in Minnesota's public schools. On the other hand, some stakeholders with whom we spoke commented that simplified requirements may lower standards for teachers.

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[15] *Laws of Minnesota* 2011, chapter 5, sec. 1, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(d). The 2011 Legislature also directed school boards to develop a three-year professional review cycle for each new teacher, which incorporates an individual growth and development plan, a peer-review process, and at least one summative evaluation. *Laws of Minnesota* 2011, First Special Session, chapter 11, art. 2, sec. 14, codified in *Minnesota Statutes* 2015, 122A.40, subd. 8.

[16] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 10, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4a.

[17] Minnesota Department of Education, *Teacher Supply and Demand, Fiscal Year 2015 Report to the Legislature* (Roseville, 2015). These shortages were identified through the number of special permissions granted in each area.

[18] We surveyed 488 superintendents and directors representing the 500 Minnesota school districts and charter schools operating during the 2015-2016 school year. We received responses from 430 survey recipients for a response rate of 88 percent.

Legislators and others have identified teacher licensure as a contributing factor to the teacher shortage. However, many other factors may contribute to the teacher shortage, including an increased focus on student test results and a perceived lack of respect for the teaching profession as a whole. Furthermore, enrollment in Minnesota teacher-preparation programs has declined 40 percent over the last five years, from more than 12,000 enrollees in 2010 to 7,300 in 2014.[19]

Achievement Gap

There are also concerns about Minnesota's academic achievement gap, and some stakeholders have linked the achievement gap to Minnesota's relatively low number of teachers of color. Minnesota's teaching corps consisted of just under 4 percent teachers of color in 2014. This percentage has increased only slightly over the last few years (less than three-tenths of a percentage point since 2010). In contrast, MDE reported that students of color made up almost 30 percent of Minnesota's student population during the 2014-2015 school year.[20] This number has increased since the 2009-2010 school year, when students of color accounted for only 25 percent of Minnesota's student population.[21]

Some stakeholders have stated that Minnesota's current teacher-licensure requirements may impact the number of teachers of color who choose to come to Minnesota from other states. However, there are likely many factors that impact whether teachers of color choose to come to Minnesota. Some stakeholders believe that increasing the number of teachers of color and building a teaching corps that better reflects Minnesota's student population may aid in closing the achievement gap that exists between white and nonwhite students in both test scores and graduation rates. Minnesota's graduation-rate achievement gap was among the highest in the nation for the 2013-2014 school year. Data from the U.S. Department of Education show a 26 percentage point gap between graduation rates of black students and white students in Minnesota; only Wisconsin had a larger gap.[22] While changes to teacher-licensure policies may help, closing the achievement gap likely requires a multifaceted solution.

Our evaluation focused primarily on the teacher-licensure process and the laws and policies that govern this process. While we provide background information on concerns about the teacher shortage and achievement gap, we did not analyze the extent to which teacher-licensure requirements contribute to these issues.

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[19] Enrollment numbers are based on reports to the U.S. Department of Education, https://title2.ed.gov/Public/DataTools/Tables.aspx, accessed January 8, 2016.

[20] Minnesota Department of Education, "2014-15 Enrollment by Ethnicity/Gender," http://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=latestReleased&Rendition=primary&dDocName=059389, accessed October 9, 2015.

[21] Minnesota Department of Education, "2009-10 Enrollment by Gender/Ethnicity," http://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=latestReleased&Rendition=primary&dDocName=005001, accessed January 2, 2016.

[22] U.S. Department of Education, "Provisional Data File: SY 2013-14 Four Year Regulatory Adjusted Cohort Graduation Rate, by State," http://www2.ed.gov/documents/press-releases/10192015-graduation-rate-1.XLSX, accessed December 23, 2015.

Chapter 2: Teacher Licenses and Licensure Requirements

Minnesota educators can receive many different types of teaching licenses and special permissions, depending on their qualifications. In this chapter, we describe those licenses and permissions, as well as Minnesota's teacher-licensure requirements. We conclude with a discussion of licensure requirements for candidates who were trained or licensed outside of Minnesota.

TYPES OF TEACHER LICENSES

While there are more than 50,000 teachers in Minnesota's public schools, they do not all hold the same type of teaching license.

Minnesota issues different types of teaching licenses depending on the extent to which applicants have met licensure requirements outlined in law.

There are a number of different license types; these license types have different criteria, are valid for different lengths of time, and vary in whether they are renewable. For example, a one-year full professional license is valid for one year, and can be renewed up to three times, for a total of four, one-year full professional licenses. In contrast, a five-year full professional license is valid for five years and can be renewed indefinitely. The Minnesota Department of Education (MDE) issues these and other teaching licenses; Exhibit 2.1 shows the different types and numbers of teaching licenses the agency issued in fiscal year 2015.

As we explain further in chapters 3 and 4, the names of teaching licenses used in practice differ from the names of licenses used in statutes and rules. For ease of understanding, we use the license names used in practice for this section of the report. Below, we describe each license type available and give examples of who may qualify for each license. Following the discussion about *license* types, we examine "special permissions," which allow individuals to legally provide instruction without meeting all license requirements.

Full Professional Licenses

Full professional licenses are the most commonly issued license type. Full professional licenses are issued for five- or one-year terms, depending on the extent to which applicants have met licensure requirements. In fiscal year 2015, at least 4,361 individuals received five-year full professional licenses, while 1,090 individuals received one-year full professional licenses, as Exhibit 2.1 shows.[1]

[1] Due to the structure of MDE data, we were not able to provide the exact number of individuals who received a five-year full professional license in fiscal year 2015. At least 4,361 individuals received a five-year full professional license; some of the individuals who received a one-year full professional license may have also received a five-year full professional license in another field.

Exhibit 2.1: Teacher Licenses Issued by the Minnesota Department of Education, Fiscal Year 2015

License Type	Description	Duration and Renewability	Individuals Licensed
Five-year full professional license	Issued to a candidate who meets all of the Board of Teaching's licensing requirements.	• Five years • Can be renewed indefinitely	4,361[a]
One-year full professional license	Issued to a candidate who holds or held a license in another state who has not yet completed "human relations" coursework and/or passed board-required licensure exams.[b]	• One year • Limit of four	1,090
Temporary limited license	Issued to a candidate who either (1) has a bachelor's degree with at least a minor in the content area he or she wishes to teach but who has not yet completed a board-approved teacher-preparation program, provided that a hiring school district verifies its inability to hire an appropriately licensed teacher for the position, or (2) has completed a Minnesota teacher-preparation program but has not yet passed all required licensure exams.	• One year • Limit of three or four[c]	621
Restricted license	Issued to a candidate who (1) completed all board-required licensure exams and human relations coursework and (2) holds or held a teaching license from another state where the license is more limited in content or grade level than a similar Minnesota license.[d]	• Five years[e] • Can be renewed indefinitely	230
Nonrenewable license	Issued to a licensed teacher in a subject for which the teacher is not already licensed, provided that a hiring school district verifies its inability to hire an appropriately licensed teacher for the position. The teacher must also verify enrollment in a board-approved teacher-preparation program leading to full licensure in the nonrenewable license field.	• Three years • Not renewable	89

NOTES: These data do not include license renewals. They reflect only newly issued licenses in a specific field or license type. Individuals may hold multiple license types simultaneously, so may be represented in multiple categories. License descriptions and durations noted in this exhibit are based on current law and practice within the Minnesota Department of Education's (MDE) licensing division. The licensing division also issues a small number of "immersion-only" licenses to candidates who have not passed skills exams in reading, writing, and mathematics and who provide only world-language instruction or direct instruction in their native language.

[a] Due to the structure of MDE data, we were not able to provide the exact number of individuals who received a five-year full professional license in fiscal year 2015. At least 4,361 individuals received a five-year full professional license; some of the individuals who received a one-year full professional license may have also received a five-year full professional license in another field.

[b] "Human relations" coursework teaches candidates how to work with diverse learners.

[c] Candidates who meet the first set of criteria listed may receive a total of three temporary limited licenses. The school districts or charter schools hiring these candidates can apply to the Board of Teaching on a candidate's behalf for a fourth temporary limited license. Candidates who meet the second set of criteria listed may receive a total of four temporary limited licenses. The hiring school district or charter school may appeal to the Board of Teaching for a fifth temporary limited license.

[d] The 2015 Legislature created an additional "restricted" license, which is different from the restricted license described here. This new restricted license may be issued to an otherwise qualified teacher who has not achieved a passing score on the skills portion of the required licensure exams. The license is limited to the current subject the teacher is employed to teach and to the school district or charter school requesting the license. As of January 13, 2016, MDE had issued ten of this type of restricted license. *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 14.

[e] A candidate who meets the second criterion but not the first would be issued a one-year restricted license.

SOURCES: *Minnesota Statutes* 2015, 122A.18, subd. 2 (b); and 122A.23, subd. 2 (d); *Minnesota Rules,* 8710.0300, 8710.1250, and 8710.1410, posted November 19, 2009; 8710.2000, subp. 4, posted August 4, 2015; and Minnesota Department of Education teacher-licensure data, fiscal year 2015.

Five-year full professional licenses are issued to candidates who meet *all* licensure requirements outlined in law. A teacher-licensure candidate who successfully graduates from a Board of Teaching (BoT)-approved Minnesota teacher-preparation program and passes the required licensure exams would receive this type of license.[2] Teachers with this type of license may provide instruction in any Minnesota public school in the field and grade level for which they are licensed. Requirements for full professional teacher licensure differ depending on whether candidates were trained at a BoT-approved teacher-preparation program or at a program in another state. We discuss the requirements for candidates trained in another state in a subsequent section of this chapter.

Candidates who are issued a one-year full professional license hold or held a license outside of Minnesota and typically have not met certain requirements, such as completing coursework in how to work with diverse learners ("human relations" coursework) and/or passing required licensure exams. These candidates may be issued up to four, one-year full professional licenses in order to allow time to complete the required coursework and licensure exams.[3] For example, a candidate who meets all other licensure requirements but has not yet passed all required licensure exams would receive a one-year full professional license (renewable three times). Once the candidate passes the exams, he or she would be eligible to receive a five-year full professional teaching license. Candidates with a one-year full professional license may teach in any Minnesota public school (in the field and grade level in which they are licensed) while working to meet the remaining requirements for a five-year full professional license.

Temporary Limited Licenses

MDE issued temporary limited licenses to more than 600 individuals in fiscal year 2015, as Exhibit 2.1 shows. MDE issues two types of temporary limited licenses, both of which are issued for a period of one year and are renewable for a total of either three or four years, depending on the candidate's qualifications.

MDE issues temporary limited licenses to candidates who have not completed a teacher-preparation program. Instead, these candidates must have a bachelor's degree with at least a minor in the subject they will be teaching. Candidates receiving this type of temporary limited license must provide a signature from a hiring school district or charter school verifying difficulties in hiring for the field in which the license is issued. These licenses may be renewed twice, for a total of three years.

MDE also issues temporary limited licenses to graduates of Minnesota teacher-preparation programs who have yet to pass all required licensure exams. Unlike the first type of temporary license explained above, a candidate who has completed a Minnesota teacher-preparation program may teach with a temporary limited license regardless of whether his or her hiring school district or charter school has experienced hiring difficulties in the candidate's field. Provided that candidates have met all requirements aside from passing required exams, these licenses may be renewed three times, for a total of four years.[4]

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[2] As discussed in the next section, candidates must pass skills, content, and pedagogy exams in order to receive a five-year full professional teaching license.

[3] In order to renew the one-year full professional license, candidates must show an attempt to pass any remaining exams. We discuss license renewals in greater depth in Chapter 3.

[4] In order to renew this type of temporary limited license, candidates must show an attempt to pass any remaining exams.

Restricted Licenses

MDE issues restricted licenses to candidates trained and licensed outside Minnesota who hold or held a license that is more limited in content or grade level than the corresponding Minnesota license, as outlined in Exhibit 2.1. For example, MDE issues a license to teach Spanish to students in kindergarten through grade 12, while other states may issue a license to teach Spanish to students in grades 7 through 12. A candidate who is licensed to teach Spanish only at the secondary level in another state would be issued a Minnesota restricted teaching license that is limited to grades 7 through 12 due to the mismatched grade-level scope.

Prior to actions taken by the 2015 Legislature, a candidate in this situation was allowed to renew a restricted license for only up to three years and would be required to contact a teacher-preparation program in order to expand his or her license to the full grade-level scope of a Minnesota license. For example, a candidate with a restricted license to teach Spanish in grades 7 through 12 may have been expected to take coursework in teaching methods for students in kindergarten through grade 6. However, the 2015 Legislature amended the statute to allow candidates with this type of license to continue teaching within the restricted scope indefinitely.[5] These restricted licenses are now valid for five years and can be renewed indefinitely, similar to the five-year full professional licenses.[6]

Nonrenewable Licenses

MDE issues nonrenewable licenses to licensure candidates who already hold a full professional license in at least one field and who are enrolled in a teacher-preparation program leading to licensure in another field. For example, a candidate who holds an elementary education license may be issued a nonrenewable license to teach early childhood special education for up to three years, provided that he or she is enrolled in a teacher-preparation program leading to an early childhood special education license. The candidate's hiring school district or charter school must verify a hardship in hiring for that field.

Other Licenses

MDE also issues short-term substitute teaching licenses, which were outside the scope of this evaluation.[7] In addition, MDE issues provisional licenses to licensure candidates in a field in which they were not previously licensed or in a field in which a shortage of licensed

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[5] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 18, codified in *Minnesota Statutes* 2015, 122A.23, subd. 2(f).

[6] MDE also issues one-year restricted licenses to candidates who hold or held a license more limited in content or grade level than the corresponding Minnesota license and who have not yet completed requirements for licensing exams or human relations coursework. The 2015 Legislature also created a new type of restricted license with different requirements than those described in this section. We explain this new restricted license in the "Other Licenses" section of this chapter.

[7] Short-term (or "short-call") substitute licenses allow individuals to teach for no more than 15 days per teaching assignment. MDE issues three types of substitute teaching licenses: a two-year short-call substitute license; a five-year short-call substitute license; and a lifetime short-call substitute license. Lifetime short-call substitute licenses do not expire and are issued only to individuals who have retired from teaching and can verify that they are receiving a retirement annuity. MDE does not issue long-term substitute licenses. A long-term substitute must be fully licensed for the teaching assignment.

teachers exists.[8] The board has not yet created rules governing the specifics of this license. As of January 5, 2016, MDE had issued only five provisional licenses.

The 2015 Legislature established a new "restricted" license with different requirements than the "restricted" license described earlier in the chapter.[9] This new restricted license may be issued to an otherwise qualified teacher who has not passed the skills portion of the required licensure exams. The license is limited to the current subject the teacher is employed to teach, and it can be used only in the school district or charter school requesting the license. As of January 13, 2016, MDE had issued ten of this type of restricted license.

Finally, MDE also issues limited-term licenses to candidates enrolled in a board-approved alternative teacher-preparation program (which we discussed in Chapter 1). The 2011 Legislature authorized these licenses and required that, before participating in the program, teacher candidates must pass all required licensure exams.[10] These licenses are issued for a term of two years and may be renewed for a one-year term. Candidates must continue to be enrolled in an alternative teacher-preparation program in order to hold this license; if a candidate leaves his or her program before completion, the limited-term license is no longer valid.

SPECIAL PERMISSIONS

As mentioned previously, special permissions allow individuals to teach in a public school without meeting all licensure requirements. There are several types of special permissions, the most prevalent of which are personnel variances, waivers, and nonlicensed community expert permissions. Exhibit 2.2 explains each of these special permissions, and we discuss them in more depth below.

Personnel Variances and Waivers

Personnel variances and waivers give school districts and charter schools permission to hire *licensed* teachers to work outside of their licensed fields. A personnel variance allows an individual to teach in a specific field for which he or she is not licensed, but the requesting school district or charter school must verify that it has attempted to fill the position with an appropriately licensed instructor. For example, an individual who is fully licensed to teach social studies for grades 5 through 12 can legally teach high school literature if his or her school district or charter school demonstrates hiring difficulties and successfully obtains a personnel variance for the teacher.[11] No one individual may teach under a personnel variance for more than three years without receiving an extension from the board.

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[8] A shortage is defined as an inadequate supply of licensed personnel in a given licensure area as determined by the Commissioner of Education.

[9] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 14, codified in *Minnesota Statutes* 2015, 122A.18, subd. 2(b).

[10] *Laws of Minnesota* 2011, chapter 5, sec. 4, codified in *Minnesota Statutes* 2015, 122A.245, subd. 1.

[11] School districts and charter schools verify a hiring hardship by attesting in writing that they (1) have made reasonable efforts to fill the position with an appropriately licensed teacher, (2) have advertised the position, and (3) that no applicant holding an appropriate teaching license can fulfill the requirements of the position.

Exhibit 2.2: Types of Special Permissions, Fiscal Year 2015

Permission Type	Description	Duration and Renewability[a]	Individuals Granted Permissions
Personnel variance	Allows a fully licensed teacher to teach subjects or fields for which he or she is not currently licensed. The requesting school district must have made reasonable efforts to fill the position with an appropriately licensed teacher.	• One school year • Limit of three	1,624
Waiver	Allows a licensed teacher to teach (1) outside of his or her licensed content area to accommodate certain types of programs, or (2) in an assignment for which there is no appropriate licensure.[b]	• One school year • Can be renewed indefinitely	709
Nonlicensed community expert permission	Allows an individual who is not a licensed teacher to provide instruction in an area for which the individual has specific expertise. The requesting school district must have made reasonable efforts to fill the position with an appropriately licensed teacher.	• One school year • Can be renewed indefinitely	563
Personnel variance appeal	Allows a fully licensed teacher to receive a fourth personnel variance.	• One school year • Not renewable	61
Temporary limited license appeal	Allows a teacher who has not completed a teacher-preparation program to receive one additional temporary limited license.[c]	• One school year • Not renewable	25

NOTES: Special permissions allow individuals to teach in subject areas for which they are not licensed. Each of the permission types described above is requested by a school district or charter school, on behalf of an individual educator it wishes to hire. School districts and charter schools may also request discretionary variances from the Board of Teaching (BoT). The board can waive its own rules using the discretionary variance, but it does so only in cases of extreme hardship.

[a] Special permissions are valid for no more than one school year and expire at the end of the school year for which they are issued.

[b] Waivers are commonly used in alternative education programs, care-and-treatment facilities, project-based learning environments, online programs, and other "innovative" programs.

[c] A temporary limited license is issued through the Minnesota Department of Education's (MDE's) licensing division to someone who holds a bachelor's degree with at least minor preparation in the content area but has not completed a teacher-preparation program. Teachers who have not completed a teacher-preparation program can receive up to three one-year temporary licenses from MDE. MDE also issues temporary limited licenses to candidates trained in approved Minnesota teacher-preparation programs who have not satisfied state examination requirements; MDE may issue up to four temporary limited licenses to these candidates. After a teacher has received the maximum number of temporary limited licenses for which he or she is eligible, a school district or charter school may appeal to BoT for one additional year.

SOURCES: *Minnesota Statutes* 2015, 122A.09, subd. 10; and 122A.25; *Minnesota Rules,* 8710.1250 and 8710.1400, posted November 19, 2009; and Minnesota Department of Education Special Permissions System, fiscal year 2015.

Like personnel variances, waivers allow a licensed teacher to teach outside his or her field. They differ, however, in that the school district or charter school requesting a waiver does not have to demonstrate a hiring hardship. Also, BoT grants waivers for individuals teaching in certain types of programs. Waivers (sometimes called "innovative program waivers") were originally designed to ease staffing burdens for small programs serving challenging populations, such as alternative education programs and care-and-treatment facilities.[12] BoT now also approves waivers for project-based learning programs and online programs, among others.

[12] Alternative education programs provide comprehensive education services to students who experience difficulty in the traditional education system. Students eligible to attend alternative programs include students who are pregnant or parenting, have been assessed as chemically dependent, or who are not making satisfactory progress toward graduation, among others. For more information on alternative education programs, see Minnesota Office of the Legislative Auditor, Program Evaluation Division, *Alternative Education Programs* (St. Paul, 2010).

These programs often require only one or two teachers, which can be incompatible with hiring one licensed teacher per subject area. An individual teacher may teach multiple subject areas on a waiver at any given time, and that waiver can be renewed indefinitely. For example, in the 2014-2015 school year, an outstate school district requested a waiver for an individual with two special education licenses to serve as the sole teacher in a small alternative education program operated by the district. BoT granted the district a waiver allowing the teacher to provide instruction in history, English, reading or language arts, mathematics, and science.

Nonlicensed Community Expert Permissions

Nonlicensed community expert permissions, which we discuss in greater depth in Chapter 3, allow school districts that have faced staffing challenges to hire *unlicensed* individuals to fill certain positions. Nonlicensed community expert permissions tend to be used in three specific situations:

1. A school district or charter school that is unable to find a suitable licensed teacher receives permission to hire an individual with relevant real-life experience.
2. A school district or charter school with a language immersion program receives permission to hire a "visiting" teacher from another country without meeting the licensure requirements required for a longer stay.
3. A school district or charter school receives permission to hire a teacher with experience in a subject area for which Minnesota does not offer a license, such as Hmong language.

Neither statute nor rule places limits on the number of nonlicensed community expert permissions that can be granted for an individual, which is appropriate for teachers in nonlicensure areas in particular. If, however, there are licensure programs available in a subject area (mathematics, for example), some board members expect nonlicensed community experts to work toward full licensure, rather than use special permissions indefinitely.

LICENSURE REQUIREMENTS FOR EDUCATORS TRAINED IN MINNESOTA

This section outlines the requirements for obtaining a Minnesota teaching license for individuals trained in a teacher-preparation program approved by the Board of Teaching. According to a BoT report, approximately 61 percent of licenses granted during the 2013-2014 school year were issued to individuals trained in Minnesota.[13]

Minnesota statutes and rules set forth requirements that candidates must meet to obtain a Minnesota teaching license.

Among these requirements are a set of general requirements that individuals trained in Minnesota must meet to obtain most types of teaching licenses. These requirements are outlined in statutes and supplemented in rules. In addition to the general requirements, Minnesota rules

[13] Minnesota Board of Teaching, *Legislative Priorities 2015* (Roseville, 2015).

highlight additional requirements, specific to each licensure field. These rules outline distinct preparation requirements for teachers of mathematics, social studies, and physical education, for example. We discuss both the general and field-specific requirements below.

General Requirements

Several sections of Minnesota statutes and rules outline teacher-licensure requirements for candidates who have completed a BoT-approved teacher-preparation program.[14] To receive a five-year full professional license, which is the most complete and highest "level" of teaching license available in Minnesota, teacher candidates trained in the state typically must complete a teacher-preparation program approved by BoT.[15] Each program must embed certain requirements. For example, programs must include 12 weeks of student teaching within the field(s) and grade level(s) in which the candidate is seeking licensure. Exhibit 2.3 lists the general requirements teacher-licensure candidates trained in Minnesota must meet.

Licensure Examinations

Minnesota-trained candidates must pass BoT-adopted licensure exams.[16] These include "basic" skills examinations covering reading, writing, and mathematics, as well as pedagogy and content exams for the candidate's specific grade-level scope(s) and field(s). For example, a candidate who wishes to be licensed to teach both chemistry and physics in grades 9 through 12 would be required to take three types of licensure exams: skills tests (one each in reading, writing, and mathematics); pedagogy tests for teaching at the secondary level; and content tests in both chemistry and physics.[17]

Throughout our evaluation, we heard much discussion of Minnesota's basic skills licensure exam. Many believe that the examination, particularly the math portion, does not reflect a "basic" skill level and that the difficulty level is keeping otherwise qualified individuals out of the classroom. In an effort to address these concerns, the Legislature has made numerous changes to testing requirements, which we discuss in greater detail in Chapter 4. One legislative change allowed BoT to adopt additional exams that would fulfill the skills examination requirement.[18] During its October 2015 board meeting, BoT adopted several alternative exams that would allow licensure candidates to meet the skills exam requirements: Praxis I, ACT Plus Writing, SAT with Writing, National Evaluation Series (NES), and Graduate Record Exam (GRE).[19]

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[14] *Minnesota Statutes* 2015, chapter 122A; and *Minnesota Rules,* chapters 8705 and 8710, posted August 4, 2015.

[15] Teachers of American Indian language, history, and culture are not required to complete a Minnesota teacher-preparation program or hold a degree. Minnesota rules outline requirements for these teachers, which include demonstrating competence in an American Indian language or knowledge and understanding of American Indian history and culture. *Minnesota Rules,* 8710.4100, subp. 3, posted November 19, 2009.

[16] Candidates trained or licensed outside of Minnesota must also achieve passing scores on these exams. We discuss requirements for these candidates later in the chapter and summarize them in Exhibit 2.7.

[17] Most content and pedagogy tests consist of two sections, with the exception of the content exam for elementary education, which consists of three sections.

[18] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 9, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(b).

[19] The ACT and SAT are standardized tests often used as college-entrance examinations. The GRE is a standardized test often used as an entrance exam for graduate schools. The board plans to establish passing scores for these exams by July 1, 2016.

Exhibit 2.3: Teacher-Licensure Requirements for Candidates Trained in a Minnesota Teacher-Preparation Program, 2016

Complete a BoT-approved teacher-preparation program, which must include the following components:

- Field-specific teaching methods
- At least 12 continuous weeks of field- and grade-level-specific student teaching experience
- Human relations coursework (working with diverse learners)
- "Standards of effective practice" for teaching (pedagogy)[a]
- Reading strategies
- Technology strategies
- Supporting English language learners
- Field experience prior to student teaching
- edTPA[b]

Achieve a passing score on teacher-licensure exams

- BoT-adopted skills examinations in reading, writing, and mathematics
- BoT-adopted licensure exam of general pedagogical knowledge
- BoT-adopted licensure exam for the relevant content area

Be recommended for licensure by a certifying officer from the candidate's teacher-preparation institution

NOTES: "BoT" is the Minnesota Board of Teaching. Items listed in this table are requirements for Minnesota-trained candidates to be granted a five-year full professional Minnesota teaching license. A certifying officer from a teacher-preparation institution cannot recommend a teacher candidate until all of the preceding conditions have been met.

[a] Minnesota rules outline "standards of effective practice" that all Minnesota-trained licensure candidates must meet regardless of their licensure field. These standards are the mechanism by which teacher-preparation programs provide instruction in pedagogy. These standards include specific skills in adapting instruction for diverse learners, using effective communication strategies, and assessing student development.

[b] BoT selected "edTPA" as a performance-based teaching assessment that requires teacher candidates to demonstrate their skills in areas such as planning, instruction, and student assessment. The edTPA process evaluates teacher candidates over the course of several weeks using lesson plans, samples of students work, and videos of student teaching, among other things.

SOURCES: *Minnesota Statutes* 2015, 122A.09 and 122A.18; and *Minnesota Rules,* 8710.0500, 8710.2000, and 8700.7600, posted August 4, 2015.

Standards of Effective Practice

Minnesota rules outline a set of ten "Standards of Effective Practice" that all Minnesota-trained licensure candidates must meet as part of their preparation in a BoT-approved teacher-preparation program.[20] These standards are the mechanism by which teacher-preparation programs provide instruction in pedagogy. All teachers completing a Minnesota teacher-preparation program are expected to meet these standards regardless of the field or grade levels they teach. These standards include specific skills in adapting instruction for diverse learners, using effective communication strategies, and assessing student development, among others. Exhibit 2.4 provides an overview of these requirements for Minnesota-trained teachers, which the board has prescribed through its established rules.

[20] *Minnesota Rules*, 8710.2000, posted August 4, 2015.

Exhibit 2.4: Standards of Effective Practice for Teachers, 2016

Name of Standard	A teacher must:
1. Subject matter	Understand the central concepts, tools of inquiry, and structures of the disciplines taught and be able to create learning experiences that make these aspects of subject matter meaningful for students.
2. Student learning	Understand how students learn and develop and must provide learning opportunities that support a student's intellectual, social, and personal development.
3. Diverse learners	Understand how students differ in their approaches to learning and create instructional opportunities that are adapted to students with diverse backgrounds and exceptionalities.
4. Instructional strategies	Understand and use a variety of instruction strategies to encourage student development of critical thinking, problem solving, and performance skills.
5. Learning environment	Be able to use an understanding of individual and group motivation and behavior to create learning environments that encourage positive social interaction, active engagement in learning, and self-motivation.
6. Communication	Be able to use knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
7. Planning instruction	Be able to plan and manage instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
8. Assessment	Understand, and be able to use, formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social, and physical development of the student.
9. Reflection and professional development	Be a reflective practitioner who continually evaluates the effects of choices and actions on others, including students, parents, and other professionals in the learning community, and who actively seeks out opportunities for professional growth.
10. Collaboration, ethics, and relationships	Be able to communicate and interact with parents or guardians, families, school colleagues, and the community to support student learning and well being.

NOTES: Minnesota-trained teacher-licensure candidates must meet the above standards through the completion of a Board of Teaching-approved preparation program. Minnesota rules outline several more detailed components of each standard beyond the summaries shown above.

SOURCE: *Minnesota Rules,* 8710.2000, posted August 4, 2015.

In addition to the general standards listed in Exhibit 2.4, Minnesota rules outline specific features of each standard. For example, Standard Three requires that teachers understand how to adapt instruction for diverse learners. Within this standard, Minnesota rules require that teachers "understand the cultural content, world view, and concepts that comprise Minnesota-based American Indian tribal government, history, language, and culture."[21] As another example, Standard Six, which relates to teachers' communication skills, requires that teachers "understand how cultural and gender differences can affect communication in the classroom."[22]

Field-Specific Requirements

Minnesota rules also outline requirements for Minnesota teacher-preparation programs that are specific to particular subject areas and grade levels.[23] As an example, Exhibit 2.5 outlines these specific subject-matter standards for teachers of social studies in grades 5 through 12.

[21] *Minnesota Rules*, 8710.2000, subp. 4G, posted August 4, 2015.

[22] *Minnesota Rules*, 8710.2000, subp. 7B, posted August 4, 2015.

[23] *Minnesota Rules,* chapter 8710, posted August 4, 2015.

Exhibit 2.5: General Subject-Matter Standards for Graduates of a Minnesota Teacher-Preparation Program in Social Studies, 2016

A candidate for licensure as a teacher of social studies for students in grades 5 through 12 must complete a Board of Teaching-approved teacher-preparation program resulting in the candidate's demonstration of the knowledge and skills listed below:

A. Understands how human beings create, learn, and adapt culture.

B. Understands historical roots based on what things were like in the past and how things change and develop over time.

C. Understands the world within and beyond personal locations.

D. Understands that personal identity is shaped by an individual's culture, by groups, and by institutional influences.

E. Understands how institutions are formed, what controls and influences them, how institutions control and influence individuals and culture, and how institutions can be maintained or changed.

F. Understands the historical development of structures of power, authority, and governance and their evolving functions in contemporary United States society and other parts of the world.

G. Understands how people organize for the production, distribution, and consumption of goods and services.

H. Understands the relationships among science, technology, and society.

I. Understands the relationship of global connections among world societies to global interdependence.

J. Understands that civic ideals and practices of citizenship are critical to full participation in society and are the central purpose of social studies.

K. Demonstrates an understanding of the teaching of social studies that integrates understanding of social studies disciplines with the understanding of pedagogy, students, learning, classroom management, and professional development.

L. Understands the content and methods for teaching reading.

NOTE: This exhibit shows the broad subject-matter standards for the social studies license; Minnesota rules also prescribe detailed requirements within each standard listed above.

SOURCE: *Minnesota Rules,* 8710.4800, subp. 3, posted August 4, 2015.

Minnesota rules also explain several specific requirements within each subject-matter standard. For example, Standard C requires that a teacher of social studies "understands the world within and beyond personal locations."[24] Included in this standard is the requirement that social studies teachers must understand:

> Appropriate resources, data sources, and geographic tools to generate and manipulate charts, graphs, and maps and to interpret information from resources including atlases, databases, and grid systems.[25]

As another example, Standard G requires that teachers of social studies understand "how people organize for the production, distribution, and consumption of goods and services."[26]

[24] *Minnesota Rules*, 8710.4800, subp. 3C, posted August 4, 2015.

[25] *Minnesota Rules*, 8710.4800, subp. 3C(3), posted August 4, 2015.

[26] *Minnesota Rules*, 8710.4800, subp. 3G, posted August 4, 2015.

Within this standard, teachers must understand "the role that supply and demand, prices, incentives, and profits play in determining what is produced and distributed in a competitive market system." [27]

LICENSURE REQUIREMENTS FOR EDUCATORS TRAINED OR LICENSED IN OTHER STATES

The requirements to become a licensed teacher vary from state to state, which hampers teacher mobility across state lines. When a teacher wants to move from one state to another, he or she must meet the teacher-licensure requirements in the receiving state. Minnesota does not have licensure reciprocity with any other state, meaning that holding a teaching license from another state is not sufficient to gain a five-year full professional license in Minnesota. Nevertheless, every year, thousands of teachers from other states apply for a Minnesota teaching license; according to a BoT report, during the 2013-2014 school year, MDE issued more than 3,600 licenses to applicants trained in other states, accounting for 39 percent of all licenses issued that year.[28] As discussed in Chapter 1, legislators, school administrators, and others have looked to teachers from other states as a way to address Minnesota's teacher shortage and increase the number of teachers of color in Minnesota.[29]

Educators trained or licensed in other states are eligible to receive the same types of licenses as Minnesota-trained teacher-licensure candidates, as described earlier in this chapter and in Exhibit 2.1. Candidates from other states who have fulfilled all licensure requirements receive a five-year full professional license. However, applicants from other states often have not completed all Minnesota requirements prior to applying for licensure. For example, they may not have passed Minnesota-specific licensure examinations or taken the statutorily required human relations coursework. Therefore, many applicants from other states receive *one-year* full professional licenses, which allow the applicants to teach temporarily while they complete outstanding examinations and coursework.[30]

Many candidates from other states are licensed or prepared to teach grade-level ranges that do not match up with the licenses offered in Minnesota. If a candidate's training covered a narrower scope than the Minnesota license typically granted, the applicant may receive a restricted one- or five-year license (depending on whether the candidate has met all other requirements). As explained earlier in this chapter, a restricted license allows a candidate from another state to teach a specific grade range or subject area that is narrower than the available Minnesota license but in line with the candidate's preparation in the other state.

Some teacher candidates from other states have alleged that it is unreasonably difficult to obtain licensure in Minnesota. The following sections examine the historical difficulties faced by teacher-licensure candidates from other states, as well as the unintended consequences of recent legislative attempts to address the issue.

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[27] *Minnesota Rules*, 8710.4800, subp. 3G(2), posted August 4, 2015.

[28] Minnesota Board of Teaching, *Legislative Priorities 2015* (Roseville, 2015).

[29] We did not formally evaluate the extent to which teachers from other states may help address these issues.

[30] One-year professional licenses can be renewed up to three times and candidates must at least attempt the required examinations in order to renew them. When the candidate has completed testing and other requirements, the next renewal results in a conversion to a five-year full professional license.

Historical Concerns

Licensing teachers from states other than Minnesota has long been a challenge for MDE and BoT, and a source of concern and frustration for many stakeholders.

Prior to legislative changes made in 2015, teacher candidates trained or licensed in other states were required to meet standards "essentially equivalent" to those met by candidates trained in Minnesota teacher-preparation programs.

Minnesota statutes required candidates to have completed a teacher-preparation program that was "essentially equivalent" in content to Minnesota, board-approved programs.[31] In practice, the language made it very difficult for applicants from other states to become licensed without taking additional coursework in Minnesota. Critics of BoT claimed that the board should have defined "essentially equivalent," and that in the absence of such a definition, the board effectively interpreted "essentially equivalent" as "equivalent" and evaluated each application through a course-by-course comparison of transcripts.[32]

Many teachers trained outside of Minnesota have complained about the difficulty of becoming licensed in Minnesota. In order to prove that their teacher-preparation programs were "essentially equivalent" to a Minnesota program, teacher-licensure applicants submitted transcripts, and sometimes even course syllabi or personal narratives explaining how their training and experience met Minnesota standards. Some teachers have reported experiencing long waits and being denied the licenses they felt they deserved even after considerable back-and-forth with licensing specialists at MDE. Some teachers from other states felt that, despite their best efforts, their experience and accomplishments in other states were not recognized.

Some teachers, unable to prove that their previous teacher-preparation programs were essentially equivalent to a Minnesota program, have been required to take additional coursework or repeat coursework to obtain Minnesota licensure. For example, one teacher from Alaska testified in front of a legislative committee that she was advised to consult a Minnesota-approved teacher-preparation program to determine what coursework remained for her to earn a license to teach health.[33] She said the University of Minnesota advised her to take several courses, including a course on the methods of teaching health education. The teacher testified that she had already taken this course in Alaska, even using the same textbook. In April 2015, several teachers filed a lawsuit against BoT focused, in part, on how the board implemented laws related to licensing candidates from other states.[34]

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[31] *Minnesota Statutes* 2014, 122A.23, subd. 1.

[32] In interviews, MDE staff confirmed that, prior to the 2015 legislative changes, they reviewed transcripts from candidates from other states to determine whether their teacher-preparation programs met Minnesota standards.

[33] Joint hearing of the Minnesota House Education Finance and Minnesota House Education Innovation Policy committees, November 5, 2015.

[34] On December 31, 2015, the Honorable Shawn M. Bartsh, ruled in favor of the plaintiffs regarding the licensure-by-portfolio process (discussed further in subsequent chapters), which was among the issues raised by the plaintiffs. Hernandez v. Minnesota Board of Teaching, No. 62-CV-15-1979 (Ramsey County Dist. Ct. filed Apr. 2, 2015). On January 12, 2016, BoT filed a notice to appeal the district court's jurisdiction in this matter.

The Legislature has twice required the Board of Teaching to develop "streamlined" procedures for licensing candidates from other states, once in 2011 and again in 2015; in response, the board and the Minnesota Department of Education have made some targeted changes.

The interest in "streamlining" stemmed from the difficulties that some candidates from other states experienced when seeking Minnesota licensure. In 2011, the Legislature required the board to develop streamlined procedures for licensing candidates from other states.[35] BoT staff have acknowledged that the board did not move quickly to begin streamlining initiatives in 2011.[36]

In 2015, the Legislature required the board to adopt rules and establish streamlined procedures by January 1, 2016, for licensing candidates from other states.[37] In response to this directive, and as of the writing of this report, BoT is currently in the process of rulemaking related to licensing candidates from other states. Its draft rules were made available for public comment in early November 2015, and the board discussed the potential rules as part of board meeting working groups during the fall of 2015. Nevertheless, rules were not completed by the January 1, 2016, deadline.[38]

At a joint hearing of Minnesota's House Education Finance and House Education Innovation Policy committees on November 5, 2015, the BoT executive director said that what is meant by "streamlined procedures" is not clear. She indicated that it could refer to *processing* the licenses (which is an MDE responsibility), or it could refer to the licensing *requirements* for these candidates (which is a BoT responsibility and in part dictated by statutes). The executive director told us that BoT interpreted "streamlining" to mean processing applications faster. In contrast, some stakeholders believed streamlining meant making meaningful changes to licensure requirements.

While streamlining the application process is largely an MDE responsibility, it is worth noting that the agencies have made progress in this area. As part of the contract with Minnesota's current testing vendor, MDE and BoT can directly access applicants' scores on Minnesota's licensure exams. Previously, MDE asked candidates to submit an official copy of their scores, which the agency would later return to them. An MDE staff member told us that having the ability to view scores has reduced the amount of time that licensing

[35] *Laws of Minnesota* 2011, chapter 5, sec. 3, codified in *Minnesota Statutes* 2014, 122A.23, subd. 1. Contrary to some reports, BoT was *not* required to adopt rules as part of the 2011 streamlining directive. The law stated: "For purposes of granting a Minnesota teaching license to a person who receives a diploma or degree from a state-accredited, out-of-state teacher training program leading to licensure, the Board of Teaching must establish criteria and streamlined procedures to recognize the experience and professional credentials of the person holding the out-of-state diploma or degree and allow that person to demonstrate to the board the person's qualifications for receiving a Minnesota teaching license based on performance measures the board adopts under this section."

[36] In addition to streamlining licensure for applicants from other states, the 2011 Legislature required BoT to begin approving alternative teacher-preparation programs. The 2011 legislative session ended with a state government shutdown, which delayed the implementation of both directives. Once state offices reopened, the board focused on developing an approval process for alternative programs before acting to streamline licensure procedures.

[37] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, secs. 9 and 18, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(o); and 122A.23, subd. 1. Unlike the 2011 Legislature, the 2015 Legislature *did* require BoT to adopt rules. The law requiring rulemaking went into effect June 14, 2015, giving BoT six and one-half months to complete the process. The rulemaking process, particularly on complex or controversial topics, can take as long as 24 months.

[38] January 1, 2016, was the board's deadline for comments. As of February 2016, it was working towards a final draft.

specialists must spend sending requests and reminders to candidates. MDE also modified the form that teacher-preparation institutions use to recommend applicants; the current form includes a checkbox for the institution to indicate that the licensure program the applicant completed included human relations coursework.

Additionally, in late 2015, MDE gained access to a database that allows licensing specialists to access past and present course descriptions and content information from teacher-preparation programs nationwide and even outside of the United States. Staff expect this to reduce the amount of time that licensing specialists spend researching and corresponding with other institutions regarding the content of courses listed on candidates' transcripts. This improvement makes it easier for MDE licensing specialists to thoroughly review licensure applications and determine whether a candidate's teacher training meets Minnesota requirements.

BoT and MDE have made some streamlining changes that go beyond more efficiently processing licensure applications. In 2014, the two agencies established a joint staff licensure-review committee that meets biweekly to review applications for which there is not a clear licensing decision. This committee talks through applications, candidate credentials, and requirements before making licensure decisions by consensus. If the joint staff licensure-review committee decides to deny the license or if it cannot agree on an outcome, the committee refers the case to the Licensure Committee of BoT's governing board, also established in 2014. We discuss the licensure-application and approval processes in Chapter 3.

BoT's streamlining efforts have included changes related to the board-approved teacher licensure examinations. For example, in early 2013, the board revised the minimum passing scores for six of the content-area exams based on the recommendations of a review panel of content-area experts. The board lowered the minimum passing scores for middle-level mathematics, earth and space sciences, physics, French, Spanish, and one of the German subtests; it raised the minimum passing score for the other German subtest. Additionally, in late 2014, BoT decided to initiate rulemaking to address problems with the requirements for the developmental adapted physical education (DAPE) license. The board had received a number of appeals from candidates who had been denied DAPE licensure, and it determined that the existing rules presented barriers to candidates from other states.

The board has also made efforts to improve the experience that candidates from other states have when working with teacher-preparation institutions to address training deficiencies. As of 2013, candidates who need additional coursework, but less than half of a preparation program's total requirements, do not need a recommendation from the institution.[39] Instead, they can demonstrate that the deficiencies have been addressed by submitting a transcript directly to MDE when they reapply for licensure. BoT provided training to all teacher-preparation institutions and their certifying officers regarding advising candidates from other states.

Not satisfied with BoT's actions, the 2015 Legislature took matters into its own hands and made several changes designed to streamline the teacher-licensure process for candidates trained or licensed in other states. Exhibit 2.6 outlines these changes. One change, which the board supported, allows teachers from other states to keep and renew restricted licenses

[39] Previously, candidates from other states needed recommendations from their teacher-preparation programs regardless of the number of classes they took. Some institutions require candidates to take a minimum number of courses before it will recommend them for licensure.

Exhibit 2.6: Legislative Changes for Teacher Candidates Licensed in Other States, 2015

2015 Legislative Change	Impact of Change
Subd. 2(a) The Board of Teaching must issue a teaching license or a temporary teaching license under paragraphs ~~(b)~~ (c) to ~~(e)~~ (f) to an applicant who holds at least a baccalaureate degree from a regionally accredited college or university and holds or held ~~a similar~~ an out-of-state teaching license that requires the applicant to successfully complete a teacher preparation program approved by the issuing state, which includes either (1) field-specific teaching methods ~~and~~, student teaching, or ~~essentially~~ equivalent experience, or (2) at least two years of teaching experience as the teacher of record in a similar licensure field.	Reduces the number of required components of the teacher-preparation program for candidates from other states.
Subd. 2(d) The Board of Teaching, consistent with board rules and paragraph ~~(h)~~ (i), must issue up to ~~three~~ four one-year temporary teaching licenses to an applicant who holds or held an out-of-state teaching license to teach ~~the same~~ a similar content field and grade levels, where the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, but has not successfully completed all exams and human relations preparation components required by the Board of Teaching.	Extends to four (from three) the number of years that candidates from other states can be issued temporary licenses if they have not completed examination and human relations requirements.
Subd. 2(e) The Board of Teaching, consistent with board rules, must issue up to ~~three~~ four one-year temporary teaching licenses to an applicant who: (1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and (2) holds or held an out-of-state teaching license to teach ~~the same~~ a similar content field and grade levels, where the scope of the out-of-state license is no more than two grade levels less than a similar Minnesota license, but has not completed field-specific teaching methods or student teaching or equivalent experience.	Extends to four (from three) the number of years that candidates licensed in other states can be issued temporary licenses if they have not completed field-specific teaching methods or student teaching or equivalent experience.
Subd. 2(f) The Board of Teaching must issue a ~~temporary~~ restricted teaching license for ~~a term of up to three years~~ only in the content field or grade levels specified in the out-of-state license to an applicant who: (1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and (2) holds or held an out-of-state teaching license where the out-of-state license is more limited in the content field or grade levels than a similar Minnesota license.	Allows candidates from other states to maintain their restricted licenses indefinitely. Under previous law, they were required to expand the scope of their license within three years, which required completing extra coursework.
Subd. 2(b) The Board of Teaching may issue a standard license on the basis of teaching experience and examination requirements only.	*Permits* BoT to issue a license to candidates who have not completed a teacher-preparation program.
Subd. 2(g) The Board of Teaching ~~must not issue to an applicant more than three one-year temporary teaching licenses under this subdivision~~ may issue a two-year limited provisional license to an applicant under this subdivision to teach in a shortage area….	*Permits* BoT to issue a provisional license to candidates to teach in a shortage area.[a]
Subd. 2(h) The Board of Teaching ~~must not~~ may issue a license under this subdivision if the applicant has ~~not~~ attained the additional degrees, credentials, or licenses required in a particular licensure field and the applicant can demonstrate competency by obtaining qualifying scores on the board-adopted skills examination in reading, writing, and mathematics, and on applicable board-adopted rigorous content area and pedagogy examinations….	*Permits* BoT to issue a license to candidates who have not completed field-specific teaching methods, student teaching, or equivalent experience.

NOTES: "BoT" is the Minnesota Board of Teaching. The exhibit includes most changes made to *Minnesota Statutes* 2014, 122A.23. We present the subdivisions out of order to separate provisions requiring BoT to issue a license from those permitting them to do so. Strikethroughs represent previous language that was removed from statute by the 2015 Legislature. Underlining represents language that was added by the 2015 Legislature.

[a] A teacher shortage is defined as "an inadequate supply of licensed personnel in a given licensure area as determined by the Commissioner [of Education]." See *Minnesota Statutes* 2015, 122A.18, subd. 4a.

SOURCES: *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 18, codified in *Minnesota Statutes* 2015, 122A.23, subds. 2(a), 2(b), 2(d), 2(e), 2(f), 2(g), and 2(h).

indefinitely.[40] Another change extended to four (from three) the number of temporary teaching licenses a candidate may receive. However, some other legislative changes had unanticipated consequences, as we discuss in the next section.

Unequal Standards

Minnesota statutes set forth specific teacher-licensure requirements for candidates who were trained and licensed in a state other than Minnesota.[41] Exhibit 2.7 identifies several key requirements for such candidates. For example, to obtain a five-year full professional license, candidates from other states typically must pass Minnesota's teacher-licensure examinations, complete human relations coursework, and complete a state-approved teacher-preparation program. The teacher-licensure requirements for candidates from other states are enumerated in a separate section of law from the requirements for Minnesota candidates.[42] (We summarized requirements for candidates trained in Minnesota-approved teacher-preparation programs in Exhibit 2.3.)

Exhibit 2.7: Teacher-Licensure Requirements for Candidates Trained and Licensed Outside of Minnesota, 2016

Complete a state-approved teacher-preparation program, which includes at least one of the following components:

- Field-specific teaching methods
- Field-specific student teaching experience[a]
- Experience equivalent to field-specific student teaching or instruction in field-specific methods
- At least two years of teaching experience in a similar licensure field

Successfully complete required human relations coursework (working with diverse learners)

Achieve a passing score on teacher-licensure exams

- BoT-adopted skills examination in reading, writing, and mathematics
- BoT-adopted licensure exam of general pedagogical knowledge
- BoT-adopted licensure exam for the relevant content area

Be recommended for licensure by a certifying officer from the candidate's state-approved teacher-preparation program

NOTES: "BoT" is Board of Teaching. The Minnesota Department of Education (MDE) must issue a five-year full professional license to candidates who fulfill the requirements listed above. Candidates must hold or have held a license from another state in a similar content field and grade level scope (not more than two grade levels less than the scope of a similar Minnesota license). MDE issues a one-year full professional license to otherwise qualified teachers from other states who have not completed the human relations or examination requirements.

[a] *Minnesota Statutes* 2015, 122A.23, subd. 2(a), requires BoT to issue a teaching license or a temporary teaching license to an applicant who has completed a teacher-preparation program including "either (1) field-specific teaching methods, student teaching, or equivalent experience." BoT and MDE have interpreted "field-specific" as modifying both teaching methods and student teaching.

SOURCES: *Minnesota Statutes* 2015, 122A.23; and *Minnesota Rules,* 8710.0400 and 8710.0500, posted November 19, 2009.

[40] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 18, codified in *Minnesota Statutes* 2015, 122A.23, subd. 2(f).

[41] *Minnesota Statutes* 2015, 122A.23.

[42] *Minnesota Statutes* 2015, 122A.09 and 122A.18 (Minnesota-trained candidates); and 122A.23 (candidates from other states).

The 2015 Legislature established lower licensure standards for teacher candidates trained outside of Minnesota than for teacher candidates trained in Minnesota teacher-preparation programs.

Exhibit 2.8 compares the two sets of requirements and demonstrates that Minnesota has two separate sets of teacher-licensure requirements, depending on where a candidate received his or her training. To receive a five-year professional license, teacher-licensure candidates, regardless of where they were trained, typically must (1) pass board-adopted examinations, (2) take human relations coursework to prepare them to work with diverse learners, and (3) complete a state-approved teacher-preparation program leading to licensure. The exhibit shows, however, that the content of those teacher-preparation programs can be very different depending on whether the candidate was trained in or outside of Minnesota.

Due to recent legislative changes—which removed the requirement that candidates from other states complete a teacher-preparation program "essentially equivalent" to a Minnesota program—MDE can now license such candidates without evidence of training in reading strategies and technology strategies, among other things. Many of the requirements that Minnesota-trained teachers must meet are actually required components of the Minnesota teacher-preparation *programs* they must complete. While some training requirements are established only in rule, the Legislature has deemed reading and technology strategies important enough to be statutorily required components of an approved Minnesota teacher-preparation program.[43] Yet, candidates from other states are no longer required to have preparation in these and other areas. In sum, licensure requirements are now more rigorous for candidates attending Minnesota teacher-preparation programs than for candidates trained or licensed elsewhere.

We observed the impact of the reduced standards for candidates from other states when we attended meetings of the BoT-MDE joint staff licensure-review committee. For example, we witnessed the committee grappling with student-teaching requirements as they now pertain to candidates from other states. Graduates from Minnesota teacher-preparation programs are required by rule to have at least 12 weeks of field-specific student teaching experience.[44] The 2015 Legislature changed the requirements for candidates prepared and licensed in other states, so that these candidates now must demonstrate "*either* (1) field-specific teaching methods, student teaching, *or* equivalent experience, *or* (2) at least two years of teaching experience as the teacher of record in a similar licensure field."[45] Statutes, however, do not define field-specific methods or student teaching. Because of the change to this law, BoT approved one-year full professional teaching licenses for candidates who were trained in other states and had only five days of student teaching experience. Those candidates will be eligible to receive five-year full professional licenses once they have completed human relations coursework and examination requirements. In Chapter 4, we make recommendations to address these and other inconsistencies found in teacher-licensure requirements.

[43] *Minnesota Statutes* 2015, 122A.18, subds. 2a and 3a.

[44] *Minnesota Rules,* 8705.1000, subp. 3G, posted August 4, 2015.

[45] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 18, codified in *Minnesota Statutes* 2015, 122A.23, subd. 2(a).

Exhibit 2.8: Comparison of Requirements for Teacher-Licensure Candidates Trained In and Outside of Minnesota, 2016

Teachers Trained in Minnesota	Teachers Trained in Other States
Liberal arts and sciences degree	Baccalaureate degree from a regionally accredited college or university
BoT-approved teacher-preparation program, which must include ***all*** of the following components: • Field-specific teaching methods • Student teaching (12 continuous weeks)	Teacher-preparation program approved by the license-issuing state, which must include ***either***: • *Option 1*: field-specific teaching methods or equivalent experience • *Option 2*: field-specific student teaching (no minimum duration) or equivalent experience • *Option 3*: at least two years of teaching experience in a similar licensure field
• Human relations coursework (working with diverse learners) • Standards of effective practice (pedagogy)[a] • Reading strategies • Technology strategies • Supporting English language learners • Field experience[b] • edTPA[c]	Human relations coursework (working with diverse learners)
Achieve a passing score on BoT-adopted teacher licensure examinations • Skills examinations in reading, writing, and mathematics • Pedagogy examination • Content-area examination	Achieve a passing score on BoT-adopted teacher licensure examinations • Skills examinations in reading, writing, and mathematics • Pedagogy examination • Content-area examination
Recommended by Minnesota institution	Recommended by state-approved teacher-preparation institution
	Holds or held a license from another state in a similar content field and grade-level scope (not more than two grade levels less than similar Minnesota license)[d]

NOTES: "BoT" is Board of Teaching. Successful completion of the above results in the receipt of a five-year full professional license.

[a] Minnesota rules outline "standards of effective practice" that all Minnesota-trained licensure candidates must meet regardless of their licensure field. See *Minnesota Rules,* 8710.2000, posted August 4, 2015.

[b] Teacher-preparation programs must "incorporate a range of planned and supervised field-based experiences prior to student teaching that provide candidates opportunities to demonstrate the unit's indicators of professional dispositions and the required skills and knowledge under…the scope of the license." See *Minnesota Rules,* 8705.1000, subp. 3A, posted August 4, 2015.

[c] The Board of Teaching selected "edTPA" as a performance-based teaching assessment that requires teacher candidates to demonstrate their skills in areas such as planning, instruction, and assessment. The edTPA process evaluates teacher candidates over the course of several weeks using lesson plans, samples of students' work, and videos of student teaching, among other things.

[d] *Minnesota Statutes* 2015, 122A.23, subd. 1, states that BoT "may" issue a license to a candidate from another state who does not hold a license from that state, if the candidate graduated from a teacher-preparation program leading to licensure.

SOURCES: *Minnesota Statutes* 2015, 122A.09, 122A.18, and 122A.23. *Minnesota Rules,* 8700.7600, 8705, and 8710.2000, posted August 4, 2015; and *Minnesota Rules,* 8710.0400 and 8710.0500, posted November, 19, 2009.

Chapter 3: Teacher-Licensure Process

Chapter 2 explained the various types of teacher licenses and special permissions available to educators in Minnesota. This chapter goes into further detail about how license applications are reviewed, how licenses are issued, and the roles of the responsible agencies. The chapter describes the traditional teacher-licensure application process, as well as the licensure-by-portfolio process and the issuance of special permissions. The chapter concludes with a discussion of licensure denials and the process available to candidates who wish to appeal teacher-licensure decisions.

OVERVIEW

In general, teachers must hold a valid Minnesota teaching license to provide instruction in a public school. However, there are some exceptions; the Legislature and the Board of Teaching (BoT) have established several types of "special permissions," which allow individuals to legally teach without meeting all licensure requirements.

In general, the Minnesota Department of Education reviews licensure applications and issues teaching licenses, and the Board of Teaching reviews and approves requests for special permissions.

The process to apply for a teaching license is different than the process for requesting a special permission. To apply for a teaching license, an individual typically submits an application to the Minnesota Department of Education (MDE), pays a fee, and (if qualified) receives a teaching license. In contrast, to request a special permission, a school district or charter school applies to BoT on behalf of an individual. A fee is not required to request a special permission. If the board approves the application, a special permission to hire the individual is issued to the school district.[1] The following sections explain these processes in greater detail.

TRADITIONAL APPLICATION PROCESS

Most teacher-licensure candidates apply for a license using the traditional application process. After describing this process, we highlight several concerns that applicants and other stakeholders have raised and recommend some improvements to the application system.

[1] While BoT approves and issues most special permissions, MDE issues one type of special permission to school districts on the board's behalf. This type of permission, the personnel variance, is issued for licensed teachers to teach subjects or fields for which they are not currently licensed.

In fiscal year 2015, the Minnesota Department of Education's licensing division received almost 27,000 applications for licenses and renewals for teachers, administrators, and other licensed staff.

Almost 5,300 of these applications were for initial licensure. Exhibit 3.1 shows applications for initial licensure, renewals, and endorsements for teachers and other licensed staff in fiscal year 2015.[2] In addition to the initial license applications, MDE received almost 18,000 requests for license renewals and more than 3,300 requests to add endorsements to existing licenses.

Exhibit 3.1: Applications Submitted to the Minnesota Department of Education's Licensing Division, Fiscal Year 2015

Application Type	Number of Applications Submitted
License renewal	17,975
Initial licensure	5,288
Endorsement[a]	3,324
Combination renewal and endorsement	377
Total	26,964

NOTES: These numbers represent the number of applications (rather than the number of unique applicants) for all types of licenses issued by the Minnesota Department of Education (MDE): full professional and limited teaching, substitute teaching, public school nurse, school psychologist, and principal, among others. We are not able to present numbers on applications for teaching licenses separately because this information is not retained in the department's application database. The numbers shown are estimates of the number of applications received in fiscal year 2015. Because candidates may submit a single form for multiple license applications or renewals, the actual number of applications processed by MDE staff is likely higher than what we present in this exhibit.

[a] Endorsements are teaching licenses in additional fields that may be added to the license of a teacher who is already fully licensed in another field.

SOURCE: Office of the Legislative Auditor, analysis of Minnesota Department of Education licensure data, fiscal year 2015.

[2] These numbers include applications for all types of MDE-issued licenses: full professional and limited teaching, substitute teaching, public school nurse, school psychologist, and principal, among others. We are not able to present numbers on applications for teaching licenses separately because this information is not retained in the department's application database. The numbers shown are estimates of the number of applications received in fiscal year 2015. Because candidates may submit a single form for multiple license applications or renewals, the actual number of applications processed by MDE staff is likely higher than what we present here.

Application for Initial Licensure

The licensing division within MDE processes all initial licensure applications, license renewals, and license endorsements (additional licenses granted to an already licensed teacher).[3]

Application Submission

To begin the process of applying for licensure, a candidate must submit an application form to MDE, either through the department's online application system or on paper. First-time applicants for any type of MDE-issued license typically apply online.[4] Exhibit 3.2 illustrates the typical path of an application for teacher licensure.

When applying for an initial teaching license, licensure candidates submit through the online system basic information about the license they are seeking and their educational background. Applicants also complete an online questionnaire regarding any past criminal conduct and may indicate whether they are currently licensed to teach outside of Minnesota. Candidates must also submit an application fee (currently $93.45) to the department.

Main License Types

Five-Year Full Professional: Candidate meets all of the Board of Teaching's licensing requirements.

One-Year Full Professional: Candidate holds or held a license in another state and has not yet completed human relations coursework and/or passed board-required licensure exams.

Temporary Limited: Candidate has *either* (1) obtained a bachelor's degree with at least a minor in the content area but has not yet completed a board-approved teacher-preparation program, or (2) completed a Minnesota teacher-preparation program but has not passed all required licensure exams.

Five-Year Restricted: Candidate (1) completed all board-required licensure exams and human relations coursework, *and* (2) holds or held a teaching license from another state where the license is more limited in content or grade level than a similar Minnesota license.

Nonrenewable: Candidate is a licensed teacher wishing to obtain a license in a new subject area and must verify enrollment in an approved teacher-preparation program leading to full licensure in the nonrenewable license field.

Once the candidate completes the basic application form, the application system generates a checklist for the applicant identifying additional materials to submit. Candidates must submit these additional materials through the mail rather than electronically. The additional application materials typically include official transcripts and a licensure recommendation from the candidate's teacher-preparation institution. A "certifying officer" from the institution where the candidate trained to be a teacher must sign the licensure-recommendation form. The form indicates the subject(s) and grade-level scope(s) of the teacher-preparation program(s) successfully completed by the applicant, as well as information about the applicant's student teaching experience. A candidate does not request a particular license field or grade level;

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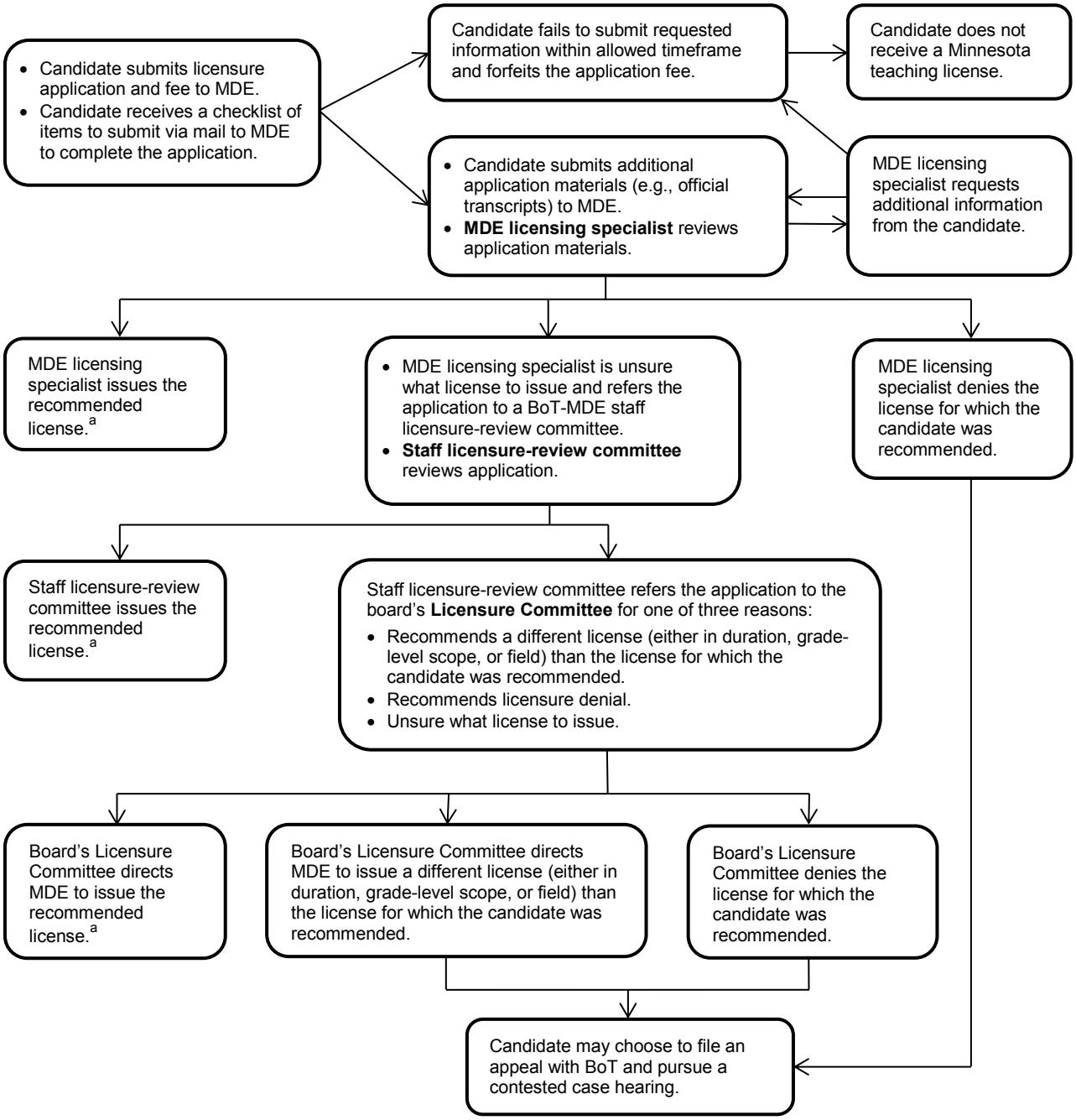
[3] The licensing division also processes requests for license duplication and voluntary license surrender. Requests for voluntary surrender of a license may occur when an individual wishes to remove one or more subject areas from his or her license. License duplications are simply requests for a reprint of an individual's license.

[4] Candidates who have applied for a license in the past must use a paper application to apply for any additional licenses. For example, if an applicant previously applied for and received a substitute teaching license, he or she would need to submit an application for a full professional teaching license via a paper application.

Exhibit 3.2: Traditional Teacher-Licensure Application Process, 2016



NOTES: "BoT" and "board" refer to the Board of Teaching; "MDE" refers to the Minnesota Department of Education. This exhibit represents the licensure-application process as it was practiced at the time of publication.

[a] When there is a mismatch between the licenses that Minnesota offers and a candidate's preparation in another state, MDE issues the license that is the best match and does not consider it a denial. For example, some candidates from other states are trained and recommended for licensure in elementary education for kindergarten through *grade eight*. Minnesota, however, issues an elementary education license for kindergarten through *grade six*. A candidate with the aforementioned recommendation would be granted Minnesota's kindergarten through grade six elementary license, which is the best match for the candidate's preparation.

SOURCE: Office of the Legislative Auditor.

instead, the certifying officer recommends the applicant for licensure in the subject(s) and grade level(s) that align with the candidate's training. Candidates are given 60 days to submit additional requested information, after which MDE staff may issue a reminder or extension before the candidates forfeit their application fees.

Application Review

Once an applicant submits the additional requested materials to MDE, a licensing specialist reviews the materials to determine whether the applicant meets Minnesota's requirements for the license indicated on the recommendation form. If a candidate meets all licensure requirements for the recommended license, the licensing specialist will issue the license and the candidate will receive e-mail notification that MDE granted the license.

For some candidates trained or licensed outside Minnesota, the licenses recommended by their teacher-preparation institution's certifying officer do not match an existing Minnesota licensure field or grade-level scope. In these cases, the licensing specialist will determine the closest existing Minnesota license based on the candidate's education and experience and will weigh the candidate's qualifications against the requirements for that license. Based on the candidate's qualifications, the licensing specialist may issue a different license than what appears on the recommendation form.

Sometimes the licensing specialists need more information to make a licensure determination. In these cases, MDE will request additional information from the candidates. When MDE receives the additional materials, the licensing specialist will again go through the process of making a licensing determination. If the licensing specialist is uncertain whether to issue a recommended license, he or she refers the candidate's application to a licensure-review committee made up of MDE and BoT staff. This joint staff licensure-review committee meets biweekly, as needed, to review licensure applications to determine which license, if any, MDE can issue to the candidate. If the decision is clear-cut, licensing specialists may also deny an application for licensure without sending the application through the joint staff licensure-review committee. For example, if a candidate applies for licensure in a subject for which there is no corresponding Minnesota license, licensing specialists may deny the application without formal committee review.

Referral for Additional Review

As Exhibit 3.2 shows, the joint staff licensure-review committee may (1) recommend that MDE issue the license for which the candidate was recommended, (2) recommend a different license type than the license for which the candidate was recommended, (3) recommend denying the license for which the candidate was recommended, or (4) be unable to come to a licensure determination.

Unless the joint staff licensure-review committee grants the license for which the candidate was recommended, it refers the application to the board's Licensure Committee. After referral, the final licensure determination rests with this committee. The committee may decide to (1) grant the license for which the candidate was recommended, (2) grant a different license type than the license for which the candidate was recommended, or (3) deny the license for which the candidate was recommended.

Once a licensure determination has been made, either by the joint staff licensure-review committee or the board's Licensure Committee, MDE is responsible for issuing the license and communicating the decision back to the applicant. MDE communicates the licensure

decision with either a notification that it issued the license or a denial letter. If MDE denies the applicant's license application, or if the applicant receives a lesser license than what was recommended, he or she may appeal the decision to BoT through a formal written request. We discuss the process for denials and appeals in greater depth later in this chapter.

License Renewal

As indicated above, MDE also receives applications for license renewals. In fiscal year 2015, MDE received approximately 18,000 applications for license renewal. Each license shows an expiration date and specific renewal conditions that licensees must meet to have the license reissued at the end of its term. All licenses expire on June 30 of a given year, regardless of when the license was originally issued.[5]

Professional Development Requirements

Candidates who are issued a five-year full professional license typically must complete 125 professional development hours (commonly referred to as "clock hours") during the five-year term of their license. Minnesota statutes and rules prescribe specific content areas that candidates must satisfy within those 125 hours. These requirements include (1) further preparation related to instruction of English language learners; (2) positive behavior intervention strategies; (3) adaptation of curriculum, materials, and instruction to meet the needs of students; (4) reading preparation; (5) integrating technology with student learning; (6) identifying warning signs for early-onset mental illness; and (7) a reflective statement of professional accomplishment and assessment of professional growth.[6] Teachers may also complete clock hours in other professional development areas not specifically listed here, as long as they fit within the Standards of Effective Practice outlined in Chapter 2. Local continuing education committees housed within each school district or charter school handle the process of verifying continuing education requirements.[7]

Other Renewal Requirements

While professional development is the most common license-renewal requirement, candidates who receive one-year licenses may have additional renewal requirements. For example, MDE issues one-year full professional licenses to otherwise qualified candidates from other states who have not yet passed required licensure exams and/or completed human relations coursework. A candidate who has not yet passed required licensure exams must verify an attempt to pass any remaining exams in order to renew the one-year full professional license for an additional year. Candidates are allowed up to four years to pass the exams; once a candidate passes all required exams, he or she would be issued a five-year full professional license. Similarly, a candidate who has not completed Minnesota's human relations coursework requirement may renew his or her one-year full professional

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[5] Lifetime licenses do not expire. MDE currently issues lifetime substitute licenses to retired teachers receiving a verifiable retirement annuity.

[6] *Minnesota Statutes* 2015, 122A.09, subds. 4(i), 4(k), 4(m), 4(n); and 122A.18, subd. 4(b); and *Minnesota Rules,* 8710.7200, subp. 2, posted November 19, 2009.

[7] Teachers submit information about completed professional development hours to their school districts' continuing education committees. These committees record the number of completed hours and verify compliance with the license-renewal requirements listed in this section. The committees report this information to MDE through an online database; license renewals are then issued automatically if MDE's licensing system detects that all clock hours have been recorded and the candidate has not had any conduct issues.

license for up to four years. Once a candidate has met this requirement, he or she must submit transcripts verifying its completion, after which he or she would receive a five-year full professional license. A candidate who has not passed all examinations or satisfied the human relations requirement by the end of four years is not eligible to receive a license for a fifth year.

AREAS OF CONCERN

Over the course of our evaluation, we identified several areas of concern related to the teacher-licensure application process. Licensure applicants and other stakeholders expressed confusion and frustration regarding multiple aspects of the application process. As part of our evaluation, we conducted a survey of teacher-licensure applicants who were trained or licensed in other states.[8] One-third of the respondents—234 individuals—said the licensure-application steps were not clear, and 44 percent—308 individuals—said applying for a Minnesota teaching license was difficult. Stakeholders with whom we spoke indicated similar concerns. Below, we describe issues related to MDE's online application system, confusing license terminology, the lack of clear guidelines outlining licensure requirements, and the treatment of examinations as a teacher-preparation program requirement.

Outdated Application System

As discussed above, most individuals currently submit their first teacher-licensure application through MDE's website.[9] In surveys and interviews, licensure applicants and other stakeholders identified various challenges with the online licensure-application system.

The Minnesota Department of Education's online teacher-licensure application system is outdated.

Candidates applying for a teaching license are directed to submit an application using MDE's online educator-licensing system. The online application system, which was put into place in 2006, is outdated. For example, applicants are not able to upload documents through the online application system; rather, they must separately submit hard copies of their transcripts and other supporting documents through the mail. MDE staff then scan and catalogue each application packet.

In addition to not being able to upload application materials, candidates are not able to indicate on the online application form the licensure field and grade level for which they are applying. The candidate is only able to apply for a broad license type, such as a full professional or limited full time license. The electronic application form does not have a place for a candidate to indicate that he or she, for example, wishes to receive a license to

[8] We surveyed all individuals who were licensed or trained in another state who applied online for a Minnesota teaching license for the first time in fiscal year 2015. We received responses from 702 teacher-license applicants, which represents more than 40 percent of the 1,678 survey recipients.

[9] According to MDE licensing staff, most first-time teaching applications come through the online system, but they do receive—and can process—some paper applications. Additionally, applications for "endorsements," which allow teachers to add a licensure field to an existing license, must be submitted using a paper application.

teach mathematics in grades 7 through 12. MDE licensing staff do not receive information about the field and grade level for which the applicant is recommended until the applicant submits a paper copy of a recommendation form from his or her teacher-preparation institution.

Candidates with nontraditional training have additional difficulties submitting application information. For example, when applying for a license, applicants are required to enter the postsecondary institutions from which they received a degree and indicate whether they completed a licensure program at that university. Alternatively prepared licensure candidates may have completed licensure programs through organizations other than colleges or universities. For example, candidates may complete an alternative licensure program through a nonprofit organization like Teach For America. In this case, licensure candidates are not able to identify Teach For America as the provider of their licensure program on the online application form.

Inconsistent Use of License Terms

Another concern we identified related to the licensure-application process is regarding terminology. The online application system uses its own set of terms to refer to license types, many of which are different from, and do not correspond directly to, the terms used in statutes, rules, or practice.

The Minnesota Department of Education's online application system requires applicants to select the broad license type for which they are applying; however, not all license types are available to select through the online system.

MDE issues many more license types than are available to select on the licensure-application website. For example, while the online application form lists "full professional Minnesota education license" as one license type, it actually represents four license types, which are quite different in practice. Exhibit 3.3 compares the Minnesota teaching licenses for which candidates can apply, the corresponding licenses MDE issues, and what is printed on the actual license.

Licenses for which candidates can apply online do not always align with licenses identified in statutes or rules. For example, a candidate may apply for a "full professional Minnesota education license" through the online system, hoping to receive a five-year full professional teaching license. However, statutes and rules use a variety of terms to refer to licenses that may fall into this category, including: "initial teacher license," "standard license," "professional license," and "teaching license." Nowhere, however, do the statutes governing teacher licensure use the term "full professional Minnesota education license" that is listed on the application form.[10]

[10] We discuss inconsistencies in the license types established in teacher-licensure laws more fully in Chapter 4.

Exhibit 3.3: Teacher Licenses Available through Minnesota's Educator Licensing Application Website Compared with Licenses Issued, 2016

Teacher Licenses Available for Selection on MDE's Online Educator Licensing Application System	Types of Teacher Licenses Issued	Names of Teacher Licenses Printed on Actual Licenses
Full professional Minnesota education license	Five-year full professional license	Full time
	One-year full professional license	Full time (designated as "one-year" at the bottom of license)
	Five-year restricted license	Restricted
	One-year restricted license	Restricted (designated as "one-year" at the bottom of license)
Limited full time license	Temporary limited license	Full time (limitations explained at the bottom of license)
Five-year short-call substitute teaching license	Five-year short-call substitute license	Short-call substitute[a]
Lifetime qualified short-call substitute teaching license	Lifetime substitute license	Short-call substitute[a]
Two-year limited short-call substitute teaching license	Two-year short-call substitute license	Short-call substitute[a]
Limited intern license	Limited intern license	Full time (designated as "intern" in license description)

NOTES: "MDE" is the Minnesota Department of Education. MDE also issues licenses that do not clearly align with the licenses available in the online application system. *Immersion-only* licenses are issued to otherwise qualified candidates who do not achieve passing scores on the required skills exams, as long as they are providing world-language instruction or instruction in their native language. *Nonrenewable* licenses are issued to licensed teachers in a subject for which they are not already licensed; these teachers must verify enrollment in an approved teacher-preparation program leading to full licensure in the nonrenewable license field. *Provisional* licenses are issued to licensure candidates in a field in which they were not previously licensed or in a field in which a shortage of licensed teachers exists. Licensure candidates are not able to request these license types through MDE's online application system.

[a] Short-term (or "short-call") substitute licenses allow individuals to teach for no more than 15 days per teaching assignment. MDE does not issue long-term substitute licenses. A long-term substitute must be fully licensed for the teaching assignment.

SOURCES: Office of the Legislative Auditor, analysis of Minnesota Department of Education, Educator Licensing website; and Minnesota Board of Teaching, "Types of Licenses Available and Issuing Agency," http://mn.gov/board-of-teaching/beaneducator/, accessed January 5, 2016.

Further, MDE issues licenses that do not clearly align with the licenses available in the online application system. For example, MDE issues "immersion-only" licenses to otherwise qualified candidates who do not achieve passing scores on the required skills exams, as long as they are providing world-language instruction or instruction in their native language. MDE also issues "nonrenewable" licenses to licensed teachers in a subject for which they are not already licensed; these teachers must verify enrollment in an approved teacher-preparation program leading to full licensure in the nonrenewable license field. Licensure candidates are not able to apply for these licenses through MDE's online application system.

The Minnesota Department of Education's licensing website does not define or fully explain the requirements for the teacher licenses that are available.

MDE's licensing division home page has explanations of, and requirements for, some of the different teacher licenses for which an applicant can apply.[11] However, the website does not outline all required qualifications for the licenses, nor does it fully reflect the requirements of some licenses. Additionally, applicants can be routed from MDE's main home page to the application system without having seen the definitions on the licensing division's home page.

For example, the webpage defining license application types states that the "first-time full professional Minnesota education license" is "available to applicants who have completed a teacher or administrative licensure program…."[12] This document does not clarify that the applicant must successfully complete the Minnesota basic skills, content, and pedagogy licensing exams to receive the *five-year* full professional license. Additionally, the "first-time full professional Minnesota education license" is a different license name than what is listed on the online application system ("full professional Minnesota education license"), what is issued ("five-year full professional license" or "one-year full professional license"), what is printed on the license ("full time"), and what it is often called in practice ("standard license").

Similarly, the website states that the "limited full time license" is available to people who have not completed a teacher-preparation program. Yet, as explained in Chapter 2, MDE licensing staff also issue this license to candidates who have completed a Minnesota teacher-preparation program but who have not yet completed the required licensure exams. The website also states that the application for this license requires a district verification form signed by a Minnesota public school district or charter school verifying a hardship in locating an appropriately licensed teacher for the assignment. However, MDE does not require this form to issue a temporary limited license to candidates who have completed a Minnesota teacher-preparation program.

MDE staff told us that applicants sometimes select the wrong license when they submit an initial teacher-license application. Of the 234 survey respondents who indicated that the licensure application process was unclear, 12 specifically commented that they did not know which license to apply for or whether they applied for the incorrect license. For example, a candidate from another state may assume he or she will not receive a "full professional license" and apply for a limited license instead, not understanding that limited licenses are typically issued to individuals who have not completed a teacher-preparation program. Similarly, a candidate may select a "lifetime substitute license" because it sounds more appealing than a "five-year short-call substitute license."[13] However, he or she may not be qualified for this license; only applicants who have retired from teaching and can verify that they are receiving a retirement annuity are eligible to receive the "lifetime substitute license." This fact is not stated anywhere on the online application form.

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[11] BoT recently created a new document outlining each available license type and the specific requirements for each. However, it is currently available only on BoT's website, rather than MDE's licensing website. Minnesota Board of Teaching, "Types of Licenses Available and Issuing Agency," http://mn.gov/board-of-teaching/beaneducator/, accessed January 5, 2016.

[12] Minnesota Department of Education Division of Educator Licensing, "Educator License Application Type Definitions," http://education.state.mn.us/MDE/EdExc/Licen/, accessed January 8, 2016.

[13] Short-term (or "short-call") substitute licenses allow individuals to teach for no more than 15 days per teaching assignment. MDE does not issue long-term substitute licenses. A long-term substitute teacher must be fully licensed for the teaching assignment.

Unclear Licensure Requirements

As noted above, the licensing website does not provide sufficient information about the types of licenses available, nor does it provide clear information about the requirements for each type of license.

Neither the Minnesota Department of Education's licensing division nor the Board of Teaching provides teacher candidates with a clear checklist outlining what is required for each type of teaching license issued in Minnesota.

As noted above, when applicants use the online licensure-application system, definitions and requirements for the different license types are not easily accessible or complete. BoT recently posted to its website a document outlining all available licenses and requirements for each.[14] However, this document is posted on BoT's website rather than MDE's licensing website. In addition, this document does not allow applicants to easily compare their qualifications to the licensure requirements. While the document does not clearly state this, BoT staff confirmed that the document is meant to be used by candidates from others states. Thus, the listed requirements for some licenses continue to be unclear or incomplete when thinking about Minnesota candidates.

Applicants we surveyed described their experiences applying for a Minnesota teaching license. Of those 234 respondents (one-third of total respondents) who indicated that the licensure application process was unclear, at least 26 had negative comments specifically about MDE's website, both related to the information available on the licensing homepage as well as the online application process. For example, 6 of these respondents specifically stated that the website was difficult to navigate, and 11 respondents commented that the information on the website was unclear. One respondent commented that trying to obtain necessary information on the website was "like a wild-goose chase."

Of those 234 respondents who indicated that the application process was unclear, at least 22 respondents commented that they either could not find or did not understand all of the requirements for obtaining a Minnesota teaching license. One respondent commented that she "thought that the requirements for what was needed for a Minnesota license [were] very unclear. I ended up submitting everything without knowing if I'd be eligible or not, which made it hard when I was applying for jobs in MN for that school year." Further, nearly 10 percent of all respondents commented that the testing requirements for licensure were unclear. Finally, at least 12 respondents commented that they received contradictory information from different staff members at MDE.

[14] Minnesota Board of Teaching, "Types of Licenses Available and Issuing Agency," http://mn.gov/board-of-teaching/beaneducator/, accessed January 5, 2016.

RECOMMENDATIONS

The Minnesota Department of Education should update its teacher-licensure application system to allow applicants to submit more complete information through the initial application form.

The Minnesota Department of Education should update its application system and website to provide applicants more complete information about licensure requirements.

The Board of Teaching should ensure that the information it posts regarding licensure requirements is clear and complete.

As discussed above, MDE's teacher-licensure application system is outdated, and applicants are only able to submit very basic information through the online application form. The department should update its application system to enable uploading application documents electronically, rather than requiring candidates to send them through the mail. Allowing applicants to submit documents electronically could simplify the submission process for applicants by allowing them to know when their documents were received by MDE staff. Electronic submission would also simplify the process for MDE licensing staff who currently must scan every document submitted through the mail and catalogue those documents to each applicant's file.

MDE should also update its application system to allow candidates to select the field and grade level for which they want to be licensed. This update would help licensing specialists when reviewing applications. As noted earlier in this chapter, licensing specialists receive a form from the candidate's teacher-preparation institution indicating the licensure areas for which the certifying officer is recommending the candidate. However, due to mismatching licensure areas between Minnesota and other states, the field and grade level for which the candidate wishes to receive a Minnesota license can be unclear. Further, other states may allow candidates to receive licenses by passing content-related exams rather than completing additional teacher-preparation programs. In these cases, the candidate's additional licenses obtained by passing exams may not be reflected on the recommendation form from a candidate's teacher-preparation institution. As a result, the licensing specialist may not know the candidate is interested in obtaining a license in these additional subject areas.

As noted above, candidates with nontraditional training may have completed a teacher-preparation program through an organization other than a college or university. However, the online application form requires candidates to select the higher-education institution at which the candidate completed a licensure program. MDE should update its application system to allow candidates with nontraditional training to accurately reflect their teacher-preparation background. This change may (1) reduce confusion for candidates who do not know how to submit information about their preparation and (2) reduce the number of inquiries licensing specialists receive from candidates who are unsure how to complete the application form.

Also discussed above, the online application system does not include all available license types, nor does it outline the specific requirements for each license type that is listed. MDE should update the online application system and its website to include information about all license types for which a candidate may apply. In doing so, MDE should provide clear definitions of each license and outline the specific requirements for each. Exhibit 3.4 is a sample matrix or "checklist" showing requirements for most license types and special

Exhibit 3.4: Sample Licenses and Permissions Requirements Matrix

Requirement / Licensure Type	Discretionary variance	Nonlicensed community expert permission	Temporary limited license (completed a MN Program) [a]	Temporary limited license (has not completed program) [a]	Provisional license	Waiver [b]	Personnel variance	Two-year limited-term license (for alternative program enrollees)	Nonrenewable license	Restricted license (by district request) [c]	One-year restricted license [c]	One-year full professional license	Five-year restricted license [c]	Five-year full professional license
School district or charter school apply for permission	✓	✓				✓	✓			✓				
School district or charter school must sign off on teacher's application				✓	✓				✓					
School district or charter school demonstrates hiring hardship	✓	✓		✓	✓[d]		✓		✓					
Bachelor's degree			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Equivalent of minor in content area			✓	✓										
Completed human relations coursework			✓							✓			✓	✓
Enrolled in a teacher-preparation program								✓	✓					
Completed state-approved teacher-preparation program meeting Minnesota statutory requirements [e]			✓						✓[f]	✓	✓	✓	✓	✓
Recommended for licensure by teacher-preparation program											✓	✓	✓	✓
Holds a valid teaching license in any state											✓		✓	
Holds a valid Minnesota teaching license in a different subject area						✓	✓		✓					
Passed all state-adopted examinations			✓[g]					✓			✓[g]	✓[g]	✓	✓

NOTES: The exhibit shows most licenses and special permissions (excluding substitute teaching licenses) available to educators in Minnesota and their requirements. The requirements in the shaded rows pertain to the school district or charter school hiring the individual and not actually to the qualifications of the teacher-licensure applicant; the unshaded rows represent requirements that an educator must fulfill. To receive a license or permission of a given type, an individual must satisfy all of the requirements check-marked in the corresponding column. A checkmark in the first row indicates that a school district or charter school must apply on behalf of the individuals they wish to hire. For all other licenses, teachers apply directly to the Minnesota Department of Education (MDE).

[a] MDE issues two different temporary limited licenses: (1) to a candidate who has completed a Minnesota teacher-preparation program but has not passed all state-adopted examinations, and (2) to a candidate who has not completed a teacher-preparation program but holds at least a minor in the relevant content area. As shown above, the two situations have different requirements.

[b] BoT approves waiver requests for teachers working in certain educational environments, such as alternative education programs, care-and-treatment facilities, and innovative programs.

[c] Minnesota law describes two "restricted" licenses: (1) a one-year license issued at the request of a school district or charter school to an otherwise qualified teacher who has not passed the skills examinations, and (2) a one- or five-year license issued to a candidate from another state whose license was narrower in scope or content than a similar Minnesota license.

[d] MDE may issue a provisional license to a teacher from outside of Minnesota to work in a shortage area if the hiring school district or charter school signs off on the application. MDE may issue a provisional license to a qualified Minnesota-trained candidate without a school district or charter school demonstrating hiring hardship.

[e] Minnesota-approved teacher-preparation programs must meet the requirements outlined in state law. Programs from other states must include "either (1) field-specific teaching methods, student teaching, or equivalent experience, or (2) at least two years of teaching experience as the teacher of record in a similar licensure field." A candidate who successfully completes the licensure-by-portfolio process could become licensed without completing a teacher-preparation program.

[f] MDE issues nonrenewable licenses to candidates who hold a valid Minnesota license but wish to teach outside of their licensed content area. Most of these candidates will have completed a program in their first licensed content area, with the exception of those who were licensed through the licensure-by-portfolio process. Candidates must also be enrolled in a teacher-preparation program for their new content area.

[g] While passing scores on all state-adopted examinations are not required for one-year licenses, candidates typically must attempt examinations in order to renew their licenses.

SOURCES: Office of the Legislative Auditor, analysis of Minnesota Board of Teaching, "Types of Licenses Available and Issuing Agency," http://mn.gov/board-of-teaching/beaneducator/, accessed January 5, 2016; *Minnesota Statutes* 2015, 122A.09, 122A.18, 122A.23, 122A.245, and 122A.25; *Minnesota Rules,* 8700 and 8705, posted August 4, 2015; and *Minnesota Rules,* 8710, posted November 19, 2009.

permissions. A chart similar to this exhibit could reduce the number of inquiries made to MDE and BoT staff regarding available license types and their associated requirements. This may also help to reduce the number of individuals who apply for an incorrect license.

If MDE chooses to undertake the recommendations above regarding updates to its online application system, department staff should also consider updating the system to allow candidates to submit online applications for all available license types. (As noted previously, not all license types are available for selection within the online system. Further, all applicants for license endorsements must submit paper applications.) This update could help reduce confusion on the part of applicants, reduce the number of inquiries made to the department, and limit additional paperwork for licensing staff. Updating the online application system could alleviate many concerns about the application process as a whole, particularly for applicants not trained in Minnesota.

Finally, BoT should ensure that any information it posts regarding licensure and special-permission requirements is clear and complete. As noted above, BoT recently posted to its website a document outlining licensure and special-permission requirements that contains confusing and incomplete information. This document is not set up in a way that allows licensure candidates to easily compare their qualifications to the available licenses in Minnesota; rather, it requires licensure candidates to examine each license type and its requirements to determine for which, if any, they are qualified. This document may lead some licensure candidates to wrongfully believe they are—or are not—qualified for a license.

MDE staff have stated that funding for IT development is limited. The department may require additional resources to implement improvements to its online application system.

Unequal Standards

The way in which teacher-licensure applications are processed leads to unequal standards for teacher-licensure candidates trained in Minnesota and those prepared in other states.

Board of Teaching requirements regarding examinations and certification for teacher-licensure candidates trained in Minnesota hold these applicants to a higher standard than applicants trained in other states.

For candidates trained in other states, passing Minnesota's required examinations is treated as a *condition for licensure*; in other words, MDE licensing staff look for evidence that a candidate has passed the exams when he or she applies for teacher licensure. For candidates prepared in Minnesota, on the other hand, BoT considers passing the exams *part of completing a teacher-preparation program* and a required condition for institutions to recommend candidates for teacher licensure.[15] This distinction means that candidates who have met all licensure requirements except for passing the exams receive different licenses depending on whether they were trained in or outside of Minnesota. It also means that a Minnesota-trained candidate may need to take additional coursework if teacher-preparation requirements change before he or she passes the required license examinations.

[15] *Minnesota Rules*, 8705.1000, subp. 9K, posted August 4, 2015.

Exhibit 3.5 gives a side-by-side comparison of how MDE and BoT's implementation of the state's exam requirements impacts teacher-licensure candidates from Minnesota and elsewhere. Minnesota statutes require BoT to issue up to four one-year teaching licenses to a candidate who held a teaching license in another state but has not successfully completed all Minnesota licensure exams.[16] MDE issues these candidates one-year *full professional* licenses. Certifying officers of Minnesota teacher-preparation institutions, however, cannot recommend a candidate for licensure until he or she has completed all state-required licensure exams.[17] Consequently, Minnesota candidates who have not passed all exams are not eligible for full professional teaching licenses, even if they have met all other licensure requirements. Instead, these Minnesota candidates receive one-year *limited* licenses while attempting to pass the exams, which may negatively affect the candidates.[18]

When a Minnesota applicant passes all of the required exams, his or her institution must review whether the applicant meets *current* teacher-licensure requirements. If requirements have changed since the applicant completed the program, he or she may need to take additional coursework before receiving a recommendation for teacher licensure. This is different from the requirements for applicants licensed in other states, who receive five-year full professional licenses after meeting testing and human relations requirements, regardless of whether teacher-licensure requirements have changed in the years since they were issued their first one-year license.

To illustrate this point, during the summer of 2015, the BoT-MDE joint staff licensure-review committee evaluated the qualifications of two candidates: one attended a Minnesota teacher-preparation program and one trained in another state. The committee's determination on these two candidates demonstrates the application of different standards to candidates trained in and outside of Minnesota. The first candidate attended a Minnesota teacher-preparation program from 2007 to 2012. She had been teaching in Minnesota with a temporary limited license in social studies since 2012, while trying to pass the required Minnesota licensure exams. The candidate successfully completed the exams in 2015, but the standards for Minnesota teacher-preparation programs had changed, and the candidate did not meet 2015 standards. In particular, the candidate did not meet the current reading-strategies requirement. The committee decided to grant the candidate an additional one-year license and to advise her to complete the missing reading coursework.

In that same licensure-review committee meeting, staff discussed a second candidate who completed a training program and received a teaching license in elementary education in another state. The candidate had one year of teaching experience, which occurred in another country. Under the new teacher-licensing laws for candidates trained outside of Minnesota, the joint staff licensure-review committee had no authority to evaluate whether this candidate had training in reading strategies or other areas required by Minnesota law for Minnesota teacher-preparation programs. The committee decided to grant the candidate

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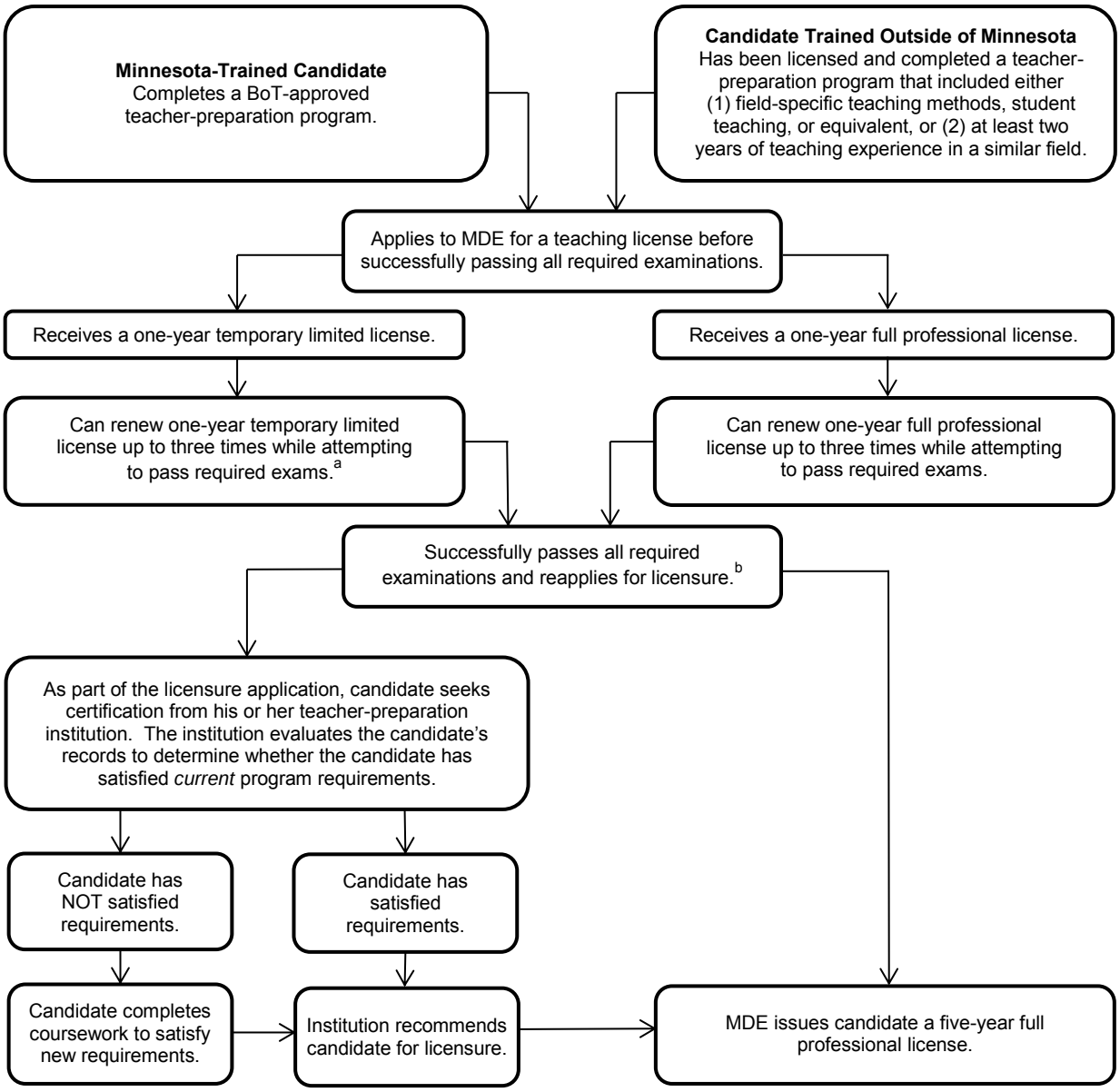
[16] *Minnesota Statutes* 2015, 122A.23, subd. 2(d).

[17] In order to become licensed, Minnesota statutes require all teachers to pass examinations in basic skills, pedagogy, and content area knowledge. See *Minnesota Statutes* 2015, 122A.09, subds. 4(b) and 4(e); and 122A.23, subd. 2(c).

[18] While temporary limited licenses are similar to one-year full professional licenses, the limited license has one distinct disadvantage. A limited license cannot be renewed until after its expiration (June 30 of the school year for which it was issued). This makes it difficult for candidates to assure their school districts (which may be making hiring decisions over the summer) that they will be licensed for the upcoming school year. In contrast, candidates from other states can renew their one-year full professional licenses anytime after January 1 of the year they are set to expire.

Exhibit 3.5: Licensure Process for Candidates Who Have Not Passed All State-Required Examinations, 2016



NOTES: "BoT" refers to the Board of Teaching; "MDE" refers to the Minnesota Department of Education. Regardless of where a candidate received teacher training, he or she must pass the following board-adopted examinations in order to receive a five-year full professional license: (1) skills examinations in reading, writing, and mathematics; (2) examinations testing general pedagogical knowledge; and (3) examinations in content-specific teaching skills. *Minnesota Statutes* 2015, 122A.09, subd. 4(b) and (e).

[a] Candidates' school districts or charter schools can apply to the Board of Teaching for one additional (fifth) temporary limited license.

[b] To receive a five-year full professional license, the candidate must also have satisfied the state's human relations requirement, which is embedded in BoT-approved teacher-preparation programs. If a candidate from another state cannot demonstrate comparable coursework, then human relations coursework will also be a condition of renewal and conversion to a five-year full professional license.

SOURCE: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2015, 122A.09 and 122A.23; *Minnesota Rules*, 8700.7600, subp. 1, posted August 4, 2015; and *Minnesota Rules*, 8710.0500 and 8710.1250, posted November 19, 2009.

a one-year full professional license in elementary education, with renewal and conversion to a five-year full professional license contingent only on passing the Minnesota licensure exams. In contrast with the Minnesota-trained candidate discussed above, current law does not require this candidate to meet the state's reading standards in order to gain a five-year full professional license.

RECOMMENDATIONS

The Board of Teaching should allow Minnesota teacher-preparation institutions to recommend candidates for licensure based solely on the completion of licensure-program coursework and requirements, as is the case for candidates trained outside the state.

The Minnesota Department of Education should issue one-year full professional licenses with appropriate renewal conditions to candidates who have not completed testing, regardless of the state in which they received their teacher training.

BoT staff told us that the policy requiring candidates to pass all required exams before being recommended for licensure is a relic of an earlier time when MDE licensing specialists did not have the ability to look up candidates' exam scores directly from the testing vendor. While MDE could not access scores directly, the vendor automatically sent scores to the candidates' teacher-preparation institutions. Thus, having the institutions verify exam completion was the most efficient process at the time. Now that technology has changed and licensing specialists can verify candidates' scores directly, BoT should revise its policy and make successful test completion a condition of *licensure*, rather than a condition of *program completion*, for all applicants.

The board should allow institutions to certify individuals who have satisfied all teacher-preparation *program* requirements, regardless of whether they have passed the state-required examinations. Implementation of this recommendation—which would require rulemaking—would result in similarly situated candidates being treated equally: Minnesota-trained applicants, like applicants from other states, would no longer be responsible for completing requirements that were instituted after they completed their teacher-preparation program.[19] All candidates who have not yet passed all of the exams (but who are otherwise qualified) would receive one-year full professional licenses, which can be converted to five-year full professional licenses once the candidates satisfy the examination requirements.

LICENSURE BY PORTFOLIO

While the traditional licensure-application process is suitable for most license applicants, it may not be a good fit for some licensure candidates. This section explains the history of the licensure-by-portfolio application process, as well as the practice that is currently in place to accept applications of this kind.

[19] *Minnesota Rules*, 8705.1000, subp. 9K, posted August 4, 2015; and *Minnesota Rules*, 8710.0500, subp. 5, posted November 19, 2009.

Licensure by portfolio is an alternative teacher-licensure application process.

The licensure-by-portfolio process allows teacher candidates to demonstrate how they have met teacher-licensure standards through methods other than completing a teacher-preparation program. There are some candidates for whom the traditional licensure-application process does not make sense. For example, BoT staff have noted that licensure by portfolio can be a valuable application option for nonlicensed parochial school teachers because it allows them to demonstrate how they have met Minnesota's licensure requirements through their experience in the classroom. Over the last several years, many events have taken place related to the licensure-by-portfolio process. These events are outlined below.

History of Licensure by Portfolio

MDE established the licensure-by-portfolio process in 2003, which allowed teacher candidates to demonstrate—through a portfolio of teaching and other materials—how they satisfied Minnesota's teacher-licensure requirements. MDE staff received and reviewed the portfolios and contracted with outside reviewers to evaluate the submitted materials. These candidates were still required to pass state-required licensure examinations.

Candidates who wished to apply through the licensure-by-portfolio process first submitted a letter of intent to MDE indicating their interest. MDE staff reviewed these letters and determined whether candidates were eligible to apply through the portfolio process. From 2003 to 2012, MDE identified at least 531 candidates who were eligible to apply through the licensure-by-portfolio process. Eligible candidates were permitted to submit a portfolio demonstrating their qualifications. MDE staff and external reviewers assessed the submitted material and determined whether candidates qualified for a license.[20] Current and former BoT and MDE staff told us that the process was costly because it required a large amount of staff time and required MDE to pay external portfolio reviewers.

In 2008, MDE and BoT asked the Legislature to authorize a fee to cover some of the additional expenses associated with the licensure-by-portfolio process. In response, the Legislature authorized a $300 fee for a candidate's first submitted portfolio and a $200 fee for subsequent portfolios submitted.[21] While the process was in use since 2003, this was the first time licensure by portfolio was established in law. It is unclear whether the 2008 law *required* MDE and BoT to provide the licensure-by-portfolio process or merely allowed the two agencies to charge a fee to applicants using this process.

In 2013, the licensure-by-portfolio process was discontinued due to the drain on resources. Staff stated that the proceeds from the application fee were allowed to pay for the costs of only external reviewers rather than staff time. BoT staff claim it was an MDE decision to

[20] There are not reliable numbers on how many individuals were licensed through this process. However, it is likely that a few hundred people received licenses through the portfolio process from 2003 through 2015. Some applicants were approved for licenses through the portfolio process prior to its discontinuation but were not issued licenses until they had passed all required licensure exams.

[21] *Laws of Minnesota* 2008, chapter 363, art. 2, sec. 2, codified in *Minnesota Statutes* 2015, 122A.21, subd. 2(e).

stop the process; MDE staff claim it was a board decision. There is not sufficient documentation to support either assertion.[22]

Current Process

In June 2015, the Minnesota Legislature amended the licensure-by-portfolio law to establish timelines by which MDE and BoT must respond to applicants who apply for a teaching license using the portfolio process.[23] Specifically, BoT must notify applicants within 90 days of the receipt of the portfolio indicating whether the portfolio application was approved. If the portfolio application is not approved, candidates may submit a revised portfolio at any time, after which MDE's licensing division must approve or disapprove of the portfolio application within 60 days.

Licensing division staff announced during the December 2015 Board of Teaching meeting that as of December 4, 2015, they had begun accepting eligibility forms from those who wish to apply through the licensure-by-portfolio process. MDE staff said their intent was to use this information to determine whether a candidate is eligible to apply for licensure by portfolio. MDE's website currently provides instructions and eligibility criteria for applying for licensure through the portfolio process.[24] Online instructions state that the following people are eligible to apply for licensure by portfolio: (1) individuals with at least a bachelor's degree in a field other than education who also have teaching experience, (2) Minnesota teachers currently holding a five-year full professional teaching license who wish to expand the grade-level scope or field of their licensure, and (3) Minnesota teachers holding a limited teaching license who wish to obtain a five-year full professional license.

SPECIAL PERMISSIONS REQUESTS

The application processes described above result in the issuance or denial of teaching licenses. Not all educators in Minnesota classrooms, however, are licensed for the subjects they teach. As explained in Chapter 2, the term "special permissions" applies to a number of exceptions that allow people to legally provide instruction in content areas for which they are not fully licensed. Special permissions are requested on behalf of an individual by a school district or charter school that (in most cases) has unsuccessfully attempted to hire an appropriately licensed teacher to fill an opening.

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[22] In April 2015, a lawsuit was filed in Ramsey County Court alleging that, by not providing the licensure-by-portfolio process, BoT violated applicants' rights to apply for a teaching license using the portfolio process. On December 31, 2015, the court issued a summary judgement that BoT was violating Minnesota law by failing to operate the licensure-by-portfolio process. The district court judge ordered BoT to reinstate the portfolio process, accept applications, and issue licenses to qualified candidates who apply through the process. On January 12, 2016, BoT filed a notice to appeal the district court's jurisdiction in this matter. Hernandez v. Minnesota Board of Teaching, No. 62-CV-15-1979 (Ramsey County Dist. Ct. filed Apr. 2, 2015).

[23] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 17, codified in *Minnesota Statutes* 2015, 122A.21, subd. 2(d).

[24] Minnesota Department of Education, "Application for Licensure via Portfolio," http://education.state.mn.us /MDE/EdExc/Licen/LicenPort/, accessed December 14, 2015.

Special Permissions Application Process

Since the middle of the 2012-2013 school year, school districts and charter schools have requested special permissions through BoT's web-based Special Permission System. Depending on the type of permission, the requesting school district or charter school may have to provide a narrative explaining the need for the permission, the individual's qualifications, and its efforts to hire an appropriately licensed teacher to fill the position.

Common Special Permissions

Nonlicensed Community Expert Permissions: allow unlicensed individuals to teach in school districts or charter schools that have experienced hiring hardships.

Personnel Variances: allow fully licensed educators to teach in subject areas for which they are not licensed (for a limited time). MDE issues variances to school districts or charter schools that have experienced hiring hardships.

Waivers: allow licensed teachers in certain types of programs to teach outside of their content areas indefinitely.

For most types of special permissions requests, board staff check the applications for completeness and then provide them to board members for review. The application deadline for special permissions is two weeks prior to the upcoming monthly board meeting. The board typically approves or denies requests at that time, resulting in a board decision between two and six weeks after the district submits the request. When the board denies a request, it gives the requesting school district or charter school an explanation and the opportunity to resubmit its application with more information for consideration at the next board meeting. Board members do not approve personnel variance requests (other than appeals); school districts and charter schools submit these requests through the Special Permission System, but they are processed by MDE's licensing staff.[25]

Trends in Special Permissions

BoT and MDE reviewed nearly 3,000 special permissions requests from school districts and charter schools in fiscal year 2015. As of October 2014, educators with special permissions accounted for almost 3 percent of Minnesota's teaching force.

In fiscal year 2015, the Board of Teaching and Minnesota Department of Education granted virtually all of the special permissions requests they reviewed.

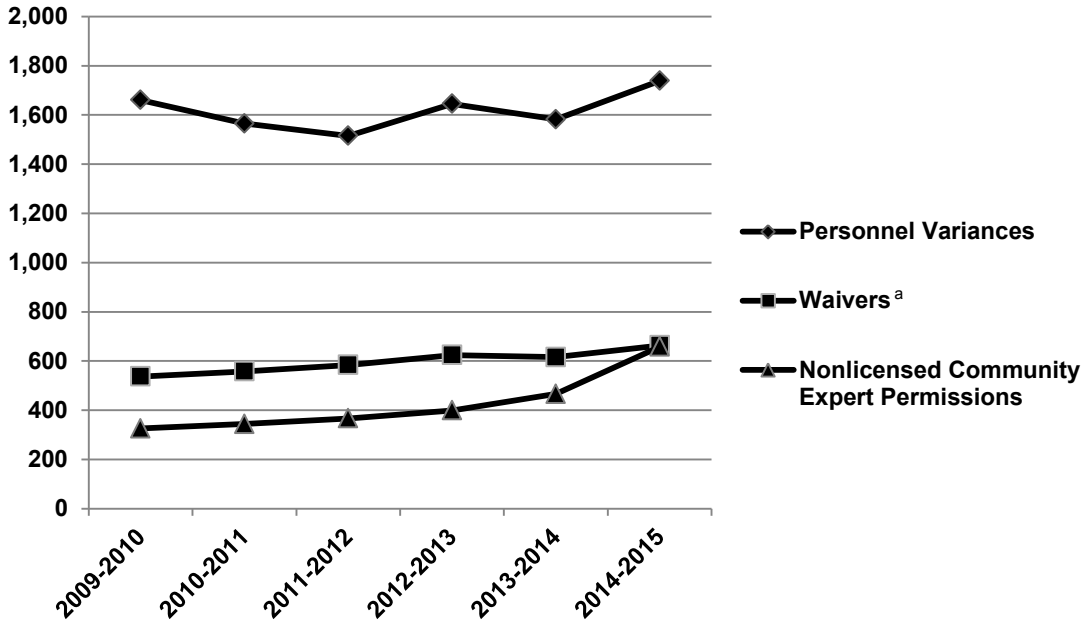
BoT and MDE approved more than 99 percent of the special permissions requests they reviewed in fiscal year 2015. The agencies denied only 12 requests during that fiscal year: 7 nonlicensed community expert requests and 5 personnel variance requests.

According to a BoT report to the Legislature, the number of special permissions granted by BoT and MDE increased by 21 percent from the 2009-2010 school year to the 2014-2015

[25] Board staff told us that responsibility for issuing personnel variances was shifted to MDE because BoT did not have the capacity to process them. We were told, however, that personnel variances should still be considered "board permissions" because MDE's authority to issue the variances is granted by BoT and they are requested through the Special Permission System.

school year.[26] Exhibit 3.6 shows trend data for the three main permission types; the largest increase occurred in the number of nonlicensed community expert permissions granted, which doubled over the six-year time period.

Exhibit 3.6: Individuals Granted Special Permissions, 2009-2010 School Year through 2014-2015 School Year



NOTES: Personnel variances allow fully licensed educators to teach in subject areas for which they are not licensed (for a limited time). The Minnesota Department of Education issues variances to school districts or charter schools that have experienced hiring hardships. Waivers allow licensed teachers in certain types of programs to teach indefinitely outside their content areas. Nonlicensed community expert permissions allow *unlicensed* individuals to teach in school districts or charter schools that have experienced hiring hardships.

[a] The number of waivers shown above represents an unduplicated count of the teachers for whom school districts and charter schools have received waivers. An individual teacher may teach multiple subject areas on a waiver at any given time.

SOURCE: Office of the Legislative Auditor, analysis of Minnesota Board of Teaching, *Rule Exceptions: 2013-2014 School Year* (Roseville, 2014), 5; and *Rule Exceptions: 2014-2015 School Year* (Roseville, 2015), 5.

In our analysis of data from the Special Permission System, we found that the special permissions granted since the system's inception have been almost evenly split between school districts and charter schools located in the seven-county metropolitan area and outstate Minnesota.[27] There is some variation, however, in the *types* of permissions granted to metropolitan-area and outstate school districts and charter schools. Most notably, three-quarters of the nonlicensed community expert permissions were granted to metropolitan-area school districts and charter schools. Waivers and personnel variances, on the other hand, were slightly more prevalent in outstate school districts and charter schools.

[26] Minnesota Board of Teaching, *Rule Exceptions: 2014-2015 School Year* (Roseville, 2015), 5.

[27] The seven-county metropolitan area consists of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Complicated System

As mentioned previously, the responsibilities for processing special permissions are divided between BoT and MDE.

Special permissions can be confusing for the school districts and charter schools requesting them, and there are not clear guidelines available.

While the three main permission types have distinct criteria, our survey of school district and charter school administrators shows that many administrators find it difficult to determine which type of special permission applies in a given situation.[28] More than 8 percent of respondents expressed difficulty understanding the permission types, which to apply for, which form to use, or who qualifies for each. When asked which steps of the special permissions process are difficult to understand, one administrator responded, "the requirements for each of the special permission categories. I have not yet found a clear, single listing of each special permission, its requirements, and approval criteria."

No Clear Guidelines

It is true that there is no clear and complete resource for understanding types of special permissions. At the time that school administrators responded to our survey, BoT's website contained a document listing permission types. This document, however, was confusing in that it listed the three main types of permissions, as well as some of the less commonly issued licenses, such as temporary limited licenses and nonrenewable licenses (which are licenses issued through MDE's licensing division and not BoT's Special Permission System). While the document could have helped a teacher-licensure candidate ascertain for which license or permission he or she may be eligible, it did not clearly explain whether the applicant or employer applies for each type of license or permission, or how to initiate the process. BoT has since replaced that document with a new document listing and describing licenses issued by MDE and permissions issued by BoT.[29] The new document is an improvement over the old resources available on BoT's website. It continues to fall short, however, of providing prospective teachers with a quick and user-friendly way to determine which license or permission best matches their qualifications. Earlier in this chapter, we suggested the creation of a matrix (see Exhibit 3.4) organizing possible licenses and special permissions by their requirements. Such a matrix would allow a prospective teacher to more easily place him or herself on the spectrum of teacher licenses and permissions available in Minnesota.

Agency Roles

Several administrators we surveyed also expressed confusion regarding the roles of the two agencies involved in granting special permissions. Respondents mentioned not knowing which agency was responsible for which permissions or who to contact with questions. Some questioned why the responsibilities are divided between the two agencies. One

[28] We surveyed 488 superintendents and directors representing the 500 Minnesota school districts and charter schools operating during the 2015-2016 school year. We received responses from 430 survey recipients for a response rate of 88 percent.

[29] Minnesota Board of Teaching, "Types of Licenses Available and Issuing Agency," http://mn.gov/board-of-teaching/beaneducator/, accessed January 5, 2016.

respondent, for example did not understand, "who to actually contact, and why the process isn't streamlined to just MDE." This confusion is justified. It is not obvious to an outsider why permissions requested through the special permissions system should be processed by different agencies (waivers and nonlicensed community expert requests by BoT and personnel variances by MDE). To add another layer of complexity, the board handles requests for extra (fourth) personnel variances, even though MDE staff process an individual's first three personnel variances. We discuss these overlapping agency roles in more detail in Chapter 5.

Nonlicensed Community Experts

The nonlicensed community expert permission is the primary mechanism for a completely unlicensed individual to legally teach in Minnesota public schools.[30] The nonlicensed community expert permission has generated a significant amount of board discussion in recent months, and it is the permission type that has shown the steadiest growth. For these reasons, we use this section to discuss nonlicensed community expert permissions in greater depth.

BoT data show that, over the past several years, nonlicensed community experts have most commonly worked in elementary-level language immersion programs and other world-language instruction. Districts may struggle to find fully licensed teachers who also have the specific language skills required by immersion programs. Recently, BoT has started to receive more requests for nonlicensed community expert permissions in special education fields. At the November 2015 board meeting, board staff reported on the nonlicensed community expert requests granted so far for the 2015-2016 school year. As of October 21, 2015, BoT had granted the most nonlicensed community expert permissions for educators in elementary education immersion programs. After that, the four most common fields were all special education fields: emotional and behavioral disorders, autism spectrum disorders, learning disabilities, and academic behavioral strategists. MDE's fiscal year 2015 *Teacher Supply and Demand* report listed emotional and behavioral disorders and learning disabilities as the state's top two teacher shortage areas.[31] The report shows that about one-third or more of school districts found it either very difficult or impossible to fill vacancies for these and other special education areas.

Nonlicensed community experts offer a remedy to school districts that are experiencing teacher shortages. We analyzed a sample of nonlicensed community expert permission requests and found that a large percentage of school districts and charter schools sought the permission because they did not receive enough applications from appropriately licensed teachers.[32] Teacher shortages seem to be even more pronounced outside the metropolitan area; in the applications we reviewed, outstate districts on average reported receiving only one application from an appropriately licensed teacher, and many reported receiving none.

The Board of Teaching has not established criteria for determining when to grant or reissue nonlicensed community expert permissions.

[30] The other commonly used special permissions—waivers and personnel variances—allow teachers who are fully licensed to teach outside of their licensed field.

[31] Minnesota Department of Education, *Teacher Supply and Demand* (Roseville, 2015), 67.

[32] We reviewed 10 percent (58) of the files related to nonlicensed community expert requests approved during fiscal year 2015.

Under Minnesota statutes, BoT may permit nonlicensed community experts to teach "on a limited basis."[33] The law sets forth specific items for the board to consider when granting these permissions, including:

- Qualifications of the individual.
- Reasons for the need for an exception to teacher-licensure requirements.
- The requesting district's efforts to obtain licensed teachers.
- Amount of teaching time for which the community expert would be hired.

There have been questions—among stakeholders and board members themselves—about the criteria the board uses for deciding whether to grant nonlicensed community expert permissions. In public board meetings we observed over the course of this evaluation, board members flagged for further discussion certain permission requests that concerned them. Their concerns included: (1) nonlicensed community expert requests for individuals who were not enrolled in teacher-preparation programs, (2) school districts and charter schools requesting permissions for the same individual over multiple years, and (3) districts and charter schools applying for nonlicensed community expert permissions despite having received applications from several licensed applicants. Board members also expressed concerns about the amount of instructional time for which an individual would be hired. Some members were more comfortable granting nonlicensed community expert permissions for part-time positions than for full-time teaching positions, while another member said she hesitated to set a threshold below which the board considers teacher preparation unimportant.

Board members have commented that nonlicensed community expert permissions were never intended to be a permanent staffing solution. Yet, members feel that some school districts and charter schools are using the nonlicensed community expert process to circumvent teacher-licensure requirements. However, board members have also recognized that school districts are requesting these permissions because they face hiring hardships. In the absence of guidelines that would justify a denial, the board has approved the vast majority of nonlicensed community expert requests despite its members' reservations. Board members and stakeholders have commented that BoT's near-blanket approval of requests for nonlicensed community expert permissions diminishes the value of a teaching license.

RECOMMENDATION

The Board of Teaching should establish clear guidelines for approving and renewing nonlicensed community expert permission requests.

Board members themselves have expressed an interest in developing guidelines for approving nonlicensed community expert requests. Board discussions in recent months demonstrate that board members currently feel compelled to approve requests even when the applications are poorly executed or when board members doubt the qualifications of the individual for whom the permission is requested. The nonlicensed community expert

[33] *Minnesota Statutes* 2015, 122A.25, subd. 1.

permission has essentially become a loophole allowing unlicensed teachers to remain in the classroom indefinitely without meeting the standards that state law requires of licensed teachers.

Minnesota statutes outline a set of criteria the board may wish to consider when developing their guidelines.[34] Based on concerns we have heard, the board may wish to consider:

- Whether the individual is or should be enrolled in a teacher-preparation program, and how many permissions an educator may receive without being enrolled in such a program.[35]
- What are acceptable reasons for a school district or charter school to choose an unlicensed individual over an appropriately licensed applicant.
- Whether the individual would be teaching full or part time.

Creating thoughtful guidelines will allow board members to subject nonlicensed community expert requests to a higher level of scrutiny while ensuring that they treat requests in a consistent and defensible manner. The board should consider formalizing its guidelines in published rules in an effort to make the approval process more transparent and to maintain consistency across future boards.

LICENSURE DENIALS AND APPEALS

When a candidate applies for teacher licensure, one of three things may happen: (1) the applicant receives the license for which he or she was recommended, (2) the applicant is denied licensure, or (3) the applicant receives a license that is more limited than the license for which the candidate was recommended (partial denial). When MDE fully or partially denies a license, the applicant has the right to appeal that decision. The following sections discuss the denials and appeals processes, respectively, and the state agency communications associated with each.

Denials

As explained previously, MDE reviews applications for teacher licensure and makes the decision to issue or deny licenses based on policies set by BoT. The board has, with MDE's input, determined what constitutes a denial. The definition of "denial" is important because applicants denied licensure receive a "denial letter" with information on options to pursue and the appeals process, neither of which is supplied to applicants who are granted the licenses for which they were recommended.

[34] *Minnesota Statutes* 2015, 122A.25.

[35] It is not appropriate to require all nonlicensed community experts to be enrolled in teacher-preparation programs. For example, nonlicensed community expert permissions are used to approve teachers in areas for which Minnesota has no licensure program, such as Hmong language and cosmetology. Such permissions are also used for short-term visiting teachers from other countries, for whom it does not make sense to seek full licensure.

The Board of Teaching's definition of a licensure "denial" has changed over time, resulting in varied and inconsistent access to the appeals process.

BoT's executive director and MDE licensing staff told us that the definition of a "denied" license has evolved over the past few years. Previously, BoT considered a licensing decision a denial only if the candidate received a *complete* denial and did not receive a teaching license of any kind. BoT and MDE staff did not consider a "partial" denial—where a candidate was issued a license less than that for which he or she was recommended—a denial. For example, a teacher candidate who applied for a full professional license but received a limited license was not "denied" a license (from BoT and MDE's perspective) and thus would not have received information on how to appeal the decision.[36]

In 2014, BoT and MDE changed their process, so that now any applicant who does not receive the license for which he or she was recommended receives information about how to appeal the licensure decision. We think this is a good change.

As part of our evaluation, we reviewed a sample of 100 teacher-licensure applications, submitted from fiscal year 2012 to fiscal year 2015, from candidates trained or licensed outside of Minnesota. We found that nearly one-third (31) of the applicants in the sample had been denied or partially denied at least one of the teaching licenses for which they were recommended. In examining these files, we found that MDE did not consistently include appeal language in its denial letters.

In many cases, the Minnesota Department of Education has not provided teacher candidates sufficient information about why a license application was denied.

BoT and MDE staff told us that when MDE denies an applicant a teaching license, it should notify the candidate in a letter explaining the reasoning for the decision, what options the candidate can pursue, and the candidate's right to appeal the decision. If MDE denies an application because of insufficient training, this letter typically advises the candidate to consult with a teacher-preparation program to determine how to meet Minnesota's teacher-licensure requirements. However, the letter may not clearly specify where MDE found the application deficient.

A common criticism of the teacher-licensure application process is that MDE denies licensure to applicants from other states without providing adequate reasoning for its decisions. Stakeholders, such as the plaintiffs in a lawsuit against BoT, report that MDE tells candidates that they do not meet standards but not specifically where their qualifications were found lacking. In our survey of teacher-licensure candidates trained in other states, 203 respondents (29 percent) reported either not receiving the license they wanted or not receiving any type of license. We asked those respondents to agree or disagree with the statement, "The reasons I

[36] It is worth noting that MDE and BoT still do not consider it a denial when MDE issues a one-year (rather than five-year) full professional license to a teacher-licensure candidate from outside of Minnesota due to incomplete licensure exams or human relations coursework. The one- and five-year full professional licenses are identical except in duration and renewal requirements, and the candidate is eligible to receive a five-year full professional license when he or she meets these statutory requirements. As such, teachers who receive a one-year full professional license do not receive denial letters. Instead, MDE prints information about the specific requirements remaining for full licensure in the "renewal conditions" section of the license the candidate receives. We consider this appropriate.

did not receive the Minnesota teaching license(s) I wanted were clearly communicated to me." Forty-five percent disagreed with the statement, implying that MDE did not give them clear explanations for the licensure denial.

In our file review of 100 teacher-licensure applications, MDE fully or partially denied licensure to 31 candidates. Fourteen of the candidates whose applications were denied received *no letter* explaining why MDE denied the application or that the candidate had the right to appeal. Nine of these candidates were granted restricted licenses or licenses with a narrower-than-requested scope at a time when MDE and BoT did not consider such licenses as partial denials; thus, we would not have expected MDE to issue a denial letter.[37] Three of the 14 candidates were fully denied licensure in at least one recommended subject area. In the remaining two cases, MDE issued licenses that were not called restricted, but were narrower in scope than the licenses for which the candidates were recommended.

MDE issued a denial letter in the remaining 17 cases in which the candidate did not receive the license for which he or she was recommended. We evaluated the clarity of these denial letters. We considered 7 of the 17 denial letters to contain *clearly written* denial reasoning. These outlined the requirements for licensure and highlighted the specific area where MDE deemed the applicant deficient. In some cases, for example, MDE denied licensure because the applicant lacked the equivalent of major preparation in the recommended content area.[38] For example, one letter stated:

> The transcripts that you sent in did not indicate that you had completed a major in English Language Arts. Minnesota issues Communication Arts and Literature for grades 5-12 and requires you to verify the equivalent of a major including a methods course in this licensure field. I have enclosed *Minnesota Rule* 8710.4250 Teachers of Communication Arts and Literature for your information.

However, we found the denial reasoning MDE provided to candidates to be unclear in the majority of cases. Exhibit 3.7 provides examples of unclear denial language provided to license applicants.

RECOMMENDATION

In its licensure-denial letters, the Minnesota Department of Education should specifically state the deficiencies it identified in an applicant's preparation or qualifications.

Candidates have complained that MDE's denial letters direct them to a BoT-approved teacher-preparation program but do not specifically state what MDE found lacking in the applicant's preparation. Some stakeholders have claimed that BoT has abdicated licensure authority to the teacher-preparation programs and that programs may poorly advise students in order to increase the number of credits the students must take. One teacher-preparation

[37] MDE made all of the decisions we considered denials in or prior to fiscal year 2015, before recent legislative changes took effect. BoT and MDE no longer consider restricted licenses denials as teachers are now able to renew restricted licenses indefinitely.

[38] At the time when these denials occurred, MDE granted licenses only to those candidates from other states who completed teacher-preparation programs "essentially equivalent" to an approved Minnesota program; Minnesota teacher-preparation programs incorporate the equivalent of major preparation in the content area. Under current law, MDE likely would have granted licenses to some of these candidates.

program administrator told us that vague denial letters are equally frustrating for the institutions, which must go to considerable effort to analyze the candidate's previous transcripts and determine what standards remain. We did not systematically analyze the allegation that teacher-preparation programs are advising teacher-licensure candidates to take unnecessary coursework, but we agree that vague denial letters open the door for advising mistakes and poor communication between parties.

BoT and MDE licensing staff told us that because Minnesota has a "standards-based system," MDE licensing specialists cannot recommend specific courses for a candidate to complete to obtain licensure. As explained in chapters 1 and 2, Minnesota rules outline the standards for each licensure area, and teacher-preparation programs can design programs that meet those standards in a variety of ways. For example, one institution might satisfy a given standard with one particular course, while another institution may spread the elements of that standard over two or more courses.

Exhibit 3.7: Examples of Unclear License Denial Language, Fiscal Years 2012 through 2015

Description of Clarity Issue	Language in Denial Letter
MDE described the requirements for the recommended licensure area but gave insufficient information regarding where the applicant was found deficient.	Standards for Minnesota licensure in elementary education requires evidence of preparation in the content, materials/methods in the following curriculum areas: reading, language arts, children's literature, science, social studies, math, music, art, physical education, and health. You also need student teaching in elementary education. I was unable to identify all of the methods courses required and student teaching.
MDE states the requirements for the recommended license but identifies deficiencies only obliquely late in the letter, requiring the applicant to read between the lines.	To qualify for a license candidates must provide evidence of coursework covering the standards listed in the applicable administrative rule for each licensure field and student teaching. Special education licensure rules are 8710.5000 Core Skills for Teachers of Special Education, which all special education teachers must meet, and rules 8710.5050 through 8710.5850 for the specific areas of special education. *[Later in letter]* If you are able to provide additional evidence not contained in your original application submission about how your credentials meet the Minnesota requirements cited in the referenced Board of Teaching rules as they apply to grades 7-12, you may contact the Board by sending an email with that additional evidence.
MDE states that the applicant was not offered a license because Minnesota offers no similar license. This letter, however, goes on to discuss requirements as if Minnesota does have a similar license.	Please note that you will not be issued a license in the field of Mathematics for grades K-8 as Minnesota does not issue a similar license for this type of preparation. Minnesota requires the equivalent of a minor in the content area, methods of teaching each area along with four weeks of student teaching.[a]

NOTE: "MDE" is the Minnesota Department of Education.

[a] At the time of this application, candidates were required to demonstrate ten weeks of student teaching in order to receive a standalone license. Although the text above does not make it explicit, this letter is describing the requirements to add a middle-level mathematics endorsement to the elementary license the candidate received. MDE grants middle-level endorsements to candidates who have already received one license and have thus met the student teaching requirement. Board of Teaching requires these candidates to student teach for only four weeks in the content area and grade levels of the additional endorsement.

SOURCE: Office of the Legislative Auditor, analysis of files from Minnesota Department of Education's personnel licensing division workflow system, fiscal years 2012 to 2015.

While it is not practical for MDE licensing specialists to recommend specific courses or combinations of courses, we believe that MDE staff can provide more detail and clarity in its denial letters regarding which standards an applicant failed to meet. If MDE staff are able to determine that an application does not meet standards, they should also be able to clearly state specifically what contributed to that determination. More specific denial letters will allow teacher-licensure candidates who are denied licensure to be knowledgeable consumers when consulting teacher-preparation programs. Teacher-preparation programs, for their part, will be able to determine more quickly what standards a candidate lacks and how the program can best meet the student's needs.[39]

Furthermore, MDE should continue the recently established practice of issuing an explanatory letter in the case of "partial" denials. When an applicant receives a license more limited than that for which he or she was recommended, MDE should explain its reasoning and offer the candidate the opportunity to appeal.

Appeals

Candidates who are denied a teaching license may appeal the decision. BoT's rules establish the process for applicants to appeal licensure decisions.

The process the Board of Teaching requires candidates to follow when appealing licensure decisions is not consistent with the law and is not communicated clearly to applicants who have been denied a teaching license.

Minnesota rules state that an individual denied a teaching license is entitled to a contested case hearing pursuant to Minnesota statutes.[40] The rules require a person seeking a contested case hearing to "file a written request for such hearing with the executive secretary of the Board of Teaching within 30 days from the date of the denial."[41] However, according to BoT staff and as outlined on its website, BoT requires a somewhat different procedure. In Exhibit 3.8, we illustrate the appeals process as it is currently practiced.

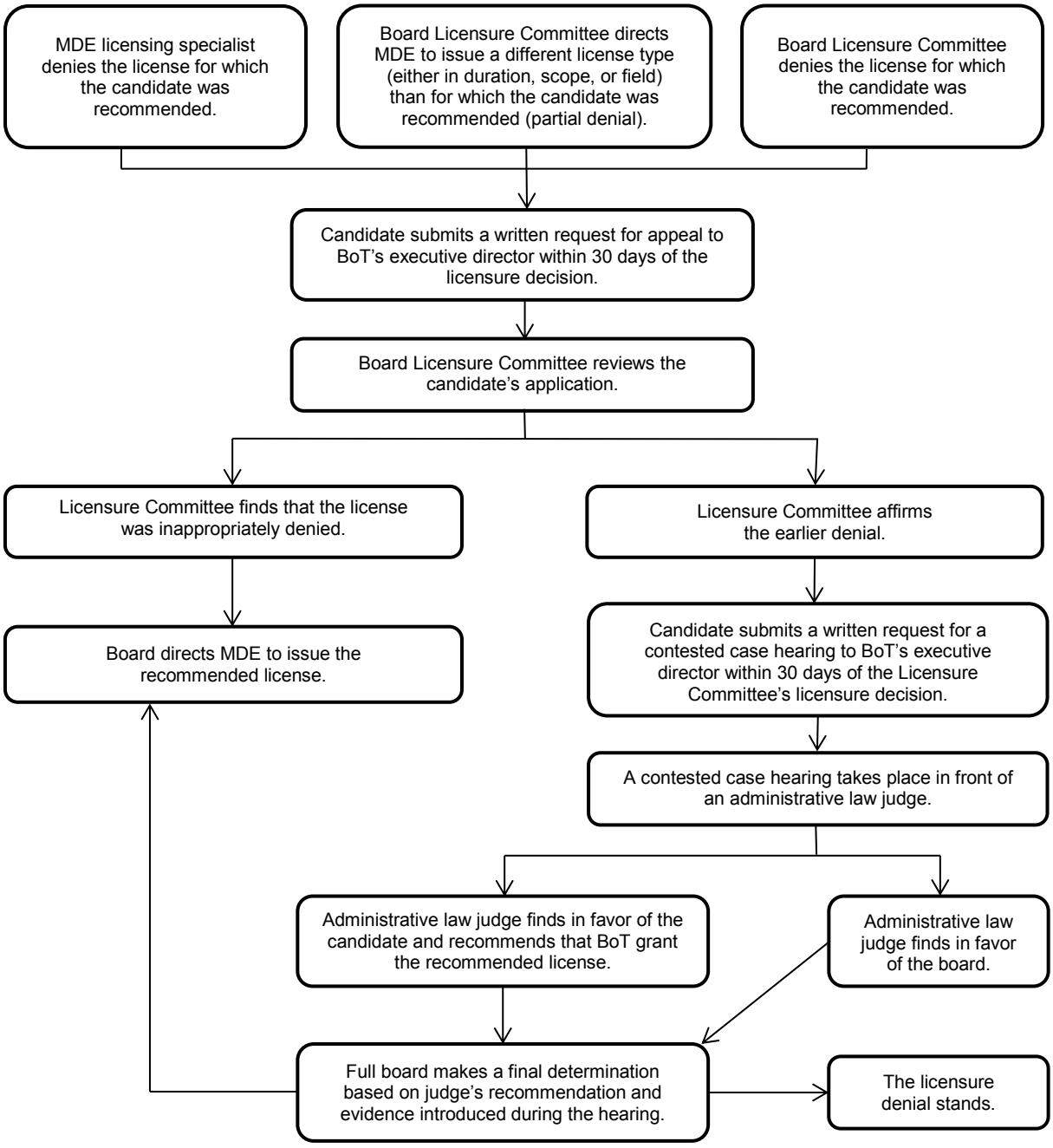
BoT requires teacher candidates appealing their licensure decision to submit two written requests—each with a 30-day timeline—to request a contested case hearing. Candidates must first submit a written request for a hearing to the executive director of the Board of Teaching within 30 days of the date of denial. Before a hearing occurs, the board's Licensure Committee reviews the candidate's application. If the committee affirms MDE's licensure denial, the candidate is notified of the decision. If the candidate wishes to pursue

[39] Due to changes made by the 2015 Legislature, candidates for most licensure areas are unlikely to receive a denial due to missing coursework and are therefore less likely to be referred to a teacher-preparation program.

[40] *Minnesota Rules,* 8710.0900, posted November 19, 2009; and *Minnesota Statutes* 2015, Chapter 14. A contested case hearing is an opportunity for an individual to appeal the decision of a government agency before an administrative law judge at the Office of Administrative Hearings. The individual and the agency present their evidence to a neutral judge, who makes a decision based on the facts and law. In most cases, the judge's decision serves as a written recommendation to the government agency; the head of the agency issues the final order.

[41] *Minnesota Rules,* 8710.0900, posted November 19, 2009. We refer to BoT's "executive secretary" as the "executive director" elsewhere in this report.

Exhibit 3.8: Appeals Process for Candidates Denied Teacher Licensure, 2016



NOTES: "BoT" and "board" refer to the Board of Teaching; "MDE" refers to the Minnesota Department of Education. This exhibit represents the licensure-appeals process as it was practiced at the time of publication. This process differs from that described in Minnesota rules, which simply state that a candidate denied licensure shall file a written request for a contested case hearing with the executive director of the board within 30 days from the date of the denial.

SOURCES: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2015, Chapter 14, and *Minnesota Rules*, 8710.0900, posted November 19, 2009.

further appeal, he or she must submit to BoT a second written request for a contested case hearing within 30 calendar days of notification of the committee's decision. Once an applicant makes the second request for an appeal, the denial enters the contested case process. In this process, the board and the candidate present their arguments to an administrative law judge. The judge makes a recommendation to the full board regarding whether the candidate's license was appropriately denied. The board then makes its final decision based on the evidence introduced at the hearing and the judge's recommendation.

In our file review of teacher-licensure applications, we found correspondence explaining the right to an appeal in only 6 of 31 applications that were fully or partially denied. The appeal information that MDE sent to those candidates reflected the language in Minnesota rules and did not align with the appeals process outlined on BoT's website (and illustrated in Exhibit 3.8).

This discrepancy between the rule and the actual process does a disservice to teacher-licensure candidates in two ways. First, reading the rule, an applicant may believe that upon making his or her initial appeal request in the appropriate timeframe, an appeal will automatically move to a contested case hearing. This is not true. Instead, the board reviews the application and if it does not find in the candidate's favor, the candidate will have to make an additional request to initiate the contested case hearing. Second, by giving the impression that an "appeal" results only in a contested case hearing, the rule makes the appeals process seem more intimidating and legalistic than it actually is. Some candidates might be more inclined to appeal MDE's licensure decisions if they realized that the first step was a board review rather than a hearing before a judge.

In our survey of teacher-licensure applicants trained or licensed in other states, 203 respondents indicated that they did not receive a license or did not receive the license they wanted.[42] Of these, only 12 percent reported that they were aware of their right to appeal the licensure decision; only 3 respondents reported attempts to appeal their licensure decisions. Of these three, only one reported sending a formal appeal letter to BoT, which is the required procedure for beginning the appeals process. BoT provided us with information on all of the appeal requests it received during a recent 20-month period. In nearly two years, only 13 candidates have formally appealed their licensure denial.[43]

[42] Some of these candidates may have received one-year full professional licenses rather than the five-year licenses they would have preferred. As discussed previously, MDE and BoT do not consider a one-year full professional license a denial and thus do not send a denial letter with appeal information when issuing such a license.

[43] Nine of these 13 candidates (69 percent) have since been issued a one- or five-year license; those with one-year licenses typically must complete state examination requirements. Four of these candidates became eligible for licensure due to recent statutory changes to requirements for teachers from other states. The board deemed one additional candidate eligible for licensure, but the candidate has not reapplied. The board requested, but has not received, additional information from one candidate. One candidate has been added to the ongoing lawsuit against BoT. In the final case, the board upheld the licensure denial.

RECOMMENDATION

The Board of Teaching should ensure that its licensure-appeals process is consistent with the law.

Additionally, the Minnesota Department of Education should provide accurate and thorough information on how to appeal a licensure decision to every teacher-licensure candidate who does not receive the full license for which he or she was recommended.

To make the appeals process consistent with state law, BoT should either:

- Amend its rules to better reflect the existing appeals process, or
- Implement an appeals process that is consistent with law.

Once the process is finalized, BoT and MDE should work together to draft an appeal information sheet that accurately describes the process. MDE should distribute this document to every teacher-licensure candidate who does not receive the full license for which he or she was recommended. Providing candidates with complete and accurate information about the appeals process will allow them to make an informed decision about whether to pursue an appeal of their licensure decision.

Chapter 4: Teacher-Licensure Laws

As discussed in Chapter 2, Minnesota statutes and rules outline specific requirements for teacher licensure. However, we identified a number of problems related to the laws themselves, which we discuss further in this chapter. In particular, we note that (1) the Legislature frequently changes the laws governing teacher licensure, (2) the governing statutes are unclear and do not always align with corresponding rules, and (3) the large number of exceptions to teacher-licensure requirements renders many of these laws meaningless. This chapter concludes with recommendations for a more consistent and transparent teacher-licensure system.

MULTIPLE CHANGES TO LAWS

As discussed in Chapter 2, the Legislature made a number of changes in 2015 to teacher-licensure laws for candidates trained and licensed in other states. The changes in 2015 were not unusual; in fact, the Legislature has regularly revised Minnesota's teacher-licensure laws.

Since 2011, the Legislature has annually made multiple changes to teacher-licensure laws, which can make it difficult for applicants and others to understand and keep track of licensing requirements.

Below, we discuss changes the Legislature has made over the past several years to teacher-licensure statutes regarding the skills exam and teacher-preparation programs.

Skills Examinations

In each of the past four legislative sessions, the Legislature has changed the law related to the skills exam candidates must pass in order to receive a five-year full professional Minnesota teaching license; Exhibit 4.1 outlines these changes. In 2012, the Legislature required applicants to "pass" a skills examination as a requirement for initial teacher licensure, replacing the requirement for applicants to "successfully complete" this exam.[1] In 2013, the Legislature still required applicants to "pass" the skills exam but permitted the Board of Teaching (BoT) to "issue up to two additional temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the skills exam."[2]

[1] *Laws of Minnesota* 2012, chapter 122, sec. 1.

[2] *Laws of Minnesota* 2013, chapter 116, art. 3, sec. 10. As discussed in Chapter 3, the Minnesota Department of Education (MDE)—and not BoT—issues teacher licenses.

Exhibit 4.1: Changes to Skills-Examination Licensure Requirements, 2012-2015

Year	Changes
2012	Rather than require license applicants to "successfully complete" a skills examination, applicants are now required to "pass" the exam.
2013	Board of Teaching may "issue up to two additional temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the skills exam." Previous statutes simply required a candidate to pass the skills exam.
2014	License applicants may now use qualifying scores on the ACT Plus Writing or SAT to satisfy the skills-examination requirement.
	The requirement to pass a skills exam "does not apply to nonnative English speakers" who apply for a teaching license to provide direct instruction in their native language or world language instruction.
	Board of Teaching may issue up to two, rather than three temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the skills exam or attained qualifying scores on the ACT Plus Writing or SAT.
2015	License applicants must "demonstrate a passing score on a board-adopted skills examination." Specific references to the ACT Plus Writing and SAT are deleted.
	Board of Teaching may issue up to four, rather than two, temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the skills exam.
	Board of Teaching may issue a "restricted license to an otherwise qualified teacher not passing or demonstrating a passing score on a board-adopted skills examination in reading, writing, and math." The restricted license is "limited to the current subject or content matter the teacher is employed to teach and limited to the district or charter school requesting the restricted license." This licensing option did not exist prior to 2015.

SOURCES: *Laws of Minnesota* 2012, chapter 122, sec. 1; *Laws of Minnesota* 2013, chapter 116, art. 3, sec. 10; *Laws of Minnesota* 2014, chapter 272, art. 3, sec. 10; and *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, secs. 9 and 14.

In 2014, the Legislature allowed candidates to use qualifying scores on the ACT Plus Writing or SAT to satisfy the skills-exam requirement, but only allowed the board to issue "up to two" (rather than two *additional*) temporary, one-year teaching licenses to otherwise qualified candidates who had not yet passed the skills exam or attained qualifying scores on the ACT Plus Writing or SAT.[3] That year, the Legislature also granted an exception to this requirement for nonnative English speakers who teach a world language class or teach in their native language.[4] The 2015 Legislature deleted references to the ACT and SAT exams as qualifying exams for licensure and instead required "all candidates for teacher licensure to demonstrate a passing score on a board-adopted skills examination…."[5] The Legislature also extended to four (from two) the number of temporary, one-year teaching licenses an otherwise

[3] The ACT and SAT are standardized tests often used as college-entrance examinations.

[4] *Laws of Minnesota* 2014, chapter 272, art. 3, sec. 10.

[5] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 9, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(b). At its October 9, 2015, board meeting, BoT adopted the following exams as acceptable skills exams: ACT Plus Writing, SAT with Writing, Graduate Record Examination (GRE), Minnesota Teacher Licensure Examinations (MTLE), National Evaluation Series (NES), and Praxis I. The board set July 1, 2016, as the date by which it will establish passing scores for each of these exams.

qualified candidate who has not yet passed the skills exam may receive.[6] Finally, also in 2015, the Legislature authorized a new "restricted license" that allows BoT to license an otherwise qualified teacher who has not passed the skills exam.[7] This license may be issued at the request of a school district or charter school, restricts the teacher to the current subject the teacher is employed to teach, and is limited to the requesting district or school.

In making these changes, the Legislature has generally made it easier for candidates to meet the state's skills-exam licensure requirement. However, the frequency of the changes can make it difficult for applicants (and others) to keep track of which tests satisfy the state's licensure requirements.

Teacher-Preparation Programs

The Legislature has also regularly identified new requirements that board-approved teacher-preparation programs must include in their curricula. For example, in 2011, the Legislature required all Minnesota teacher-preparation programs to:

> Include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and assessment; engaging students and supporting learning; and assessing student learning.[8]

In 2012, the Legislature required BoT-approved teacher-preparation programs to include in their programs "the knowledge and skills teacher candidates need to deliver digital and blended learning and curriculum and engage students with technology."[9] In 2014, the Legislature required teacher candidates to "have preparation in English language development and content instruction for English learners in order to be able to effectively instruct the English learners in their classrooms."[10]

These frequent changes can impact teacher candidates by altering teacher-preparation requirements while they are in the middle of their training. For example, one teacher candidate attended a Minnesota preparation program from 2007 to 2012 but did not successfully pass her licensure exams until 2015. When she applied for a five-year full professional license in 2015, the training she had completed—which met 2007 standards—did not meet Minnesota's 2015 standards for teacher-preparation programs. As a result, the Minnesota Department of Education (MDE) denied the candidate a five-year license and advised her to take the necessary courses to meet current requirements.[11]

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[6] As discussed in Chapter 2, MDE issues "one-year full professional licenses" to otherwise qualified licensure applicants from other states who have not yet passed the skills exam; the department issues "temporary limited licenses" to similarly situated applicants who completed a Minnesota teacher-preparation program. Throughout this chapter, we use the license terminology stated in law, rather than what is used in practice.

[7] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 14, codified in *Minnesota Statutes* 2015, 122A.18, subd. 2(b).

[8] *Laws of Minnesota* 2011, chapter 5, sec. 1, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(d).

[9] *Laws of Minnesota* 2012, chapter 273, sec. 1, codified in *Minnesota Statutes* 2015, 122A.18, subd. 3a.

[10] *Laws of Minnesota* 2014, chapter 272, art. 1, sec. 12, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(g).

[11] BoT typically establishes a transition process to allow students to complete their program and qualify for a license even if licensure requirements change during the time of their enrollment. Because this candidate graduated three years prior to passing the licensure exams, such transition accommodations did not apply.

UNDEFINED AND DUPLICATIVE TERMS

In addition to changing frequently, the teacher-licensure statutes include undefined terms and terms with multiple meanings, which further contribute to confusion around licensure requirements.

Statutes use undefined and duplicative terms to identify different types of teacher licenses.

Teacher-licensure laws include a number of undefined terms, as identified in Exhibit 4.2. For example, statutes state that:

> The Board of Teaching must issue a *teaching license* to an applicant who: (1) successfully completed all exams and human relations preparation components required by the Board of Teaching; and (2) holds or held an out-of-state teaching license to teach a similar content field and grade levels if….[12] (*Italics added for emphasis.*)

However, it is not clear what "a teaching license" means in this context. Because neither statutes nor rules define "teaching license," it could mean any type of teaching license, or it could mean a specific type of teaching license, such as a one- or five-year full professional license. As a result, it is not clear what type of license a candidate who meets the delineated qualifications should receive.

As another example, statutes state that:

> The Board of Teaching may issue a *license* under this subdivision if the applicant has attained the additional degrees, credentials, or licenses required in a particular licensure field and the applicant can demonstrate competency….[13] (*Italics added for emphasis.*)

Again, it is not clear what a "license" means in this context. Without a clear definition in law, "license" could mean any type of teaching license, possibly including a substitute-teacher license. As with the previous example, it is not clear what type of license a candidate should receive under this subdivision of law.

In addition to the undefined licenses outlined in Exhibit 4.2, one license type has two different statutory meanings, as discussed earlier in this report. After actions taken by the 2015 Legislature, two different licenses with distinct requirements are now both called "restricted license."[14]

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[12] *Minnesota Statutes* 2015, 122A.23, subd. 2(c).

[13] *Minnesota Statutes* 2015, 122A.23, subd. 2(h).

[14] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, secs. 14 and 18, codified in *Minnesota Statutes* 2015, 122A.18, subd. 2(b); and 122A.23, subd. 2(f).

Exhibit 4.2: Select Undefined Terms in Minnesota's Teacher-Licensure Statutes, 2015

Term	Sample Usage	Possible Meanings
Initial license	"The board must adopt rules requiring candidates for *initial licenses* to pass…." "The board must design and implement an assessment system which requires a candidate for an *initial license* and first continuing license…."	A candidate's first license of any type A candidate's first, five-year full professional license A specific type of license that is different from other licenses identified in statute
License	"The Board of Teaching may issue a *license* under this subdivision if the applicant…" has met specific criteria.	Any type of teaching license
Standard license	"The Board of Teaching may issue a *standard license* on the basis of teaching experience and examination requirements only."	Five-year full professional license One-year full professional license A specific type of license that is different from other licenses identified in statute
Teaching license	"The Board of Teaching must issue a *teaching license* to an applicant who…" meets specified criteria.	Any type of teaching license
Temporary license	"The Board of Teaching must require an applicant for a teaching license or a *temporary teaching license* under this subdivision…."	Limited provisional license Nonrenewable license One-year full professional license One-year restricted license Substitute license Temporary limited license

NOTE: *Italics* added for emphasis.

SOURCES: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2015, 122A.09, subds. 4(e) and (h); and 122A.23, subds. 2(b), (c), (h), and (i).

One type of restricted license permits a candidate who is licensed in another state to be granted a license with a narrowed grade-level or content scope.[15] For example, rather than being issued a license to teach Spanish in kindergarten through grade 12, which is the typical Minnesota Spanish teaching license, a candidate licensed in another state to teach Spanish in only grades 7 through 12 could receive a restricted Minnesota license to teach only secondary Spanish. This type of "restricted license" is valid for teaching in any Minnesota school district but is limited by the grade levels specified.

The second restricted license authorized in law permits a candidate who has completed all licensure requirements except for passing the skills exam to be granted a restricted license in the subject areas in which he or she is currently teaching.[16] This "restricted license" is issued at the request of the school district in which the candidate is currently teaching and is valid only in that school district and only for the specific subject area the candidate currently teaches.[17]

[15] *Minnesota Statutes* 2015, 122A.23, subd. 2(f).

[16] *Minnesota Statutes* 2015, 122A.18, subd. 2(b). An individual could also legally teach without passing the basic skills exam for up to four years with a temporary limited license or one-year full professional license.

[17] The 2015 Legislature established this second type of restricted license and did not identify license duration or renewal conditions. The board has not yet established rules related to this type of restricted license.

The duplicate terms and unclear definitions create additional confusion in an already complicated teacher-licensure system. BoT and MDE staff agreed that licensure terms are not clear, and MDE licensing staff noted that confusion about licensure terms might result in applicants being directed to the wrong staff person for assistance.

INCONSISTENT STATUTES AND RULES

In addition to inconsistency within teacher-licensure statutes, there are several places where statutes and the corresponding rules are not in agreement.

Minnesota statutes and rules do not use the same names for the same types of teacher licenses.

Some license types are identified in statute but not rule, such as "limited provisional license," "limited-term license," and "restricted license." In contrast, the "nonrenewable license" is identified in rule but not statutes. Some license types appear to be comparable but statutes and rules call them different things, such as the "initial teacher" license or "first professional" license. Exhibit 4.3 outlines full-time teaching licenses identified in Minnesota statutes and rules. Again, using different terms simply adds to the confusion around already complex teacher-licensure requirements.

UNCLEAR LAWS

The end result of the frequent changes, confusing terminology, and inconsistent laws, is that people generally have a hard time understanding Minnesota's teacher-licensure requirements.

The constantly changing, poorly defined, and conflicting teacher-licensure laws make it difficult for Board of Teaching board members, Minnesota Department of Education licensing specialists, and teacher candidates to understand Minnesota's teacher-licensure requirements.

As part of our evaluation, we conducted a survey of *BoT board members.* In their responses, 8 of the 11 members identified challenges related to teacher-licensure laws and working with the Legislature. Board members commented that current teacher-licensure laws are "ambiguous and difficult to navigate," "unclear," and "confusing and counterproductive." One board member in particular noted that teacher-licensure statutes change regularly, which makes the laws that much more difficult to understand:

> I believe that there is a great deal of information that any new board member must digest and this is no easy task. Understanding statutes related to the Board of Teaching is extraordinarily difficult…, especially given the fact that many of these statutes seem to change from session to session…. This requires a new way of operating/responding to candidates from an implementation level, which seems adds to the confusion experienced by everyone involved (candidates, board members, licensing staff).

Exhibit 4.3: Teacher-License Inconsistencies in Statutes and Rules, 2015

Minnesota Statutes	Minnesota Rules	Duration and Renewability	License Criteria in Law
Initial teacher license	First professional license	Five-year renewable teaching license	Issued to a candidate who meets all of BoT's licensing requirements and completes an approved program
Limited provisional license	NA	Two-year license; not clear whether renewable	Granted in fields in which (1) there is a shortage of licensed teachers or (2) the candidate was not previously licensed
Limited-term license	NA	Two-year teaching license that may be renewed for a one-year term	Issued to a person who enrolls in a board-approved alternative teacher-preparation program. Before becoming the teacher of record, the teacher candidate must pass all required licensure exams.
NA	Nonrenewable license	Three-year, nonrenewable teaching license	Issued at the request of a school district or charter school when the position cannot be filled with an appropriately licensed teacher. Candidate must be in a teacher-preparation program and anticipate completion by the end of the third school year.
Restricted license	NA	Duration and whether license is renewable is unclear	Issued at the request of a school district or charter school for a teacher who is otherwise qualified but has not passed the skills exam. Restricts teacher to current subject and district or school.
Restricted license	NA	Five-year renewable license that is limited in scope and/or grade level	Issued to an applicant who (1) passed all required exams and has human relations preparation, and (2) holds or held a teaching license from another state where the license is more limited in content or grade level than a similar Minnesota license
Standard license	NA	Five-year renewable teaching license	Issued to an otherwise qualified candidate who successfully (1) performs in an alternative teacher-preparation program and (2) passes all required exams
Teaching license	NA	Five-year renewable teaching license	Issued to a candidate licensed in another state who has successfully completed all exams and required human relations preparation, has completed field-specific teaching methods, student teaching, or equivalent experience, or has at least two years of teaching experience in a similar field.
Temporary military license	NA	Duration and whether license is renewable is unclear	Issued to a qualified individual who is or is the spouse of an active duty military member, or a veteran who meets specified criteria.
Temporary, one-year teaching license	Temporary limited license[a]	One-year temporary license that may be renewed up to three times	Issued to an otherwise qualified candidate licensed in another state who has not yet (1) passed required licensure exams or completed the required human relations preparation, or (2) completed field-specific teaching methods or student teaching or equivalent experience.

NOTES: "BoT" is the Board of Teaching. "NA" means that a comparable license is not available. Minnesota statutes and rules both reference a "life license," which is a full professional teaching license that does not expire. To be eligible, candidates must have a minimum of five years teaching experience in Minnesota and have been employed as a classroom teacher in any one of the three years immediately preceding July 1, 1969. Minnesota rules also reference an "entrance license," which is no longer issued.

[a] Minnesota rules identify an additional temporary limited license that may be issued at the request of a school district or charter school to a candidate who has not completed an approved teacher-preparation program but who has a baccalaureate degree with at least a minor in the area for which the license is requested. *Minnesota Rules*, 8710.1250, posted November 19, 2009. The Minnesota Department of Education also issues the temporary limited license to a candidate who completed a Minnesota teacher-preparation program but has not yet passed all required exams.

SOURCES: *Minnesota Statutes* 2015, 197.4552, 122A.09, 122A.18, 122A.23, and 122A.245; and *Minnesota Rules*, 8710.0300, 8710.0400, 8710.1250, and 8710.1410, posted November 19, 2009.

MDE licensing specialists themselves—the people who review applicants' qualifications and issue the teaching licenses—are also occasionally confused by the frequently changing and sometimes-conflicting teacher-licensure laws. One example relates to required licensure exams. Changes made by the 2015 Legislature in one section of law extended from two to four the number of years candidates have to pass the board-approved skills exam.[18] However, as written in law, this extension did not clearly apply to the pedagogy and content exams applicants are also required to pass. Changes made to another section of law allowed candidates trained and licensed in other states four rather than three years to pass "all exams."[19] Having focused on changes to the first section of law, MDE licensing specialists told us candidates trained in other states have four years to pass the board-approved *skills* exam but only three years to pass the required *pedagogy* and *content* licensure exams. After further communication with MDE on this point, MDE licensing specialists agreed that the law allows candidates from other states up to four years to pass all licensure exams.

Another illustration of MDE specialists not fully implementing teacher-licensure laws relates to licensing candidates trained in other states who have not met all of Minnesota's licensure requirements. MDE staff do not issue these candidates "temporary" licenses, as required by both statute and rule.[20] Instead, MDE licensing specialists and BoT staff told us that MDE issues these candidates one-year full professional licenses, a license type that neither statute nor rule explicitly authorizes.

Finally, many *applicants* are confused about what they must do to receive a Minnesota teaching license. As part of our evaluation, we surveyed all licensure applicants who were trained or licensed in another state and who applied online for their first Minnesota teaching license in fiscal year 2015.[21] Several respondents commented that the requirements to obtain a license are not clear. As one respondent said, "You need a firm understanding of Minnesota education laws to know how to apply and what is needed." Similarly, plaintiffs in the ongoing lawsuit against BoT have indicated in court hearings and legislative testimony that they do not know what is required of them to fulfill teacher-licensure requirements.

EXCEPTIONS

While Minnesota statutes and rules establish teacher-licensure requirements, they also establish a number of exceptions to these requirements.

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[18] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 9, codified in *Minnesota Statutes* 2015, 122A.09, subd. 4(b).

[19] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 18, codified in *Minnesota Statutes* 2015, 122A.23, subd. 2(d).

[20] *Minnesota Statutes* 2015, 122A.23, subd. 2(d), requires BoT to issue "up to *four one-year temporary teaching licenses*…" (*italics* added) to a candidate who holds a teaching license from another state but "has not successfully completed all exams and human relations preparation components required by the Board of Teaching." Similarly, Minnesota rules state that, "An applicant who has completed a teacher licensure program outside Minnesota…" but has not completed the licensure exam requirements, "shall be granted a Minnesota *temporary limited license*…" (*italics* added). *Minnesota Rules*, 8710.0400, subp. 4, posted November 19, 2009.

[21] We received responses from 702 teacher-license applicants, which represents more than 40 percent of the 1,678 survey recipients.

Multiple exceptions to licensure requirements have led to loopholes and meaningless standards.

Current laws allow multiple exceptions to teacher-licensure requirements. For example, while teacher candidates are required to pass the skills exam to receive a full license, candidates can receive a temporary license for four years while they attempt to pass this required exam.[22] Additionally, changes made by the 2015 Legislature authorize a restricted license, which allows an educator to remain in the classroom (at a school district's request) without ever passing the "required" skills exam.[23]

Another exception to licensure requirements are "special permissions," which allow people to teach in the classroom without meeting all teacher-licensure requirements. For example, receiving board permission to hire a "nonlicensed community expert" allows a school district or charter school to hire an individual who has not completed a teacher-preparation program; there is no limit on the number of times these permissions may be renewed.[24] Teacher candidates who are not fully licensed in a certain subject area can teach in a classroom for several years by stringing together a number of different types of special permissions. For example, one teacher who had an elementary-education license taught music for nine years before he was fully licensed in music. Individuals teaching under these exceptions may be good teachers, but the exceptions have resulted in inconsistent standards and a licensing system that is confusing, complex, and not transparent.

RECOMMENDATIONS

Given the complexity, inconsistency, and lack of clarity of Minnesota's teacher-licensure laws, we have several recommendations for improvement.

RECOMMENDATION

As a first step, the Legislature should clarify Minnesota statutes regarding teacher-licensure requirements.

As discussed above, Minnesota's teacher-licensure laws use undefined and duplicative terms. We also found inconsistencies regarding licensure requirements; for example, statutes are not clear regarding the number of years candidates have to pass required licensure exams.

As a first step, we recommend the Legislature clarify existing law. This includes providing definitions and introducing new terms where needed. For example, the Legislature should define what it means when it requires BoT or MDE to issue a "license," "teaching license," or "initial license." Similarly, the Legislature should rename one of the two "restricted licenses" established in law to clarify the distinctions between the two licenses that currently hold this name. Ensuring consistent use of terms and providing clear definitions

[22] *Minnesota Statutes* 2015, 122A.09, subd. 4(b); and 122A.23, subd. 2(d).

[23] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 14, codified in *Minnesota Statutes* 2015, 122A.18, subd. 2(b).

[24] *Minnesota Statutes* 2015, 122A.25.

will help to clarify the state's teacher-licensure requirements. Having clearer requirements will help board members, candidates, and licensing staff understand what is expected.

RECOMMENDATION

As a second step, the Legislature should restructure the state's teacher-licensure system to ensure consistency and transparency.

Because of the different licensure standards for candidates trained in Minnesota and those trained elsewhere, two candidates with different training can receive the same teaching license.[25] And, with the many licensure exceptions teacher candidates can access, individuals can teach for several years without meeting licensure requirements. As a result, the significance of a teaching license is not always clear.

On the other hand, requiring all teachers to have a five-year full professional teaching license may present unnecessary barriers. School districts and charter schools have reported serious concerns about teacher shortages. In our survey of school district and charter school administrators, 80 percent of respondents (342) said it was "difficult" or "very difficult" to fill vacant teaching positions for the 2015-2016 school year.[26] One survey respondent aptly summed up the state's tension between having meaningful teacher-licensure standards and ensuring schools have teachers in the classroom:

> We are facing teacher shortages in every subject area and grade level. We need to be encouraging people to enter the field and we need to make sure that the requirements for licensure are reasonable and that they ensure that we will have a quality teacher.

To address the need to have qualified teachers in the classroom in the face of a growing teacher shortage, and to ensure a consistent and transparent teacher-licensure structure, we recommend the Legislature create a tiered teacher-licensure system. A tiered system could establish minimum qualifications for all teachers in the classroom—whether they were trained in Minnesota or elsewhere—and create graduated tiers of licensure based on additional levels of training. The intent is that the tiered structure would wholly replace Minnesota's current licensure system, including teaching licenses and special permissions.

Exhibit 4.4 outlines a sample tiered-licensure system. Tier One in this sample system requires that all classroom teachers have *at least one* of the following: a bachelor's degree, course credits in a related content area, a certain amount of teaching experience or field-specific methods training, passing scores on all required licensure exams, completion of human relations coursework, or a hiring district attesting to an emergency need to hire the candidate. Because this first tier has such minimal requirements, candidates receiving a Tier One License would need proof that a Minnesota school district or charter school intended to hire them.[27]

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[25] In Chapter 2, we discuss the different teacher-licensure standards for applicants trained in Minnesota and those in other states.

[26] We surveyed 488 superintendents and directors representing the 500 Minnesota school districts and charter schools operating during the 2015-2016 school year. We received responses from 430 survey recipients for a response rate of 88 percent.

[27] Similar to current special permissions, the Legislature or BoT could require that school districts or charter schools hiring an individual with a Tier One License demonstrate efforts to hire a candidate with a higher-tiered license.

For each subsequent tier of the system, a teacher would be expected to meet more licensure requirements. The Legislature would need to determine the expiration limits of each licensure tier and whether a license type could be renewed. For example, with the sample structure outlined in Exhibit 4.4, the Legislature may decide that a Tier One License lasts for one year and may be renewed twice, while a Tier Four License lasts for five years and may be renewed indefinitely.

Exhibit 4.4: Sample Tiered Teacher-Licensing System

License Name	Duration	Renewability	Sample Requirements
Tier One License	One year	Twice	• School district or charter school request • At least **one** of the following: – Bachelor's degree – At least eight credits in related content area – Field-specific methods training – At least two years teaching experience – Passing score on all required licensure exams – Completion of human relations coursework – Teaching in a field for which there is no license – School district or charter school attests to an emergency need to hire the candidate
Tier Two License	Two years	Twice	• Bachelor's degree • At least **two** of the following: – At least eight credits in related content area – Field-specific methods training – At least two years teaching experience – Passing score on all required licensure exams – Completion of human relations coursework – Completion of at least one year in a Minnesota-approved teacher-preparation program
Tier Three License	Three years	Unlimited	• Bachelor's degree • Passing score on all required licensure exams • Completion of human relations coursework • Completion of at least one of the following: – A Minnesota-approved teacher-preparation program – A state-approved teacher-preparation program that includes field-specific methods training and field-specific student teaching of not less than six weeks – At least two years teaching experience
Tier Four License	Five years	Unlimited	• Meets the requirements of a Tier Three License • At least three years teaching experience
Master Educator License	Five years	Unlimited	• Meets the requirements of a Tier Three License • At least eight years teaching experience • National Board Certification[a]

NOTES: This exhibit provides an example of what a tiered-licensing system could look like; the license requirements, duration, and renewability are for illustration purposes only. The Tier One License is comparable to Minnesota's current nonlicensed community expert special permission; the Tier Three License is comparable to Minnesota's current five-year full professional license. Candidates licensed in another state with different grade-level scope or content area than a Minnesota license may receive a restricted license at the tier for which they are qualified. Additional exceptions may be necessary for teachers of language-immersion programs or teachers in fields for which there is no Minnesota license.

[a] Teachers who have National Board Certification have met rigorous standards established by the National Board for Professional Teaching Standards; see www.nbpts.org.

SOURCE: Office of the Legislative Auditor.

It is important not to confuse tiered licensing with "watered down" teacher-licensure requirements. Instead, a tiered system provides a transparent set of uniform standards. The lowest licensure tier of the sample system outlined in Exhibit 4.4 is comparable to the nonlicensed community expert special permission currently in law. However, compared with the current system, we think a tiered-licensing system could be more predictable and allow educators to teach while meeting different levels of standards. A tiered-licensure system that wholly replaces the current teacher-licensing system would be more consistent and transparent, and it would eliminate the need for so many special permissions and exceptions. A tiered system also provides flexibility, which reduces the need for the Legislature to establish workarounds—such as special permissions and exceptions—to licensure standards. This flexibility could also help address concerns about teacher shortages. Finally, a tiered-licensure system would also make clear the steps an educator would need to take to graduate to the next licensure tier. This could provide opportunities for meaningful professional development for teachers and differentiation among educators with different levels of training and experience.

Several other states have tiered-licensure systems. For example, Georgia has a four-tiered certification structure that begins when a teacher candidate is student teaching. The second tier in Georgia's certification structure requires candidates to pass the state's content and ethics exams and, in most cases, complete some type of teacher-preparation program. Subsequent tiers require years of teaching experience, in addition to other qualifications. Ohio also has a four-tiered teacher-licensure structure. The first tier requires educators to have a bachelor's degree and pass relevant content examinations, among other criteria. Tiers three and four require educators to have a master's degree and at least nine years of experience, in addition to other requirements.

The recommendation to shift Minnesota's teacher-licensure structure to a tiered system is a complex and broad recommendation that may be difficult to implement. Instead of taking this wholesale approach, the Legislature could make smaller-scale changes by clarifying and streamlining the related statutes. This incremental approach would improve Minnesota's teacher-licensure system, and it is the first recommendation we presented above. However, we do not think incremental changes will be sufficient to address all of the problems we identified with the current teacher-licensure system. In fact, we think a patchwork approach to amending the teacher-licensure laws is, in part, what has contributed to the current problems.

To implement a comprehensive and meaningful tiered-licensure structure, the Legislature will need to obtain significant input from BoT, MDE, and education stakeholders. The Legislature may need to establish a work group to meet between legislative sessions to develop implementation recommendations.[28] Even if the Legislature does not pursue tiered licensing, it should make a concerted effort to simplify and clarify the teacher-licensure system. In the end, what is most important is having a more consistent and transparent teacher-licensing system.

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[28] *Laws of Minnesota* 2011, First Special Session, chapter 11, art. 2, sec. 48, required BoT and MDE to "jointly convene and facilitate an advisory task force to develop recommendations for a statewide tiered teacher licensure system…." The resulting report, *Tiered Licensure Advisory Task Force Report to the Legislature* (Roseville, 2012), recommended a two-tiered licensure system that does not address the teacher-licensure complexities and inconsistencies outlined in this report. The 2012 report recommended an initial (Tier One) license for candidates who met BoT standards. Teachers would be eligible for a Tier Two license after they held a Tier One license and completed a BoT-approved induction program. The recommendations from this report did not represent a significant change in the teacher-licensure system, and the Legislature did not adopt them.

RECOMMENDATION

The Board of Teaching should clarify teacher-licensure rules and ensure they align with relevant statutes.

As noted previously, teacher-licensure rules do not align with teacher-licensure statutes. Once the Legislature has made clarifying changes, as recommended above, BoT should ensure teacher-licensure rules are consistent with corresponding statutes. BoT should also take this opportunity to clean up the rules generally; for example, the board could remove references to the "entrance license," which rules prohibit from being issued after October 16, 2000. The board has identified clarifying licensure policies, including recodifying licensure statutes and rules, as one of its 2016 legislative priorities.[29]

[29] Minnesota Board of Teaching, *2016 Legislative Priorities*, https://mn.gov/board-of-teaching/assets/2016%20Legislative%20Priorities%20Final_tcm25-115149.pdf, accessed February 12, 2016.

Chapter 5: Governance Structure

As noted in Chapter 1, the Minnesota Board of Teaching (BoT) and Minnesota Department of Education (MDE) share responsibility for licensing teachers in Minnesota. This chapter begins with a brief discussion of the organizational structures of the board and MDE's licensing division. The remainder of the chapter examines the difficulties that arise from having two state agencies involved in teacher licensure and concludes with recommendations for consolidation and improvement.

BOARD OF TEACHING

As discussed throughout this report, BoT is responsible for (1) developing the teacher's code of ethics; (2) adopting rules to license public school teachers; (3) adopting rules for and approving teacher-preparation programs; (4) reviewing and approving requests for special permissions; and (5) suspending, revoking, or denying a license based on qualifying grounds.[1] Six staff people support the work of the board. As discussed in Chapter 1, BoT staff includes an executive director, two teacher-preparation program specialists, one ethics specialist, one special permissions specialist, and an office administrator.

Board of Teaching History

The 1967 Legislature established the Professional Teaching Practices Commission, which was the predecessor of the Board of Teaching.[2] As outlined in the authorizing statutes, the commission was to "act in an advisory capacity to the state board of education and to members of the profession in matters of interpretation of the code of ethics."[3] The Legislature also authorized the commission to conduct hearings related to alleged violations of the professional code of ethics.

In 1973, the Legislature changed the commission's name to the Teacher Standards and Certification Commission and granted it the authority to certify teachers and develop the criteria, rules, and regulations for such certification. This authority had previously been vested in the State Board of Education, which continued to approve the criteria and qualifications that the commission developed for certifying teachers.[4] The 1973 Legislature shifted other responsibilities from the State Board of Education to the Teacher Standards and Certification Commission, including promulgating rules regarding expiration and renewal of teacher certificates, determining whether to issue teaching certificates to applicants trained in other states, and deciding when to suspend or revoke a teaching certificate for cause.[5] The 1975 Legislature changed the name of the commission to the

[1] *Minnesota Statutes* 2015, 122A.09, subds. 1 and 4; 122A.20; and 122A.25.

[2] *Laws of Minnesota* 1967, Extra Session, chapter 25.

[3] *Laws of Minnesota* 1967, Extra Session, chapter 25, sec. 5.

[4] *Laws of Minnesota* 1973, chapter 749, secs. 2, 8, 9, and 11.

[5] *Laws of Minnesota* 1973, chapter 749, secs. 3, 4, and 6.

Board of Teachers Standards and Certification, and the 1976 Legislature changed the name to the Board of Teaching.[6]

Board Composition

Minnesota statutes establish the Board of Teaching and outline the required board composition.[7]

By law, the Board of Teaching governing board consists of 11 members appointed by the governor and approved by the Senate.

Statutes require that the 11 board members include:

- 6 teachers, who are currently teaching in a Minnesota school or who were teaching at the time of appointment; at least 4 of the teachers must be teaching in a public school.
- 1 higher education representative, who must be a faculty member preparing teachers.
- 1 school administrator.
- 3 members of the public, 2 of whom must be present or former members of school boards.[8]

Exhibit 5.1 outlines the statutory requirements regarding the board composition for the Board of Teaching. Statutes require that the teachers and school administrator be fully licensed for the position held and have at least five years teaching experience in Minnesota.[9] By law, each board nominee—other than those serving as members of the public—must be selected based on their "professional experience and knowledge of teacher education, accreditation, and licensure."[10] Members serve four-year terms and may be reappointed for only one term.[11]

[6] *Laws of Minnesota* 1975, chapter 271, sec. 3(45); and *Laws of Minnesota* 1976, chapter 222, secs. 2 and 21. The 1998 Legislature abolished Minnesota's Board of Education and assigned all of that board's responsibilities to MDE (at the time called the Department of Children, Families, and Learning). See *Laws of Minnesota* 1998, chapter 398, art. 5, secs. 55 and 56.

[7] *Minnesota Statutes* 2015, 122A.07.

[8] *Minnesota Statutes* 2015, 122A.07, subd. 2.

[9] *Ibid.*

[10] *Ibid*.

[11] *Minnesota Statutes* 2015, 122A.07, subd. 1; and 214.09, subd. 2.

Exhibit 5.1: Board of Teaching Board Composition, 2015

Eleven members appointed by the governor, with the advice and consent of the Senate:

Eligibility Requirements	Selection Considerations
6 teachers who: • Currently teach in a Minnesota school or taught at the time of appointment • Are fully licensed for position held • Have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment • Do not qualify to serve on the board as the higher education or school administrator representative	• Must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure • At least 4 of the 6 teachers appointed must be teaching in a public school
1 higher education representative who: • Must be a faculty member preparing teachers	• Must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure
1 school administrator who: • Currently teaches in a Minnesota school or taught at the time of appointment • Is fully licensed for position held • Has at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment	• Must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure
3 public members	• At least 2 of the public members must be present or former members of school boards

SOURCE: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2015, 122A.07, subds. 1-2.

By law, the Board of Teaching's school administrator representative must "…be a teacher currently teaching in a Minnesota school," a requirement that places an unnecessary restriction on eligible appointees.

Minnesota Statutes 2015, 122A.07, subd. 2, states:

> Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a *teacher currently teaching* in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment.[12] (*Italics added for emphasis.*)

The current board member representing school administrators is not a "teacher currently teaching," nor did he teach the two years immediately preceding his nomination and

[12] Minnesota statutes define "teacher" as "a classroom teacher or other similarly professional employee required to hold a license from the Board of Teaching." *Minnesota Statutes* 2015, 122A.06, subd. 2.

appointment. He has been a superintendent since 2001and was first appointed to the board in 2013.[13]

RECOMMENDATION

The Legislature should amend *Minnesota Statutes*, 122A.07, subd. 2, and not require the school administrator representative on the Board of Teaching to "be a teacher currently teaching in a Minnesota school."

Statutes require BoT board members to come from different circumstances within the education world: teachers, administrators, faculty members at teacher-preparation programs, school board members, and the public. Members of each of these groups likely have different, valid perspectives on teacher preparation, licensing, and discipline. We think it is reasonable to have a school administrator on the Board of Teaching; after all, school administrators are responsible for hiring licensed teachers or asking for special permission to hire a nonlicensed person to teach a class. In other words, school administrators provide a unique and important viewpoint on the board. However, we think requiring the school administrator representative on the board to be a current or recent teacher significantly—and unnecessarily—limits the pool of eligible administrators who could serve on the board.

MINNESOTA DEPARTMENT OF EDUCATION

By law, the licensing division of the Minnesota Department of Education must issue licenses under the jurisdiction of the Board of Teaching.[14] Within MDE, the Division of Educator Licensing handles the department's teacher-licensure responsibilities. The division consists of a director and 12 staff positions, including:

- 1 supervisor.
- 4 licensing and license-renewal specialists.
- 3 customer-service representatives.
- 2 special-education licensing specialists.
- 1 compliance and data specialist.
- 1 teacher-education specialist.[15]

[13] In contrast to the definition of "teacher," the Board of School Administrators, not BoT, governs licensure requirements for superintendents.

[14] *Minnesota Statutes* 2015, 122A.18, subd. 1(c).

[15] As mentioned in Chapter 1, two of the division's positions are filled on a part-time basis only; MDE shares a small portion of the time of one of the BoT staff members who focuses on teacher-preparation programs. In addition, several licensing division staff share responsibility for issuing licenses governed by the Board of School Administrators.

As discussed in Chapter 1, licensing division staff share office space with BoT staff in MDE's Roseville location. In addition to issuing licenses under BoT's jurisdiction, the licensing division issues licenses under the jurisdiction of the Board of School Administrators.

LICENSURE GOVERNANCE STRUCTURE

As discussed throughout this report, BoT and MDE share responsibility for licensing Minnesota teachers, but they have different roles. The board establishes rules, policies, and criteria for licensing and disciplining teachers. The department reviews teacher-licensure applicants' credentials and issues the appropriate teaching licenses. We found a number of problems with the current structure, including overlapping and duplicative responsibilities, statutes that do not clarify which agency is responsible for what teacher-licensure responsibilities, and the board's inability to operate as an independent state entity. These issues are discussed in more detail below.

Overlap and Duplication

As part of this evaluation, we interviewed teacher candidates, representatives of teacher-preparation programs, school district administrators, and other education stakeholders. We conducted surveys of school district and charter school administrators, teacher-preparation program personnel, BoT board members, and recent teacher-licensure applicants. We spoke with staff in BoT and MDE, as well as with leadership in both state agencies. Across all of these different conversations and surveys, we heard a recurring theme: having BoT and MDE share responsibility for teacher licensure creates unnecessary difficulties.

Minnesota's governance structure for licensing teachers is confusing and results in decreased accountability and transparency for licensing decisions.

Having two state entities involved in the teacher-licensure process is confusing for license applicants, school administrators, and the public in general. Stakeholders who regularly deal with the department and board often do not know who to contact with questions regarding teacher licensure. They told us that the structure is "confusing," "frustrating," and "complicated"; that "accountability is diffused"; and there is a lot of "finger pointing." One license applicant told us that the difference between MDE and BoT is confusing, and that the two entities seem completely interconnected, yet they point fingers at each other in the media. Another applicant said that he cannot distinguish between MDE and BoT.

As part of our evaluation, we surveyed all teacher candidates who were trained or licensed in another state and who applied online for their first Minnesota teacher license in fiscal year 2015.[16] Approximately one-third of respondents indicated that the licensure application steps were not clear. Among these respondents, several expressed confusion about who to contact with questions. For example, when asked to elaborate on what parts of the application process were unclear, one respondent replied, "Who to contact and where precisely to go for information and follow-up questions." Another respondent answering the same question replied, "The order in which things needed to occur and who to go to for

[16] We received responses from 702 teacher-license applicants, which represents more than 40 percent of the 1,678 survey recipients.

which particular questions (DOE [sic], BOT, teacher prep program, etc.)." One respondent, perfectly capturing the confusion about the governance structure, said, "I do not have much trust that the MDE is the professional board that teachers in this state need them to be."

In our survey of school district and charter school administrators, several respondents expressed difficulty knowing who to contact with questions about requesting special permissions for teaching.[17] When asked to elaborate on what parts of the process to request a special permission are difficult, one respondent said, "When we call MDE oftentimes they send us to the BOT because they say they don't know the answers to our questions." Another respondent said the difficult part of the process is to know "which to work with—BOT or MDE, as it is different depending on which special permission you need," and yet another respondent said, "Who is responsible for what and in which order." Finally, one respondent commented,

> When you are on [the] Board of Teaching website to look at licensing information it refers you back to MDE's website for online licensing. Seems like licensing toggles between the two versus one body.

In interviews, one longtime administrator responded that he could not define which entity does what regarding teacher licensure, and he typically contacts both BoT and MDE with any questions. Another administrator agreed and said it is not always clear which agency they are supposed to consult. Commenting on the relationship between BoT and MDE, one school board member said, "There is a lot of mystery to it."

MDE staff acknowledged that the public generally does not understand the difference between the department and BoT, nor do most people understand their different responsibilities. For example, they noted, MDE and BoT staff sometimes refer license applicants back-and-forth between the two entities, depending on the type of license for which they apply, how the applicants refer to the requested license, and the particulars of an individual's license application. Further contributing to the confusion are seemingly minor things, such as BoT and MDE's shared location, and BoT staff having "MDE" e-mail addresses.

The lack of transparency regarding which organization is making licensing decisions results in less overall accountability. If license applicants and school administrators do not know which state agency is making licensing decisions, it is difficult to hold the responsible organization accountable.

One example of decreased accountability and transparency relates to licensure by portfolio. As discussed in Chapter 3, MDE established the licensure-by-portfolio process in 2003. The process allowed teacher candidates to demonstrate—through a portfolio of teaching and other materials—how they satisfied Minnesota's teacher-licensure requirements. In 2013, the licensure-by-portfolio process was suspended, and in April 2015, a lawsuit against BoT was filed in Ramsey County Court.[18] The lawsuit alleged that, by not providing the

[17] We surveyed 488 superintendents and directors representing 500 school districts and charter schools. We received responses from 430 survey recipients for a response rate of 88 percent.

[18] Note that the lawsuit was filed against BoT—and not MDE—despite the fact that licensure by portfolio had been an MDE-administered process.

licensure-by-portfolio process, BoT violated applicants' rights to apply for teacher licenses by portfolio.[19]

The decision to stop the licensure-by-portfolio process was not transparent. In fact, in interviews, BoT staff claim it was an MDE decision to stop the process, and MDE staff claim it was a board decision; there is not sufficient documentation to support either assertion. Because BoT and MDE share responsibility for teacher licensure and the portfolio process—and there are not clear lines of accountability—it is not clear which organization should be held responsible for the decision to suspend the licensure-by-portfolio process.

Unclear Statutes

There are several instances where Minnesota statutes make teacher licensing more complicated, either by granting BoT and MDE duplicative responsibilities or by not clarifying which entity is responsible for certain licensure activities.

Minnesota statutes further blur the lines of responsibility and accountability between the Board of Teaching and the Minnesota Department of Education.

Although in practice MDE issues Minnesota teacher licenses, statutes require both BoT and MDE to do so. The result is intertwined lines of teacher-licensure responsibility and accountability. For example, one subdivision of law states: "Licenses under the jurisdiction of the Board of Teaching…must be issued through the licensing section of the department [of Education]."[20] Yet, another subdivision states: "The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions," and another section of law requires BoT to issue teaching licenses for qualified candidates who were licensed in other states.[21]

Minnesota statutes also leave gaps in teacher-licensure responsibility. For example, Minnesota statutes require candidates interested in obtaining their license through a portfolio review to submit their portfolio to MDE but pay a fee to BoT.[22] While the law does not identify which entity must review the portfolio when it is first submitted, the 2015 Legislature required BoT to notify the candidate whether or not the portfolio was approved. If the portfolio was not approved, BoT must tell the candidate how to revise the portfolio to successfully demonstrate the required competence, and MDE must approve or disapprove

[19] On December 31, 2015, the Honorable Shawn M. Bartsh ruled in favor of the plaintiffs and required BoT to "(1) reinstate the licensure via portfolio program; (2) accept applications for licensure via portfolio; [and] (3) review and process the applications and issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions." Hernandez v. Minnesota Board of Teaching, No. 62-CV-15-1979 (Ramsey County Dist. Ct. filed Apr. 2, 2015). On January 12, 2016, BoT filed a notice to appeal the district court's jurisdiction in this matter. Exemplifying the lack of accountability and transparency surrounding this issue, almost four weeks prior to the judge's ruling (on December 4, 2015), MDE—not BoT—reinstated the licensure-by-portfolio process.

[20] *Minnesota Statutes* 2015, 122A.18, subd. 1(c).

[21] *Minnesota Statutes* 2015, 122A.18, subd. 2(a); and 122A.23, subd. 2(a).

[22] *Minnesota Statutes* 2015, 122A.21, subd. 2(e), requires candidates to pay these fees to BoT. However, because MDE serves as the board's fiscal agent, candidates pay these fees directly to the department.

the resubmitted portfolio.[23] BoT and MDE again have intertwined statutory responsibilities, further blurring the lines of accountability.

Board Independence

Minnesota statutes establish BoT as an independent board, with its own staff, office space, and "executive secretary."[24] However, Minnesota law requires MDE to provide administrative support to the board.[25] Additionally, because the Legislature appropriates funds for the board through MDE—rather than directly to BoT—the board is not considered an independent agency in the state's financial system. Instead, BoT's appropriation is considered a "rider" to MDE's appropriation. As a result, BoT does not have full control of its financial activities, nor can it choose to use the Department of Administration's Small Agency Resource Team (SmART) for human resources or financial management services.[26]

Although the Board of Teaching is an independent state board, it must rely on the Minnesota Department of Education for administrative functions, which diminishes the board's independence and efficiency.

BoT relies on MDE for financial and administrative services. In turn, MDE treats BoT much like another division for which it provides services. As a result, BoT is subject to the restrictions MDE has established for itself, such as restrictions on vendors with which BoT can contract, including caterers for its board meetings and hotels for its teacher-preparation program-approval site visits. According to BoT staff, these restrictions have resulted in increased costs and delays for the board. MDE handles travel centrally within the department. Inefficiencies in the department's processes have at times delayed action on purchases for BoT, such as booking travel tickets, which has resulted in higher costs for BoT. Finally, an MDE staff person—sometimes an assistant commissioner and sometimes an administrative assistant—has at times approved the BoT executive director's timesheet. Not only does MDE's approval of the director's timesheet encroach on the board's independence, it is different from operations in other professional licensing boards in Minnesota.[27]

BoT, with an annual appropriation of $718,000 for fiscal years 2016 and 2017, may benefit from having access to the resources of a much larger state agency (MDE).[28] MDE-MN.IT staff maintain the teacher-licensing and special permissions systems, which both MDE and BoT staff use.[29] And, as noted previously, BoT staff are housed with MDE staff at the

[23] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 2, sec. 17, codified in *Minnesota Statutes* 2015, 122A.21, subd. 2.

[24] *Minnesota Statutes* 2015, 122A.07, and Chapter 214. We refer to BoT's "executive secretary" as the "executive director" elsewhere in this report.

[25] *Minnesota Statutes* 2015, 122A.09, subd. 7.

[26] SmART provides human resources or financial management services for several small state agencies and boards, including the Minnesota Arts Board, Campaign Finance and Public Disclosure Board, and Gambling Control Board, among others.

[27] Executive directors of many professional licensing boards in Minnesota approve their own timesheets. We discuss the organization of other professional licensing boards in Minnesota in a following section.

[28] *Laws of Minnesota* 2015, First Special Session, chapter 3, art. 12, sec. 4.

[29] MN.IT is the state's information technology agency.

department's Roseville location. However, BoT must pay for these services; in fiscal year 2015, BoT paid MDE more than $45,000 for space rental and utilities and MN.IT more than $38,000 for information technology services.

RECOMMENDATION

The Legislature should appropriate funding directly to the Board of Teaching.

BoT is an independent entity established in law.[30] MDE has no authority over the board or its actions; it is appropriate that the board have financial independence as well. If the Legislature appropriates funding directly to the board through its own line-item appropriation—rather than as a rider to MDE's appropriation—BoT will be recognized as an independent agency in the state's accounting system. As a fully independent agency, BoT can then decide how to handle its financial and administrative responsibilities, either by managing them internally; through an agreement with MDE; or through an agreement with another administrative unit, such as SmART.

OTHER STATES' OVERSIGHT OF TEACHER LICENSURE

Given the problems we identified with Minnesota's governance structure for teacher licensure, we examined how other states manage their teacher-licensure responsibilities.

Minnesota's governance structure for licensing teachers is unlike those in most other states.

As identified by the National Association of State Directors of Teacher Education and Certification (NASDTEC), Minnesota is one of seven states that has a "comprehensive" independent standards board.[31] NASDTEC defines a *comprehensive* standards board as one that is responsible for educator standards, educator program approval, program accreditation, certification/licensure, and educator discipline. NASDTEC defines an *independent* standards board as a board that is independent of the state's department of education and for which educators comprise a majority of the voting members. Among the seven states with a comprehensive independent standards board, Minnesota is the only state in which the standards board is not responsible for issuing teacher licenses.

Other states have different governance structures for teacher-licensure responsibilities, as shown in Exhibit 5.2. Most notably, 19 states and the District of Columbia do not have an independent standards board; instead, the state departments of education handle all teacher-licensure responsibilities. Eleven states have an advisory standards board that makes recommendations to their state boards of education regarding educator policy.

[30] *Minnesota Statutes* 2015, 122A.07, and Chapter 214.

[31] NASDTEC identifies the following seven states as having a comprehensive independent standards board: California, Hawaii, Kentucky, Minnesota, North Dakota, Oregon, and Wyoming. National Association of State Directors of Teacher Education and Certification, *2009 Status of Educator Standards Boards* (Whitinsville, MA, 2009).

Exhibit 5.2: Teacher Licensure and Standards Boards, 2009

Comprehensive Independent Standards Board	Independent Standards Board (Not Comprehensive)	Semi-Independent Standards Board	Advisory Standards Board	No Standards Board
California	Alaska	Maryland	Arkansas	Alabama
Hawaii	Delaware	Nevada	Idaho	Arizona
Kentucky	Georgia	New Jersey	Indiana	Colorado
Minnesota	Iowa	Texas	Mississippi	Connecticut
North Dakota	Oklahoma		Missouri	District of Columbia
Oregon	Pennsylvania		Montana	Florida
Wyoming	South Dakota		New Mexico	Illinois
	Vermont		New York	Kansas
	Washington		North Carolina	Louisiana
			Ohio	Maine
			Rhode Island	Massachusetts
				Michigan
				Nebraska
				New Hampshire
				South Carolina
				Tennessee
				Utah
				Virginia
				West Virginia
				Wisconsin

NOTES: "Comprehensive Independent Standards Boards" are responsible for educator standards, educator program approval, program accreditation, certification/licensure, and educator discipline. Independent standards boards that are not comprehensive are responsible for some, but not all, of these teacher-licensure activities. "Semi-Independent Standards Boards" share responsibility with their state's board of education, and "Advisory Standards Boards" make recommendations to their state boards of education regarding educator policy. In states with no standards board, these responsibilities are handled by the state department of education.

SOURCE: National Association of State Directors of Teacher Education and Certification, *2009 Status of Educator Standards Boards* (Whitinsville, MA, 2009), 3-5, http://c.ymcdn.com/sites/www.nasdtec.net/resource/collection/97608343-51F6-44F1-B39D-093A3B2F930F/ISB_Report_Final_6-8-10.pdf, accessed October 30, 2015.

LICENSING OTHER PROFESSIONS IN MINNESOTA

Differences with how other states manage their teacher-licensure responsibilities are important to note, but it is also instructive to examine how Minnesota handles licensing responsibilities for other professions.

Minnesota's governance structure for licensing teachers is unlike its structure for licensing many other professions in the state.

Minnesota licenses a number of different professions, including dentists and nurses, real estate brokers and insurance adjusters, and electricians and plumbers.[32] In general, the state has three different models for licensing professions:

[32] For more information on occupational licensing in Minnesota, see Minnesota Office of the Legislative Auditor, Program Evaluation Division, *Occupational Regulation* (St. Paul, 1999).

1. Independent professional licensing boards that handle all aspects of licensing

2. Independent professional licensing boards that establish policies while a related state agency handles licensing

3. State agencies that handle all aspects of licensing

Exhibit 5.3 identifies select professional licensing boards or professions in Minnesota that follow these different models. We discuss each of these governance models in more depth below.

Exhibit 5.3: Select Minnesota Professional Licensing Boards and Licensed Professions, 2015

Independent Professional Licensing Board	Professional Licensing Board with State Agency Involvement	Professions Licensed by State Agencies
Accountancy	Electricity	Asbestos Contractors
AELSLAGID[a]	High Pressure Piping Systems	Audiologists
Barber Examiners	Plumbing	Collection Agencies
Behavioral Health and Therapy	School Administrators	Commercial Pesticide Applicators
Chiropractic Examiners	**Teaching**	Debt Collectors
Cosmetologist Examiners		Food Brokers
Dentistry		Insurance Adjusters
Dietetics and Nutrition Practice		Insurance Agents
Emergency Medical Services		Lead Inspectors
Examiners for Nursing Home Administrators		Real Estate Brokers
Firefighter Training and Education		Real Estate Salespersons
Marriage and Family Therapy		Real Property Appraisers
Medical Practice		Speech-Language Pathologists
Nursing		
Optometry		
Peace Officers Standards and Training		
Pharmacy		
Physical Therapy		
Podiatric Medicine		
Psychology		
Racing Commission		
Social Work		
Veterinary Medicine		

NOTE: This exhibit identifies many of the professions licensed in Minnesota, but it is not exhaustive.

[a] AELSLAGID is the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design.

SOURCES: Office of the Legislative Auditor, review of state agencies and boards' websites. In particular, see http://mn.gov/elicense/state_agencies/licensebyagency.jsp, accessed December 3, 2015; and Minnesota Health Licensing Boards, Administrative Services Unit, *Minnesota Health Licensing Boards Biennial Reports, July 1, 2012, to June 30, 2014*, (St. Paul, 2015) 2.

Independent Professional Licensing Boards

One model for licensing professionals is to have an independent professional licensing board that is responsible for licensing professionals and ensuring standards are met. These boards typically have several representatives from the profession serve as board members, which allows practitioners to have a voice in regulating their profession. Minnesota's health-related professions generally follow this model.[33] More specifically, for example, the health-related licensing boards: (1) license qualified individuals, (2) ensure that educational standards for new and renewing licensees are maintained, (3) implement disciplinary and compliance actions when warranted, and (4) educate the public on health-related professions and standards.[34]

Other licensing boards in the state follow a similar model. For example, the Board of Accountancy establishes certification standards, enforces the laws governing the practice of accounting in Minnesota, and certifies accountants. Similarly, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID) establishes standards of practice, enforces the laws governing the practice of the professions it regulates, and licenses individuals in those professions. Similar to the health-related licensing boards, the boards of Accountancy and AELSLAGID rely on another entity for administrative support. Both of these boards partner with the Department of Commerce for human resources and financial management services.

Professional Licensing Boards with State Agency Involvement

A second model for licensing professionals is to have a hybrid approach: a professional licensing board that establishes licensure-related policies and a state agency that issues the licenses. This is the model that teacher licensure in Minnesota currently follows, with BoT establishing teacher-licensure rules and MDE reviewing credentials and issuing teacher licenses. As noted previously, MDE provides administrative support for BoT. Licensure and regulation of school administrators follows a similar model. The Board of School Administrators establishes licensing rules and oversees required disciplinary actions, but MDE's licensing division reviews credentials and issues school administrator licenses.

Other professions in Minnesota are also licensed under this type of structure. For example, the Department of Labor and Industry (DLI) licenses plumbers, and the Plumbing Board adopts the plumbing code and rules that regulate plumbers' licensure and licensure renewal. The licensing of electricians follows a similar model, with the Board of Electricity adopting relevant rules and DLI licensing qualified electricians. As with the relationship between

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[33] Minnesota's health-related boards that follow this model include the boards of Barber Examiners, Behavioral Health and Therapy, Chiropractic Examiners, Cosmetologist Examiners, Dentistry, Dietetics and Nutrition Practice, Marriage and Family Therapy, Medical Practice, Nursing, Examiners for Nursing Home Administrators, Optometry, Pharmacy, Physical Therapy, Podiatric Medicine, Psychology, Social Work, and Veterinary Medicine.

[34] Minnesota Health Licensing Boards, Administrative Services Unit, *Minnesota Health Licensing Boards Biennial Reports, July 1, 2012, to June 30, 2014*, (St. Paul, 2015), 2. All together, Minnesota's health-related licensing boards issued or renewed more than 400,000 credentials during the biennium ending June 30, 2014. Many of these boards rely on a shared "Administrative Services Unit" for administrative functions, such as accounting, purchasing, human resources, contracting, and payroll.

BoT and MDE, Minnesota statutes require DLI to provide administrative support for the Plumbing Board and the Board of Electricity.[35]

Professions Licensed by State Agencies

Finally, several professions in Minnesota are licensed by a state agency without the involvement of an independent professional licensing board or an advisory board. The Department of Commerce is responsible for licensing a number of these professions, including debt collectors, insurance agents, and real estate brokers. Similarly, the Department of Health directly licenses a number of professions, including asbestos contractors, audiologists, lead inspectors, and speech-language pathologists.

RECOMMENDATIONS

As outlined throughout this report, there are numerous problems with teacher licensure in Minnesota. In Chapter 3, we walked through the teacher-licensure process and noted that the application process is confusing and expectations are not clear. Chapter 4 explained that Minnesota statutes and rules governing teacher licensure lack clarity and consistency. Finally, in this chapter, we have highlighted the problems created by having two state agencies responsible for teacher licensure. In this section, we present recommendations for organizational improvement and compare the benefits and disadvantages of two options in particular.

RECOMMENDATION

The Legislature should consolidate all teacher-licensure activities into one state entity.

Consolidating teacher-licensure responsibilities in one state entity would improve transparency, reduce confusion among applicants and school administrators, and provide increased accountability for teacher-licensure decisions. Minnesota's teacher-licensure activities could be consolidated in either BoT or MDE. Below, we outline the advantages and disadvantages of those two options. We make additional recommendations for the Legislature, BoT, and MDE to consider if the state chooses to maintain the current licensure structure.

Our preferred option is Option 1, where the Legislature consolidates teacher-licensure activities into BoT. We realize that this recommendation may be surprising, since the board has been the subject of significant criticism over the past several years. However, we think some of this criticism has been unjust, and that stakeholders have wrongly blamed BoT for activities that are not clearly its responsibility. For example, stakeholders have blamed BoT for not providing information about why a licensure application has been denied, when in fact MDE—not BoT—determines what license to issue and provides denial information to applicants. Stakeholders have also blamed BoT for discontinuing the licensure-by-portfolio process. However, as discussed earlier in this chapter, MDE—not BoT—administered the

[35] *Minnesota Statutes* 2015, 326B.435, subd. 2(c) (Plumbing Board); and 326B.32, subd. 2(c) (Board of Electricity).

licensure-by-portfolio process, and it is not clear whether BoT or MDE was responsible for discontinuing it. MDE restarted the process in December 2015.

Certainly, BoT has room for improvement, and throughout this report, we have identified several recommendations for the board to implement. However, we think these changes will be more effective if Minnesota's governance structure for teacher licensure also changes. Given the board's current responsibilities and how Minnesota licenses other professions, we think Option 1 makes the most sense.

Option 1: Consolidate Teacher-Licensure Activities in the Board of Teaching

The first option for the Legislature to consider is to consolidate all teacher-licensure activities in BoT. Exhibit 5.4 outlines the new responsibilities BoT would need to assume under this option; it also highlights the key advantages and disadvantages to consolidating teacher-licensure activities in the board.

The biggest difference between the current structure and this option is that BoT—rather than MDE—would make all licensure determinations and issue teaching licenses. To assume these new responsibilities, BoT would need licensing staff to answer applicants' questions, review applicants' credentials, and issue the appropriate licenses. Additionally, we think it would be important for the MDE Commissioner to have a seat on the BoT board. This would help to ensure that the department's important perspective on education issues is considered in teacher-licensure decisions.

Exhibit 5.4: Option 1: Consolidate All Teacher-Licensure Activities in the Board of Teaching

New Responsibilities	Advantages	Disadvantages
• Make all licensing determinations • Issue all teaching licenses	• Maintain oversight by an independent board of peer professionals • Streamline teacher-licensure process • Increase accountability • Responsibilities similar to many other professional licensing boards in Minnesota • Regulate teachers similarly to many other licensed professionals in Minnesota	• Responsible for internal administrative services • Change in the licensure-appeal process • Licensing school administrators

NOTE: This exhibit presents the advantages and disadvantages of consolidating teacher-licensure activities in the Board of Teaching, as compared with the current system.

SOURCE: Office of the Legislative Auditor.

Advantages

There are many advantages to this model, as compared with the current system. For example, having BoT responsible for all teacher-licensure activities would:

1. Maintain the peer-oversight aspect of the teaching profession by retaining an independent professional licensing board.

2. Streamline the teacher-licensure process by having the rulemaking authority responsible for implementation.

3. Increase accountability because one state entity is responsible for all teacher-licensure responsibilities.

4. Give the Board of Teaching responsibilities similar to those of many other professional licensing boards in Minnesota.

5. Treat teaching similarly to many other licensed professions in the state, such as nurses and social workers, by having a professional board be responsible for licensing decisions.

Disadvantages

However, consolidating all licensure activities in BoT would provide some challenges. BoT is a small agency with few resources; in addition to adding licensing staff, the board would need resources for its online licensure-application system, financial controls, and other administrative services. BoT could acquire some of these services through an interagency agreement with MDE (similar to arrangements between the Department of Commerce and the Board of Accountancy, or between the Public Facilities Authority and the Department of Employment and Economic Development). Alternatively, if BoT is an independent board separate from MDE, it could enter into an agreement with the Department of Administration's Small Agency Resource Team (SmART), similar to other small agencies in the state.

Under this option, there may need to be a change to the licensure-appeal process. Currently, and as discussed in Chapter 3, applicants who are not satisfied with the license they receive from MDE can appeal the licensing decision to BoT. The board's Licensure Committee then reviews the licensing decision and either affirms or revises MDE's licensing decision. If applicants are not satisfied with the Licensure Committee's decision, they can appeal the decision to an administrative law judge and have a contested case hearing. Under current law, an administrative law judge makes a ruling on the decision; BoT board members then consider the judge's ruling and make the final licensure decision. If all teacher-licensure activities are consolidated in BoT, an appeal to a board committee may not have the same degree of independence as it currently does. However, Minnesota law only outlines the contested case hearing as an appeal route, which would still be available as a remedy to applicants under a consolidated governance option.

If licensing activities are consolidated in BoT, the Legislature would need to consider how licensing activities would be handled for the Board of School Administrators, which currently relies on MDE licensing division staff to issue school administrator licenses. The licensing staff housed in BoT could provide licensing services for school administrators, or the Legislature could consider consolidating all licensure activities for teachers and school administrators into one educator-licensing board.

Option 2: Consolidate Teacher-Licensure Activities in the Minnesota Department of Education

The second option for the Legislature to consider is to consolidate all teacher-licensure activities in MDE. Exhibit 5.5 outlines the new responsibilities MDE would need to assume under this option; it also highlights the key advantages and disadvantages to consolidating teacher-licensure activities in the department.

Consolidating all teacher-licensure responsibilities in MDE would require the department to assume several new responsibilities, including developing teacher-licensure policies, granting special permissions for nonlicensed individuals to teach, reviewing complaints and disciplining teachers who violate the teachers' code of ethics, and approving teacher-preparation programs. Compared with BoT, MDE is a larger department with more resources and may be able to assume these new responsibilities with the addition of staff. However, some of these responsibilities—particularly approving teacher-preparation programs—seem to fall outside the department's core mission.

Exhibit 5.5: Option 2: Consolidate All Teacher-Licensure Activities in the Minnesota Department of Education

New Responsibilities	Advantages	Disadvantages
• Approve teacher-preparation programs • Develop teacher-licensure policies • Grant special permissions • Review complaints and discipline teachers	• Increase accountability • Direct line of accountability to governor • Regulate teachers similarly to other licensed professionals in Minnesota • Organize teacher-licensure responsibilities similarly to many other states	• Approving teacher-preparation programs is outside MDE's core mission • MDE would need rulemaking authority to achieve streamlining benefits • Loss of an independent, peer-oversight, professional licensing board • Change in the licensure-appeal process

NOTES: "MDE" is the Minnesota Department of Education. This exhibit presents the advantages and disadvantages of consolidating teacher-licensure activities in MDE, as compared with the current system.

SOURCE: Office of the Legislative Auditor.

Advantages

As with consolidating teacher-licensure responsibilities in BoT, this option has several advantages compared with the current system. For example, having MDE responsible for all teacher-licensure activities would:

1. Increase accountability because one state entity is responsible for all teacher-licensure responsibilities.

2. Provide a direct line of accountability, through the MDE commissioner, to the governor.

3. Treat teaching similarly to some other licensed professions in the state, such as audiologists and speech-language pathologists, by having a state agency be responsible for licensing decisions.

4. Organize teacher-licensure responsibilities similarly to many other states.

Disadvantages

While there are some benefits to this option, we see a number of challenges. Under current law, MDE does not have broad rulemaking authority; the Legislature would need to consider this to allow teacher-licensure rules to be updated as needed. If the Legislature granted MDE such rulemaking authority, then this option could streamline the teacher-licensure process by having the entity with rulemaking authority also responsible for implementation. But, without additional legislative action, this is not a given.

If all teacher-licensure responsibilities were consolidated in MDE, teachers would lose the independent peer oversight of a professional licensing board. To compensate for this, the Legislature or MDE could establish an advisory body with a composition similar to BoT. This advisory body could provide some of the peer oversight currently provided by having a professional licensing board, although it would be only advisory in nature. It is not clear the extent to which an advisory body could be involved in licensure disciplinary issues.

Finally, as with the first option, consolidating teacher-licensure responsibilities in MDE would necessitate changes to the licensure-appeal process. Without a board to review appealed licensing decisions, MDE may choose to have appeals proceed directly to a contested case hearing.

Option 3: Status Quo

As stated above, we recommend consolidating teacher-licensure activities into one state agency. We do not recommend maintaining Minnesota's current structure for teacher licensure. However, if the Legislature does not consolidate teacher-licensure activities in either BoT or MDE as outlined above, we have two recommendations to improve the current structure.

RECOMMENDATION

The Legislature should clarify in statute whether the Board of Teaching or the Minnesota Department of Education is responsible for the various teacher-licensure activities.

Many of the problems with the teacher-licensure statutes were discussed in Chapter 4; in that chapter, as with here, we recommend the Legislature clarify statutes. If the Legislature chooses not to consolidate teacher-licensure responsibilities into one state agency, we recommend that the Legislature at least clarify in statute which entity is responsible for what licensure activities. Duplicative and overlapping responsibilities related to issuing teacher licenses and the licensure-by-portfolio process result in a lack of transparency and diffuse accountability.

RECOMMENDATION

If the Legislature does not consolidate teacher-licensure activities as recommended above, the Board of Teaching and Minnesota Department of Education should establish an interagency agreement to clarify roles and responsibilities of each entity.

BoT's and MDE's teacher-licensure responsibilities overlap and are intertwined. If the Legislature does not clarify its expectations in law, BoT and MDE should come to a formal agreement about what agency is responsible for which teacher-licensure activities. By having a formal agreement between the two agencies, lines of responsibility—and accountability—will be clarified.

List of Recommendations

- The Minnesota Department of Education should update its teacher-licensure application system to allow applicants to submit more complete information through the initial application form. (p. 46)

- The Minnesota Department of Education should update its application system and website to provide applicants more complete information about licensure requirements. (p. 46)

- The Board of Teaching should ensure that the information it posts regarding licensure requirements is clear and complete. (p. 46)

- The Board of Teaching should allow Minnesota teacher-preparation institutions to recommend candidates for licensure based solely on the completion of licensure-program coursework and requirements, as is the case for candidates trained outside the state. (p. 51)

- The Minnesota Department of Education should issue one-year full professional licenses with appropriate renewal conditions to candidates who have not completed testing, regardless of the state in which they received their teacher training. (p. 51)

- The Board of Teaching should establish clear guidelines for approving and renewing nonlicensed community expert permission requests. (p. 58)

- In its licensure-denial letters, the Minnesota Department of Education should specifically state the deficiencies it identified in an applicant's preparation or qualifications. (p. 61)

- The Board of Teaching should ensure that its licensure-appeal process is consistent with the law. (p. 66)

- Additionally, the Minnesota Department of Education should provide accurate and thorough information on how to appeal a licensure decision to every teacher-licensure candidate who does not receive the full license for which he or she was recommended. (p. 66)

- As a first step, the Legislature should clarify Minnesota statutes regarding teacher-licensure requirements. (p. 75)

- As a second step, the Legislature should restructure the state's teacher-licensure system to ensure consistency and transparency. (p. 76)

- The Board of Teaching should clarify teacher-licensure rules and ensure they align with relevant statutes. (p. 79)

- The Legislature should amend *Minnesota Statutes*, 122A.07, subd. 2, and not require the school administrator representative on the Board of Teaching to "be a teacher currently teaching in a Minnesota school." (p. 84)

- The Legislature should appropriate funding directly to the Board of Teaching. (p. 89)

- The Legislature should consolidate all teacher-licensure activities into one state entity. (p. 93)

- The Legislature should clarify in statute whether the Board of Teaching or the Minnesota Department of Education is responsible for the various teacher-licensure activities. (p. 97)

- If the Legislature does not consolidate teacher-licensure activities as recommended above, the Board of Teaching and Minnesota Department of Education should establish an interagency agreement to clarify roles and responsibilities of each entity. (p. 98)

Minnesota
Board of Teaching

February 24, 2016

Mr. James Nobles
Legislative Auditor
Office of the Legislative Auditor
Room 140 Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155-1603

Dear Mr. Nobles:

The Minnesota Board of Teaching appreciates the opportunity to review and comment on your report, Minnesota Teacher Licensure. It has been rewarding to participate in the audit of teacher licensure activities as conducted by OLA staff members, Judy Randall, Sarah Delacueva and Catherine Reed. Their attention to detail and clear desire to comprehend licensing issues across history and the teaching profession has resulted in not only bold recommendations, but in a comprehensive source of feedback to address structural reform.

The Board believes that the report is accurate and agrees with the key facts and findings presented. Members and staff are appreciative of the suggestions aimed at improving the clarity, consistency and accessibility of teacher licensing requirements in the state. The Board is encouraged that an external review has affirmed our shared concerns regarding disconnected regulatory responsibilities, independent operating authority and appropriated resources. These factors have largely contributed to the ambiguities faced by license applicants. Adopting recommendations of the audit would resolve many of the identified issues.

The audit report findings reflect the concerns expressed by education stakeholders broadly: that statute and rule are not aligned and currently cloud the understanding of licensure expectations. The Board has begun implementation of key recommendations regarding rule clarity and the process for applicant appeal. Audit findings support the engagement of the Office of the Revisor in a full recodification of the teacher licensure statutes and rules. The process of appealing licensure determinations was revised in 2014 to ensure that teachers received an additional review of their application materials prior to incurring costs associated with a contested case hearing. The Board acknowledges the changes needed to align current rule to reflect the change and will do so in close consultation with the Office of the Attorney General.

Members support the recommendation for consolidation of all licensing activities into the work of the Board of Teaching. Adopting this recommendation would align the regulatory structure of the teaching profession with other like professions in the state. The Board takes the recommendations of the report very seriously and will continue collaboration with the Minnesota Department of Education and the members of the Minnesota Legislature to implement changes needed to improve the consistency and transparency of shared policies and procedures.

Thank you for contributing to the continuous improvement of licensing processes as we collectively ensure that Minnesota students are served by highly trained teachers who deliver effective instruction and meet the instructional needs of all learners.

Sincerely,

Erin R. Doan
Executive Director

John Bellingham
Board Chairman

Minnesota Department of Education

February 24, 2016

James Nobles, Legislative Auditor
Office of the Legislative Auditor
Room 140 Centennial Building
658 Cedar Street, St. Paul, MN 55155

Dear Mr. Nobles:

Thank you for the Office of the Legislative Auditor's (OLA) evaluation of *Minnesota Teacher Licensure.* I believe we can all agree, education is the key to success in life and one of the most important factors in raising student achievement is a highly qualified teacher.

The Minnesota Department of Education (MDE) appreciates your auditor's evaluation of this complex and critical process. MDE commends the auditors who conducted the research, summarized the findings, and produced a valuable, fair and comprehensive report. MDE has reviewed and considered the recommendations and information contained in this report that speaks to or affects the work of MDE. Please find our comments below.

Recommendation #1
The Minnesota Department of Education should update its teacher-licensure application system to allow applicants to submit more complete information through the initial application form.

MDE agrees with this recommendation. This application system has not seen a major update in eight years. MDE will look at ways to update the teacher-licensure application system within current budget constraints, but our ability for major updates will require additional dollars not currently available to MDE.

Recommendation #2
The Minnesota Department of Education should update its application system and website to provide applicants more complete information about licensure requirements.

MDE agrees with this recommendation. This information is available on the Educator Licensing home page but should also be on the home page of the online licensing system. We are currently updating the home page to the online licensing system to include a list of licensure application types. We are also updating our online application system to provide clear definitions of the application types.

Recommendation #5
The Minnesota Department of Education should issue one-year full professional licenses with appropriate renewal conditions to candidates who have not completed testing, regardless of the state in which they received their teacher training.

MDE agrees with this recommendation. Currently, out-of-state full-professional licensure candidates are issued a one-year standard license while our Minnesota candidates are issued a one-year limited license. MDE is working with the Board of Teaching to allow Minnesota teacher candidate completers to be recommended for a full-professional license if they have attempted all required testing. A one-year standard license would be issued to candidates who have not successfully passed all required testing.

Recommendation #7
In its licensure denial letters, the Minnesota Department of Education should specifically state what deficiencies it identified in an applicant's preparation or qualifications.

MDE agrees with this recommendation. The legislative changes made in 2015 for out-of-state candidates requires Minnesota to issue a license to out-of-state candidates who have completed a state approved licensure program, hold the license in the recommending state and can demonstrate field specific methods, student teaching or two years of teaching experience. Prior to this change, out-of-state candidates had to prove they also met Minnesota-specific content and scope requirements. This is no longer the case. Under current law, MDE will be able to more clearly identify where an applicant is deficient.

Recommendation #9
Additionally, the Minnesota Department of Education should provide accurate and thorough information on how to appeal a licensure decision to every teacher-licensure candidate who does not receive the full license for which he or she was recommended.

MDE agrees with this recommendation. We are currently providing this information to all applicants who did not receive the full license for which he or she was recommended. We will also include this information as part of an applicant's permanent file.

Recommendations #10 and #11
As a first step, the Legislature should clarify Minnesota statutes regarding teacher-licensure requirements. As a second step, the Legislature should restructure the state's teacher-licensure system to ensure consistency and transparency.

MDE agrees with this recommendation. The current teacher licensure system is too complex. We encourage the Legislature to simplify the laws and make the system more transparent while assuring that we are licensing the highest quality teachers.

Recommendation #15
The Legislature should consolidate all teacher-licensure activities into one state entity.

MDE agrees with this recommendation. As stated in the report, the public does not fully understand the different and/or sometimes intertwining roles of the Board of Teaching (BoT) and MDE. We believe that consolidating all activities under one state entity will make it more transparent and understandable to the public.

MDE also agrees with the OLA's conclusion in the report that changes passed in the 2015 legislative session established lower licensure standards for teacher candidates trained outside of Minnesota than for teacher candidates trained in Minnesota teacher-preparation programs. For example, teacher candidates trained outside of Minnesota are no longer required to meet the Minnesota reading requirements. In order for all Minnesota students to receive an excellent education, we must ensure that all Minnesota teachers, regardless of where they were trained, are highly qualified and ready to teach in a Minnesota classroom.

MDE appreciates the thorough and comprehensive picture of the current state of teacher licensing. I look forward to working with policymakers to address the issues outlined in this report in order to help us fulfill our goals of providing a high-quality education to every Minnesota student, which starts with having high-quality teachers in every classroom.

Sincerely,

Brenda Cassellius

Dr. Brenda Cassellius
Commissioner

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