

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 205

(SENATE AUTHORS: PRATT, Jasinski, Coleman, Draheim and Lang)

DATE  
01/12/2023

D-PG  
167 Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; removing the Professional Educator Licensing and Standards  
1.3 Board's rulemaking authority; directing the Professional Educator Licensing and  
1.4 Standards Board to amend a rule; amending Minnesota Statutes 2022, section  
1.5 122A.09, subdivision 9.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 122A.09, subdivision 9, is amended to read:

1.8 Subd. 9. **Professional Educator Licensing and Standards Board ~~must adopt rules~~**  
1.9 **rule adoption.** ~~(a)~~ The Professional Educator Licensing and Standards Board must not  
1.10 adopt rules ~~subject to the provisions of chapter 14~~ to implement sections 120B.363, 122A.05  
1.11 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183,  
1.12 122A.184, 122A.185, 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28,  
1.13 and 122A.29.

1.14 ~~(b) The board must adopt rules relating to fields of licensure, including a process for~~  
1.15 ~~granting permission to a licensed teacher to teach in a field that is different from the teacher's~~  
1.16 ~~field of licensure without change to the teacher's license tier level.~~

1.17 ~~(c) The board must adopt rules relating to the grade levels that a licensed teacher may~~  
1.18 ~~teach.~~

1.19 ~~(d) If a rule adopted by the board is in conflict with a session law or statute, the law or~~  
1.20 ~~statute prevails. Terms adopted in rule must be clearly defined and must not be construed~~  
1.21 ~~to conflict with terms adopted in statute or session law.~~

1.22 ~~(e) The board must include a description of a proposed rule's probable effect on teacher~~  
1.23 ~~supply and demand in the board's statement of need and reasonableness under section 14.131.~~

2.1 ~~(f) The board must adopt rules only under the specific statutory authority.~~

2.2 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.3 Sec. 2. **PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD**  
2.4 **RULES; VOIDED.**

2.5 (a) Except as provided under section 3, a rule finally adopted by the Professional Educator  
2.6 Licensing and Standards Board after June 30, 2022, is void. A rule effective on or before  
2.7 that date remains in effect.

2.8 (b) The board must not use the rulemaking authority under Minnesota Statutes, section  
2.9 14.06, to adopt rules related to the authority removed under this act.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.11 Sec. 3. **RULE AMENDMENT.**

2.12 Notwithstanding section 1, the Professional Educator Licensing and Standards Board  
2.13 must amend Minnesota Rules, part 8710.0310, subpart 1, item D, to delete the definition  
2.14 of "cultural competency training." The board must use the good cause exemption process  
2.15 under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes,  
2.16 section 14.386, does not apply.