



July 17, 2023

United States Department of Education
Office of Special Education Programs
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-2600

Subject: Minnesota Department of Education Proposed Corrective Action Plan

To Whom it May Concern:

In response to the May 17, 2023 letter from the United States Department of Education, Office of Special Education Programs (OSEP) to the Minnesota Department of Education (MDE) Commissioner Willie Jett, regarding a finding of noncompliance under Part B of the Individuals with Disabilities Education Act (IDEA), MDE proposes the following Corrective Action Plan (CAP) below.

Corrective Action Plan and Timeline:

To ensure Minnesota special education teachers who participate in an alternate route to special education certification assume functions as a teacher only for a specified period of time not to exceed three years, as required under IDEA section 612(a)(14) and 34 C.F.R. § 300.156(c)(2)(i)(C), the following actions will be implemented accordingly:

The qualifications and requirements for a Tier 1 license in Minnesota are defined in Minnesota Statutes section, 122A.181, and Minnesota Rules, part 8710.0311. The Minnesota Department of Education and the Professional Licensing and Standards Board (PELSB) lack the authority to unilaterally amend Minnesota Statutes. Any changes to Minnesota statutes must be enacted by the Minnesota Legislature and signed into law by the governor. PELSB has statutory authority to amend Minnesota Rules related to tiered licensure. However, in order to do so, PELSB must follow the Administrative Procedures Act requirements in Minnesota Statutes Chapter 14. This process can take up to 18 months to complete from start to finish.

Therefore, to address the findings of noncompliance in Minnesota Statutes, section 122A.181, and Minnesota Administrative Rules, part 8710.0311, MDE will undertake the following actions:

Action 1 - MDE and PELSB will submit joint legislative proposals via the Governor's Education Policy Bill to the 2024 Minnesota Legislature. These proposals will amend Minnesota statutes and rules to ensure a person with a Tier 1 license may not assume the functions of a special education teacher for a period exceeding three years. MDE and PELSB will champion the passage of these proposals by providing supportive testimony in legislative hearings, submitting written support for the proposals, and advocating for their inclusion in the Omnibus

Education Bill during end-of-session negotiations. The Minnesota Constitution requires that the 2024 legislature adjourn their regular session no later than May 20, 2024. Any legislation enacted in the 2024 session will be effective for the 2024-2025 school year. A detailed timeline is included in Appendix A

MDE and PELSB will conduct all public hearings and meetings required under IDEA and the Minnesota Administrative Procedures Act. See [Minnesota Statutes Chapter 14](#).

Action 2 - In order to ensure Minnesota school districts and charter schools have adequate notice of these potential legislative changes and to give them time to make alternative staffing arrangements, MDE and PELSB will issue the following guidance to Minnesota superintendents, charter school leaders, and special education directors:

Upon OSEP's acceptance of this corrective action plan, MDE and PELSB will notify Local Education Agencies (LEAs) employing teachers holding a Tier 1 licensure in their third year or beyond for the 2023-2024 school year that those teachers will not be eligible to return to their previous role as special Educator for the 2024-2025 school year. The seventeen (17) teachers impacted by this notification **will be ineligible** to return to the special education classroom in the state of Minnesota unless they meet the requirements for Tier 2 or higher licensure.

To support LEAs and special education teachers impacted by these corrective actions, the following resources are available:

Special Education Teacher Pipeline Program. The 2023 Minnesota legislature made a historic investment to address teacher workforce shortages, with over \$130,000,000 in funding for a variety of programs. Among the largest of those investments is the Special Education Teacher Pipeline Program, a grow your own inspired approach that is designed "to develop a pipeline of trained, licensed Tier 3 or Tier 4 special education teachers." Minnesota will prioritize grant funding for Tier 1 special education staff to:

- Receive tuition assistance or stipends to acquire a full professional teaching license (Tier 3)
- Receive supports for participants, including mentoring, licensure test preparation, and technology support

\$20M is invested in FY24 and \$10M is invested in FY25 for this program, and grant dollars are available for a five-year grant period. Unspent funds remain in a special revenue account and can be regranted. This sustainable funding model will provide ongoing programming and tuition support so that the special education teacher workforce is adequately prepared to support special education students.

Teacher Mentorship and Retention of Effective Teachers Grants: The 2023 Minnesota legislature also invested \$10m for grants to school districts and charter schools to create a teacher mentoring program to develop and retain effective teachers. These funds can be used for stipends for mentors of color or American Indian mentors, financial supports for professional learning affinity groups, programs for induction, professional development, and graduate courses. See [2023 Session Laws Chapter 55, Article 5, Section 57](#).

Appendix A

Timeline for Action Items

MDE issues guidance to districts and charter schools regarding Tier 1 special education teachers for SY2023-2024 and SY2024-25	Within two weeks of OSEP approval of the Corrective Action Plan
Legislative Policy Proposal Submitted to Governor's Office	September 2023
Partner engagement and Public Hearings (if applicable)	October-November 2023
Policy bill language finalized internally	December 2023
2024 Legislative Session begins	February 12, 2024
Education Policy Bill Deadlines	March 2024
End of Session Negotiations	May 2024
Constitutional Adjournment Deadline	May 20, 2024