

## Staffing Standards

**Staffing** refers to the identification of the required and qualified personnel to deliver the prescribed program according to a pupil's needs.

### Required Policies

Each district must have in effect and on file policies, procedures, and programs that are consistent with the State policies and procedures established under the Code of Federal Regulations, title 34, sections 300.101 through 300.163, and sections 300.165 through 300.174. See 34 C.F.R. § 300.201. Under section 300.156(d), the State — and, by extension, LEAs — must have a policy that provides for measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

### Staffing Standards

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under the Code of Federal Regulations, title 34, sections 300.101 through 300.163, and sections 300.165 through 300.174. (34 C.F.R. § 300.201)

The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. (34 C.F.R. § 300.156(a).)

The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that — (1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and (2) Ensure that related services personnel who deliver services in their discipline or profession-- (i) Meet the requirements of paragraph (b)(1) of this section; and (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities. (34 C.F.R. § 300.156(b).)

The qualifications described in paragraph (a) of this section must ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education

teacher by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act. (34 C.F.R. § 300.156(c).)

In implementing this section, a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities. (34 C.F.R. § 300.156(d).)

The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of the Code of Federal Regulations, title 34, section 300.156 (related to personnel qualifications) and section 2122 of the Elementary and Secondary Education Act. (34 C.F.R. § 300.207).

### **Qualified and Highly Qualified Personnel**

For any public elementary school or secondary school special education teacher teaching core academic subjects, the term highly qualified has the meaning given the term in section 9101 of the Elementary and Secondary Education Act and the Code of Federal Regulations, title 34, section 200.56, except that the requirements for highly qualified also — (1) Include the requirements described in paragraph (b) of this section; and (2) Include the option for teachers to meet the requirements of section 9101 of the Elementary and Secondary Education Act by meeting the requirements of paragraphs (c) and (d) of this section. (34 C.F.R. § 300.18(a).)

The term highly qualified — (A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that — (i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and (ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; (B) when used with respect to — (i) an elementary school teacher who is new to the profession, means that the teacher — (I) holds at least a bachelor's degree; and (II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or (ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by — (I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or (II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and (C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and — (i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or (ii) demonstrates

competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that — (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills; (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators; (III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches; (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State; (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject; (VI) is made available to the public upon request; and (VII) may involve multiple, objective measures of teacher competency. (Section 9101(23) of the ESEA, codified at 20 U.S.C. § 7801(23).)

To be a “highly qualified teacher,” a teacher covered under section 200.55 must meet the requirements in paragraph (a) and either paragraph (b) or (c) of this section. (a) In general. (1) Except as provided in paragraph (a)(3) of this section, a teacher covered under section 200.55 must — (i) Have obtained full State certification as a teacher, which may include certification obtained through alternative routes to certification; or (ii)(A) Have passed the State teacher licensing examination; and (B) Hold a license to teach in the State. (2) A teacher meets the requirement in paragraph (a)(1) of this section if the teacher — (i) Has fulfilled the State's certification and licensure requirements applicable to the years of experience the teacher possesses; or (ii) Is participating in an alternative route to certification program under which — (A) The teacher — (1) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching; (2) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program; (3) Assumes functions as a teacher only for a specified period of time not to exceed three years; and (4) Demonstrates satisfactory progress toward full certification as prescribed by the State; and (B) The State ensures, through its certification and licensure process, that the provisions in paragraph (a)(2)(ii) of this section are met. (3) A teacher teaching in a public charter school in a State must meet the certification and licensure requirements, if any, contained in the State's charter school law. (4) If a teacher has had certification or licensure requirements waived on an emergency, temporary, or provisional basis, the teacher is not highly qualified. (b) Teachers new to the profession. A teacher covered under section 200.55 who is new to the profession also must-- (1) Hold at least a bachelor's degree; and (2) At the public elementary school level, demonstrate, by passing a rigorous State test (which may consist of passing a State certification or licensing test), subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum; or (3) At the public middle and high school levels, demonstrate a high level of competency by — (i) Passing a rigorous State test in each academic subject in which the teacher teaches (which may consist of passing a State certification or licensing test in each of these subjects); or (ii) Successfully completing in each academic subject in which the teacher teaches — (A) An undergraduate major; (B) A graduate degree; (C) Coursework equivalent to an undergraduate major; or (D) Advanced certification or credentialing. (c) Teachers not new to the profession. A teacher covered under section 200.55 who is not new to the profession also must — (1) Hold at least a bachelor's degree; and (2)(i) Meet the applicable requirements in

paragraph (b)(2) or (3) of this section; or (ii) Based on a high, objective, uniform State standard of evaluation in accordance with section 9101(23)(C)(ii) of the Elementary and Secondary Education Act, demonstrate competency in each academic subject in which the teacher teaches. (34 C.F.R. § 200.56.)

A teacher who is highly qualified under this section is considered highly qualified for purposes of the Elementary and Secondary Education Act. (34 C.F.R. § 300.18(g)(1).)

(1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that — (i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, highly qualified means that the teacher meets the requirements set forth in the State’s public charter school law; (ii) The teacher has not had special education or licensure requirements waived on an emergency, temporary, or provisional basis; and (iii) The teacher holds at least a bachelor’s degree. (2) A teacher will be considered to meet the standard in paragraph (b)(1)(i) of this section if that teacher is participating in an alternative route to certification program under which — (i) The teacher — (A) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching; (B) Participates in a program of intensive supervision that consists of a structured guidance and regular ongoing support for teachers or a teacher mentoring program; (C) Assumes functions as a teacher only for a specified period of time not to exceed three years; and (D) Demonstrates satisfactory progress toward full certification as prescribed by the State; and (ii) The State ensures, through its certification and licensure process, that the provisions in paragraph (b)(2)(i) of this section are met. (3) Any public elementary school or secondary school special education teacher teaching in a State, who is not teaching a core academic subject, is highly qualified if the teacher meets the requirements in paragraph (b)(1) or the requirements in paragraph (b)(1)(iii) and (b)(2) of this section. (34 C.F.R. § 300.18(b).)

When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the Code of Federal Regulations, title 34, section 200.1(d), highly qualified means the teacher, whether new or not new to the profession, may either —(1) Meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act and the Code of Federal Regulations, title 34, section 200.56 for any elementary, middle, or secondary school teacher who is new or not new to the profession; or (2) Meet the requirements of paragraph (B) or (C) of section 9101(23) of the Elementary and Secondary Education Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level meet the requirements of paragraph (B) or (C) of section 9101(23) of the Elementary and Secondary Education Act as applied to an elementary school teacher and have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards, as determined by the State. (34 C.F.R. § 300.18(c).)

Subject to paragraph (e) of this section, when used with respect to a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, highly qualified means that the teacher may either — (1) Meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act and 34 C.F.R. 200.56 (b) or (c); (2) In the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under the Code of Federal Regulations, title 34, section 200.56(c) which may include a single, high objective uniform State standard of evaluation (HOUSSE) covering multiple subjects; or (3) In the case of a new special education teacher who teaches multiple subjects, and who is highly qualified in mathematics, language arts, or science, demonstrate, not later than two years after the date of employment, competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under the Code of Federal Regulations, title 34, section 200.56(c), which may include a single, HOUSSE covering multiple subjects. (34 C.F.R. § 300.18(d).)

For the purposes of the Code of Federal Regulations, title 34, section 300.18(d)(3), a fully qualified certified regular education teacher who subsequently becomes fully certified or licensed as a special education teacher is a new special education teacher when first hired as a special education teacher. (34 C.F.R. § 300.18(g)(2).)

Provided that any adaptations of the State's HOUSSE would not establish a lower standard for the content knowledge requirements for special education teachers and meets all the requirements for a HOUSSE for regular education teachers — (1) A State may develop a separate HOUSSE for special education teachers; and (2) The standards described in paragraph (e)(1) of this section may include single HOUSSE evaluations that cover multiple subjects. (34 C.F.R. § 300.18(e).)

(a) A qualified teacher is one holding a valid license, under this chapter, to perform the particular service for which the teacher is employed in a public school. (b) For the purposes of the federal No Child Left Behind Act, a highly qualified teacher is one who holds a valid license under this chapter, including under section 122A.245, among other sections and is determined by local administrators as having highly qualified status according to the approved Minnesota highly qualified plan. Teachers delivering core content instruction must be deemed highly qualified at the local level and reported to the state via the staff automated reporting system. (Minn. Stat. § 122A.16.)

A person who is providing instruction to a child must meet at least one of the following requirements: (1) hold a valid Minnesota teaching license in the field and for the grade level taught; (2) be directly supervised by a person holding a valid Minnesota teaching license; (3) successfully complete a teacher competency examination; (4) provide instruction in a school that is accredited by an accrediting agency, recognized according to Minnesota Statutes, section 123B.445, or recognized by the commissioner; (5) hold a baccalaureate degree; or (6) be the parent of a child who is assessed according to the procedures subdivision 11. Any person providing instruction in a public school must meet the requirements of clause (1). (Minn. Stat. § 120A.22, Subd. 10.)

The following are the types of qualified personnel who provide early intervention services under this part: (1) Audiologists; (2) Family therapists; (3) Nurses; (4) Occupational therapists (5) Orientation and mobility specialists; (6) Pediatricians and other physicians for diagnostic and evaluation purposes; (7) Physical therapists; (8) Psychologists; (9) Registered dietitians (10) Social workers; (11) Special educators, including teachers of children with hearing impairments (including deafness) and teachers of children with visual impairments (including blindness). (12) Speech and language pathologists. (13) Vision specialists, including ophthalmologists and optometrists. (34 C.F.R. § 303.13(c).)

### **Contracted Services Staff Qualifications**

Subpart 1. When contracting for evaluations or special education services, a district shall contract with personnel who hold appropriate licenses issued by the Board of Teaching or commissioner of education. If either the board or commissioner does not issue a license for a necessary service, the district shall contract with personnel who are members in good standing of professional organizations that regulate the conduct of its members and set standards for that profession. Subp. 2. A school district may provide direct or indirect special education services by district special education staff to a pupil attending a community-based program. A school district may contract for special education services with a community-based program if the program meets Department of Education rules. (Minn. R. 3525.1550.)

### **Private School Teachers Exempt**

The requirements in this section do not apply to teachers hired by private elementary schools and secondary schools including private school teachers hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities under the Code of Federal Regulations, title 34, section 300.138. (34 C.F.R. § 300.18(h).)

### **Personnel Variances**

Subpart 1. The Board of Teaching hereby authorizes the issuance of personnel variances which permit a teacher to teach in related subjects or fields for which such teacher is not currently licensed. The designated administrator of a local school district or charter school may request the Board of Teaching to issue a personnel variance which permits a teacher to teach subjects or fields for which that teacher is not currently licensed. Subp. 2. A personnel variance authorized by subpart 1 shall be issued to the designated administrator of a school district or charter school if the following conditions are met. A. the designated administrator of the school district or charter school requests a personnel variance according to this part; B. the designated administrator of the school district or charter school verifies in writing that (1) reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher; (2) no applicant holding a teaching license in a subject or field for which a personnel variance is requested can fulfill the requirements of the position; and (3) the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide; C. the teacher for whom the request is made holds a current valid Minnesota entrance, professional, or nonrenewable license granted by the Board of Teaching; and D. the teacher for whom the request is made is aware of the assignment. Subp. 2a. No personnel variances shall be granted based on holding a current valid Minnesota temporary limited license unless the temporary limited license was granted based on having met all requirements except part 8710.0500. No

personnel variances shall be granted for educational speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers. Subp. 3. Duration of personnel variance. An application for a personnel variance must not be submitted prior to July 1 of the school year for which it is requested. A personnel variance is valid for one school year or a portion of a school year from the date of state approval to the following June 30. If the requesting school district or charter school offers summer school, the personnel variance that expires on June 30 is valid for teaching summer school in the year of expiration of the personnel variance. Subp. 3a. Beginning with personnel variances issued on or after October 16, 2000, no more than three personnel variances shall be granted for any teacher to teach in subjects or fields for which the teacher is not licensed. Subp. 4. Written conditions for granting or denying personnel variance. The Board of Teaching shall state in writing to the designated administrator of the school district or charter school the conditions for granting or denying the personnel variance requested pursuant to this part. (Minn. R. 8710.1400).

## **Requirements for a Special Education Director**

The school board in every district shall employ, either singly or cooperatively, a director of special education to be responsible for program development, coordination, and evaluation; inservice training; and general special education supervision and administration in the district's total special education system. Cooperative employment of a director may be through a host district, joint powers agreement, or a service cooperative. A director may not be assigned direct instructional duties. (Minn. R. 3525.2405, subp. 1.)

## **Paraprofessionals**

(c)(1) Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after January 8, 2002, and working in a program supported with funds under this part shall have — (A) completed at least 2 years of study at an institution of higher education; (B) obtained an associate's (or higher) degree; or (C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment — (i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or (ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate. (2) The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C). (d) Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before January 8, 2002, and working in a program supported with funds under this part shall, not later than 4 years after January 8, 2002, satisfy the requirements of subsection (c) of this section. (e) Subsections (c) and (d) of this section shall not apply to a paraprofessional — (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities consistent with section 6318 of this title. (f) Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent. (g) Duties of paraprofessionals (1) Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not

assigned a duty inconsistent with this subsection. (2) A paraprofessional described in paragraph (1) may be assigned — (A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (B) to assist with classroom management, such as organizing instructional and other materials; (C) to provide assistance in a computer laboratory; (D) to conduct parental involvement activities; (E) to provide support in a library or media center; (F) to act as a translator; or (G) to provide instructional services to students in accordance with paragraph (3). (3) A paraprofessional described in paragraph (1) — (A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and (B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school. (20 U.S.C. 6319(c)-(g) [Elementary and Secondary Education Act].)

The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that — (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities. (34 C.F.R. § 300.156(b)(2)(iii).)

“Paraprofessional” means a district employee who is primarily engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or other purposes under the direction of a regular education or special education teacher or related services provider. (Minn. R. 3525.0210, Subd. 33.)

## **Responsibilities of Paraprofessionals**

For paraprofessionals employed to work in programs for students with disabilities, the school board in each district shall ensure that: (1) before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works; (2) annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and (3) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse. (Minn. Stat. § 125A.08(c).)

## **Caseloads for Early Childhood Program Alternatives.**

A teacher’s case load must be adjusted downward based on pupils’ severity of disability or delay, travel time necessary to serve pupils in more than one program alternative, and if the pupils on the teacher's case loads are receiving services in more than one program alternative or the pupils are involved with other agencies. The maximum number of pupils that can be

assigned to a teacher in any early childhood program alternative is: A. birth through two years: 12 pupils per teacher; B. three through six years: 16 pupils per teacher; and C. birth through six years: 14 pupils per teacher. District early childhood special education (ECSE) classes must have at least one paraprofessional employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a program support assistant is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team is 16. (Minn. R. 3525.2340, subp. 5.)

## **Skilled School Interpreters**

### **Requirements for American Sign Language/English Interpreters**

(a) In addition to any other requirements that a school district establishes, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must: (1) hold current interpreter and transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education; and (2) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution. (b) New graduates of an interpreter/transliterator program affiliated with an accredited education institution shall be granted a two-year provisional certificate by the commissioner. During the two-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor under paragraph (c). (c) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterator, shall develop and implement an education plan designed to meet the requirements of paragraph (a), clause (1), and include a weekly on-site mentoring process. (d) Consistent with the requirements of this paragraph, a person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the, Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans, must grant the person a time-limited extension of the provisional certificate based on the following documentation:(1) letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing; (2) records of the person's formal education, training, experience, and progress on the person's education plan; and (3) an explanation of why the extension is needed. As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the director of the Minnesota Resource Center Serving Deaf and Hard-of-Hearing, or the director's designee, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected by the commissioner must develop the plan and time line for the person receiving the extension; (e) A school district may employ only an interpreter/transliterator who has been certified under paragraph (a) or (b), or for whom a time-limited extension has been granted under paragraph (d). (Minn. Stat. § 122A.31, Subd. 1.)

## **Oral or Cued Speech Transliterators**

(a) In addition to any other requirements that a school district establishes, any person employed to provide oral transliterating or cued speech transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must hold a current applicable transliterator certificate awarded by the national certifying association or comparable state certification from the commissioner of education. (b) To provide oral or cued speech transliterator services on a full-time or part-time basis, a person employed in a school district must comply with paragraph (a). The commissioner shall grant a nonrenewable, two-year certificate to a school district on behalf of a person who has not yet attained a current applicable transliterator certificate under paragraph (a). A person for whom a nonrenewable, two-year certificate is issued must work under the direction of a licensed teacher who is skilled in language development of individuals who are deaf or hard-of-hearing. A person for whom a nonrenewable, two-year certificate is issued also must enroll in a state-approved training program and demonstrate progress towards the certification required under paragraph (a) sufficient for the person to be certified at the end of the two-year period. (c) Consistent with the requirements of this paragraph, a person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission Serving Deaf and Hard-of-Hearing People, must grant the person a time-limited extension of the provisional certificate based on the following documentation: (1) letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing; (2) records of the person's formal education, training, experience, and progress on the person's education plan; and (3) an explanation of why the extension is needed. As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the director of the Minnesota Resource Center Serving Deaf and Hard-of-Hearing, or the director's designee, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected by the commissioner must develop the plan and time line for the person receiving the extension. (Minn. Stat. § 122A.31, Subd. 2.)

## **Qualified Interpreters**

The Department of Education and the resource center: deaf and hard of hearing shall work with existing interpreter/transliterator training programs, other training/educational institutions, and the regional service centers to ensure that ongoing staff development training for educational interpreters/transliterators is provided throughout the state. (Minn. Stat. § 122A.31, Subd. 3.)

## **Reimbursement**

(a) For purposes of revenue under Minnesota Statutes, section, 125A.76, the Department of Education must only reimburse school districts for the services of those interpreters/transliterators who satisfy the standards of competency under this section. (b) Notwithstanding paragraph (a), a district shall be reimbursed for the services of interpreters with a nonrenewable provisional certificate, interpreters/transliterators employed to mentor the provisional certified interpreters, and persons for whom a time-limited extension has been

granted under subdivision 1, paragraph (d), or subdivision 2, paragraph (c). (Minn. Stat. § 122A.31, Subd. 4.)