

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

<p>CYNTHIA CAIN; RACHEL DIETSCH; JOAN DOBBERT; ANTHONY HERNANDEZ; SKYE HOEKSTRA; MICHELLE HUGHES; KATELYN KNIGHT; LEAH LARSON; ANTHONY MUNSTERMAN; ABERDEEN RODRIGUEZ</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>MINNESOTA BOARD OF TEACHING,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Case No. 62-CV-15-1979</p> <p>AFFIDAVIT OF RHYDDID WATKINS IN SUPPORT OF MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT</p>
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STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

I, Ll. Rhyddid Watkins, being first duly sworn, deposes and states:

1. I am an attorney with the law firm of Faegre Baker Daniels LLP and counsel for Plaintiffs. I have personal knowledge of the facts set forth in this Affidavit.

2. Attached to the Plaintiffs' Motion for Leave to File the Second Amended Complaint as **Exhibit 1** is a true and accurate copy of the Second Amended Complaint plaintiffs seek to file.

FURTHER THIS AFFIANT SAYETH NAUGHT.

DATED: May 28, 2015.

/s/ Ll. Rhyddid Watkins
Ll. Rhyddid Watkins

EXHIBIT 1

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF RAMSEY****SECOND JUDICIAL DISTRICT**

<p>KIMBERLY BAKER; RYAN BEHERNS; SUSAN BOHANNON; CYNTHIA CAIN; DEREK DAVIDSON; RACHEL DIETSCH; JOAN DOBBERT; ANTHONY HERNANDEZ; SKYE HOEKSTRA; MICHELLE HUGHES; AMY KINNEY; KATELYN KNIGHT; LEAH LARSON; JESSICA LOPER; ANTHONY MUNSTERMAN; JAIME MYROLD; ABERDEEN RODRIGUEZ; KRISTIN ROGERS; HOWARD ZMUDY; SHEILA ZMUDY,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>MINNESOTA BOARD OF TEACHING,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">Civil Case No. 62-CV-15-1979</p> <p style="text-align: center;">SECOND AMENDED COMPLAINT</p>
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1. Plaintiffs are a collection of teachers petitioning this Court to end the Board of Teaching's ("the Board") practice of consistently refusing to follow Minnesota law.

2. For years now, the Board has arbitrarily denied licenses to well-qualified teachers who clearly meet the statutory requirements.

3. The Board provides no explanations for its denials and has systematically deprived applicants of their statutory rights to an administrative appeal. Instead, the Board simply tells applicants to consult private, for-profit colleges and take whatever courses they recommend.

4. Plaintiffs have exhausted every avenue of encouraging the Board to comply with Minnesota law and now ask this Court for an injunction and a declaratory judgment.

5. For too long the Board's systematic failure to comply with Minnesota law has been depriving teachers of their livelihoods and children of the best qualified teachers. Perhaps most troubling, the Board's actions are disproportionately affecting minority and disadvantaged children.

THE PARTIES

1. **Kimberly Baker** is an early childhood special education teacher currently residing in Dakota County, Minnesota.

2. Ms. Baker graduated from the University of Northern Iowa with a double major in elementary education and early childhood education with a birth through 3rd grade early childhood special education endorsement. She was the president of the education honors society and graduated with honors.

3. Ms. Baker has an Iowa license to teach K-6 elementary education, K-8 social studies, and regular and special education for PK-3.

4. Ms. Baker taught K-3 special education before going on parental leave to care for her son and daughter who were both diagnosed with autism. Ms. Baker has unique educational qualifications and firsthand experience teaching children with disabilities.

5. Ms. Baker recently moved to Minnesota and is currently a reading and math specialist at a Title 1 school in Farmington.

6. Despite Ms. Baker's exceptional experience and training, the Board denied Ms. Baker a special education license and recommended that she contact a Minnesota college to take additional classes.

7. **Ryan Beherns** is a special education teacher currently residing in Wilkin County, Minnesota.

8. Mr. Beherns has a bachelor's degree from Augsburg College, he completed a traditional teacher preparation program in social studies from Metro State, he is one course shy of a master's degree in urban education from Metro State, and he is currently enrolled in a special education program at Bemidji State University.

9. Mr. Beherns was two classes shy of completing the special education program at Bemidji State University when it changed its program and informed him that only 11 of his 24 credits would apply towards the program.

10. Mr. Beherns also spent four years at Wayzata High School working with students that have emotional and behavior disorders and assisting special education teachers.

11. Mr. Beherns has been denied the opportunity to apply for licensure via portfolio and has been denied a standard license.

12. He was hired last year by Campbell-Tintah School to teach K-12 special education on a variance because the school could not find another licensed teacher. The school continues to advertise Mr. Beherns's position and he will lose his job if he does not obtain a standard or limited license.

6. **Susan Bohannon** is an experienced educator residing in Dakota County, Minnesota.

7. Ms. Bohannon has a bachelor's degree in early childhood development and a minor in Spanish from the College of St. Benedict in St. Joseph, Minnesota. Ms. Bohannon is bilingual in Spanish and English.

8. Ms. Bohannon is a licensed educator with over twenty-five years of experience teaching Early Childhood Education and six years of experience teaching Spanish, both high-need subject areas.

9. Ms. Bohannon has had a standard Texas Secondary Spanish Teaching Certificate since 2010.

10. After moving back to Minnesota, Ms. Bohannon only received a restricted one-year license that requires her to take additional courses not required by law.

11. The Board has denied Ms. Bohannon a standard, unrestricted license and refused to consider her experience and training through the portfolio process. The Board also refuses to recognize her Texas license as required by law.

12. **Cynthia Cain** is a health education and physical education teacher currently residing in Anoka County, Minnesota.

13. Ms. Cain has a bachelor's degree in education and 15 years of teaching experience, including nine years teaching Physical Education and Health in Alaska, five-and-a-half years substitute teaching in Minnesota, and one-and-a-half years as a part-time teacher of Health Education.

14. Ms. Cain had an Alaska license to teach kindergarten through twelfth grade Physical Education, which included Health Education. She meets the statutory requirements for licensure in both areas in Minnesota, but was only granted a Physical education K-12 license.

15. The Board informed Ms. Cain that she could not even apply for a Health Education license until she completed a Minnesota approved teacher preparation program.

16. Ms. Cain has a statutory right to a license to teach Health Education.

17. **Derek Davidson** is a middle school social studies teacher currently residing in Hennepin County, Minnesota.

18. Mr. Davidson has a bachelor's degree from the University of Texas. After graduation, he completed a preparation program in Maryland and taught middle school and high school social studies for two years.

19. Mr. Davidson then moved to Texas to work for a KIPP (Knowledge is Power Program) school where he taught 7th grade economics, social studies, and civics for two more years. Texas does not require charter school teachers be licensed.

20. Mr. Davidson next moved to Massachusetts where he started a KIPP charter school. Like Texas, charter school teachers are not required to be licensed in Massachusetts.

21. Mr. Davidson taught high school social studies, AP world history, U.S. history, and speech and composition for three years. Mr. Davidson also developed the

school's social studies curriculum and mentored and advised all of the social studies teachers.

22. Mr. Davidson's AP world history class had a substantially higher than average passage rate, with 60% of his students passing compared to just 48% nationwide. Mr. Davidson also had the largest number of minority students pass of any public school in the state.

23. Mr. Davidson moved to Minneapolis and was hired by KIPP as a Director of Instruction. He was hired to teach others how to be better teachers.

24. Because the Board of Teaching has unilaterally discontinued the licensure via portfolio process, and Mr. Davidson has worked in schools that have not required licensure, he has not even been able to apply for a standard license.

25. **Rachel Dietsch** is an elementary educator currently residing in Ramsey County, Minnesota.

26. Ms. Dietsch has a bachelor's degree in elementary education and nearly seven years of teaching experience, including teaching in economically disadvantaged schools in South Chicago.

27. Ms. Dietsch is licensed in Illinois to teach Kindergarten through ninth grade.

28. Despite satisfying the statutory requirements for at least a standard elementary education license, the Board issued her a conditional, limited license. The Board informed Ms. Dietsch that it will not issue her a standard license until she completes certain Minnesota approved courses not required by statute.

29. **Joan Dobbert** is an early childhood educator currently residing in Mille Lacs County, Minnesota.

30. Ms. Dobbert has a bachelor's degree and a master's degree in education. She is a dedicated early childhood educator with substantial experience and a proven track record of success with at-risk youth.

31. Ms. Dobbert has six years of experience teaching in Minnesota preschool programs accredited by the National Association for the Education of Young Children

32. Ms. Dobbert contacted the Board to obtain a standard early childhood education license and was initially told to apply through the licensure via portfolio program.

33. Before applying, Ms. Dobbert decided to complete her master's degree to ensure she had the strongest possible application.

34. The Board, however, discontinued the licensure via portfolio process before she could apply.

35. The Board has since told Ms. Dobbert that to obtain a license she needs to get the recommendation of an approved Minnesota preparation program.

36. After contacting a number of programs, Ms. Dobbert was initially told she would have to complete an entirely new master's degree, including student teaching, before being recommended for a standard license.

37. Although the responses have varied from each institution, Ms. Dobbert cannot get the recommendation of any Minnesota institution without taking additional courses, despite having a master's degree in education and years of experience.

38. **Anthony Hernandez** is an elementary educator currently residing in Hennepin County, Minnesota.

39. Mr. Hernandez is a Harvard graduate with a standard teaching license from Washington, D.C. and three years of teaching experience.

40. Although the Board did grant Mr. Hernandez a license, it inexplicably conditioned his license on the completion of “a Minnesota approved course in the assessment of reading skills, including a practicum.” There is no statutory or regulatory authority for the Board’s additional requirement.

41. **Skye Hoekstra** is a kindergarten teacher currently residing in Hennepin County, Minnesota.

42. Ms. Hoekstra has a bachelor’s degree in biology and a master’s degree in education with a special emphasis in early childhood education.

43. She has a Nevada license to teach early education, from birth through second grade, and has taught kindergarten for the last four years.

44. Despite satisfying the statutory requirements for a standard early education license, the Board issued her a conditional, limited license. The Board informed Ms. Hoekstra that it will not issue her a standard license until she completes certain Minnesota approved courses not required by statute.

45. **Michelle Hughes** is an elementary and special educator currently residing in Oakland, California.

46. Ms. Hughes is a traditionally licensed teacher with over 12 years of experience in some of the most disadvantaged schools in California.

47. For over a year, Ms. Hughes has been applying for both an elementary and a special educator license in Minnesota so she can move back to her home state.

48. Despite her substantial experience and qualifications, the Board has declined to grant her an elementary education license, and has offered her only a limited special educator license.

49. The Board has also declined to offer any explanation for its decisions, or inform Ms. Hughes of the requirements she must fulfill for a standard elementary education license.

50. Instead, the Board has offered only an endless run-around.

51. For example, despite submitting documentation with her initial application showing that she had substantial training and experience assessing her students' reading level, the Board determined she needed to complete a "Minnesota approved course in the assessment of reading skills, including a practicum."

52. When Ms. Hughes questioned the determination and presented her proof of training and experience, the Board reversed its position and informed her that "we have determined that your preparation in Reading meets Minnesota requirements, and we do already have the transcripts."

53. Nonetheless, three months later, without any explanation, the Board once again took the position that Ms. Hughes did not satisfy the reading requirement. It went on, however, to also explain that if she wanted the Board to consider the materials she submitted in her initial application, and resubmitted three months earlier, she would have to file a new application.

54. As the Board put it: “Ms. Hughes will need to complete an application (enclosed) to be submitted to Educator Licensing at the Minnesota Department of Education and provide the evidence that you have referenced regarding her reading courses....”

55. The Board has no statutory or regulatory authority to require Ms. Hughes to apply for the opportunity to prove her qualifications a third time.

56. Ms. Hughes also explicitly requested an administrative appeal of the Board’s decision not to grant her an elementary general education license.

57. As is the Board’s practice, it ignored her request. After over a year of making little-to-no progress with the application process, Ms. Hughes is exhausted and reconsidering her decision to return to Minnesota.

58. **Amy Kinney** is an experienced high school language arts educator residing in Sherburne County, Minnesota.

59. Ms. Kinney has a bachelor’s degree in English and writing and a master’s degree in rhetoric and applied writing.

60. Ms. Kinney has taught high school language arts at Spectrum High School in Elk River, Minnesota for the last six years. She has extensive experience mentoring licensed teachers and has taught college-on-site classes for her discipline.

61. In 2010, Ms. Kinney enrolled in the Board’s licensure via portfolio process, with the understanding that if she met all the requirements, she would be issued a standard teaching license.

62. Despite having completed all required classes, passed all the required licensing exams, and satisfied all other requirements, Ms. Kinney's application was denied when the Board unilaterally discontinued the licensure via portfolio process.

63. Since then, Ms. Kinney has submitted traditional applications and revisions for licensure seven times and has had every one denied by the Board, most recently on May 15, 2015. Instead of a standard license, the Board has issued her a conditional, limited license that she has renewed each year.

64. Ms. Kinney has now been informed by the Board that her current license cannot be renewed unless she enrolls in undergraduate teaching classes and that her final license will expire on June 30, 2015.

65. Ms. Kinney is an experienced teacher who satisfies the statutory requirements for licensure.

66. **Katelyn Knight** is an elementary and ESL educator currently residing in Hennepin County, Minnesota.

67. Ms. Knight has an elementary license and a bilingual generalist license from Texas.

68. Despite proving that she meets the statutory requirements for both licenses, the Board has failed to issue either.

69. The Board has also not explained what requirements it believes she must fulfill, and instead it simply advised her to consult with a Minnesota university or college to "have them review [her] materials."

70. **Leah Larson** is a media specialist and special education and English language learner teacher currently residing in Hennepin County, Minnesota.

71. Ms. Larson has a bachelor's degree in English and master's degree in Media Relations.

72. Ms. Larson has taught in Texas and New York and is licensed in Texas to teach special education and English language learners.

73. Ms. Larson has also taught as a media specialist in Minnesota for the last seven years.

74. Ms. Larson is also currently teaching English language learners on a variance.

75. Despite her qualifications and experience, Ms. Larson is not able to apply for a license to teach English language learners or special education because the Board of Teaching refuses to acknowledge the licensure via portfolio process.

76. **Jessica Loper** is a math and science teacher currently residing in Ramsey County, Minnesota.

77. She has a bachelor's degree from the University of Minnesota and has completed a three-year preparation program in Detroit, Michigan leading to a standard secondary math and science license.

78. Ms. Loper spent three years teaching high school math and science in one of the most economically disadvantaged schools in Detroit.

79. She recently moved back to Minnesota to continue working for economically disadvantaged students and to help close the achievement gap.

80. The Board has denied Ms. Loper a standard license and refused to consider her experience and training through a portfolio application. The Board has also refused to recognize her Michigan state license.

81. Ms. Loper is currently teaching in a free, public charter school in North Minneapolis dedicated to closing the achievement gap. The Board has informed Ms. Loper that she will not be granted a standard license without completing a Minnesota preparation program.

82. **Anthony Munsterman** is a music teacher currently residing in Otter Tail County, Minnesota.

83. Mr. Munsterman has a bachelor's degree in music education and has nearly completed a master's degree in music from Minnesota schools.

84. He has been a music teacher for over 30 years, including 20 years in Minnesota, seven years in North Dakota and two years in Montana. Mr. Munsterman is a dedicated teacher who spends substantial time working for his students, including nights and weekends preparing them for concerts, recitals and competitions.

85. Mr. Munsterman currently has had a Minnesota license to teach 5-12 instrumental band, general music, and orchestra.

86. He also has a North Dakota license to teach K-12 music as well as a Montana license to teach K-12 music.

87. Mr. Munsterman is currently teaching K-12 music on a variance. Despite his vast experience and training, he has been told that he is unable to expand the scope of

his license to cover K-4 and music without completing additional coursework, including student teaching.

88. **Jaime Cushman** is a math and science educator currently residing in Hennepin County.

89. Ms. Cushman has a Bachelor of Science degree from the University of Minnesota in the Foundations of Education, a master's degree from the University of Minnesota in Education with an emphasis in science education, and a master's degree from Azusa Pacific University in Education Administration.

90. Ms. Cushman is licensed in California to teach general subjects to K-12, math to grades K-9, and she is certified to teach English language learners in grades K-12. Ms. Cushman has taught high school, middle school, and elementary levels in numerous subjects for over 13 years, with a particular emphasis in math and science.

91. Ms. Cushman also has an administrative services credential in California.

92. Despite her years of experience and two master's degrees, the Board declined to grant Ms. Cushman a math or an administrative license. Instead, it recommended that she contact a Minnesota university or college to take additional courses.

93. At the Board's recommendation, Ms. Cushman contacted the University of Minnesota. It recommended that she take an additional seven credits for the administrative license and 13 credits for the 5-8 math license, including student teaching. The University of Minnesota did not consider Ms. Cushman's 11 years of experience teaching math.

94. **Aberdeen Rodriguez** is an experienced teacher currently residing in Hennepin County, Minnesota.

95. Ms. Rodriguez has a standard Texas license to teach elementary school; English for grades 4 through 12; art for early education through grade 12; and English as a second language for early education through grade 12.

96. Nonetheless, despite over a year of providing documents proving her qualifications, the Board has not granted Ms. Rodriguez a single license.

97. Moreover, it has not explained why it believes she does not qualify for any licenses, and it has not told her what she needs to do to earn a license.

98. **Kirstin Rogers** is an experienced educator currently residing in Dakota County, Minnesota.

99. Ms. Rogers has a bachelor's degree with an emphasis in teaching history and a master's degree in Education. She has taken additional college courses in order to receive teaching endorsements in English as a second language, geography, and reading.

100. Ms. Rogers is a traditionally licensed history teacher with over 12 years of teaching experience in Utah, during which she won her school's Teacher of the Year Award and participated in a Fulbright teacher exchange programs to Russia and Japan.

101. In 2005, Ms. Rogers moved to Minnesota. Despite her experience and training, the Board only issued her a conditional, limited license to teach history for two years pending the completion of an extensive amount of additional courses from a Minnesota college, including student teaching.

102. When Ms. Rogers asked the Minnesota Department of Education why her substantial experience and training was not being considered, they responded, “It doesn’t work like that in Minnesota.” She was provided no further explanation or guidance.

103. **Howard Zmudy** is a military veteran with 41 years of experience as a special educator currently residing in St. Louis County, Minnesota.

104. Mr. Zmudy has a bachelor’s degree, a post-baccalaureate studies degree in human services/special education, and a master’s degree in educational studies with a major in special education. Mr. Zmudy has at least 104 graduate-level credits in education.

105. Mr. Zmudy also has 41 years of experience as a special education teacher. He is licensed in Colorado where he taught K-12 special education for 34.5 years.

106. Mr. Zmudy chose to work in a Title 1 school so he could teach economically disadvantaged students. Despite leaving Colorado, he is still in contact with many of his students and their families.

107. Mr. Zmudy moved to Duluth, Minnesota where he has been a special education teacher for the last four years.

108. Mr. Zmudy has helped countless number of veterans with disabilities in his career. He designed and marketed reintegration curricula for unemployed Minnesota veterans.

109. Despite his substantial education and over four decades of experience, the Board denied Mr. Zumdy a five year professional special education license like the one he had in Colorado.

110. **Sheila Zmudy** is an experienced special educator currently residing in St. Louis County, Minnesota.

111. Mrs. Zmudy has a bachelor's degree, a post baccalaureate studies degree in human services/special education, and a master's degree in educational studies with a major in special education. Mrs. Zmudy has 104 graduate level credits in education.

112. Mrs. Zumdy has 27 years of experience as a special education teacher and is licensed in Colorado to teach K-12 special education.

113. Mrs. Zmudy chose to work in a Title 1 school to teach economically disadvantaged students.

114. In addition to teaching students with mild-to-moderate disabilities, Mrs. Zmudy was part of a collaborative decision making committee at her school. She was responsible for addressing school improvement plans, reviewing the school's budget, and enforcing policies addressing student interests, safety, and discipline.

115. Mrs. Zmudy moved to Duluth, Minnesota and has been teaching special education classes for three years.

116. Despite her substantial education and decades of experience, the Board denied Mrs. Zmudy a five year professional special education license like the one she had in Colorado. Instead she was issued a short call substitute license. The Board has not told her what she needs to do to earn a special education license.

117. **The Board of Teaching** is the Minnesota agency responsible for licensing teachers. It is headquartered at 1500 Highway 36 West, Roseville, Minnesota.

JURISDICTION AND VENUE

118. This Court has jurisdiction over this action under Minn. Stat. § 555.02, which allows district courts to determine “any question of construction or validity arising under ... statute, ordinance, [or] contract.” Declaratory Judgments against administrative agencies are appropriate when, like here, quasi-legislative action of the agency is challenged. *See, e.g., Anderson v. County of Lyon*, 784 N.W.2d 77, 81-82 (Minn. App. 2010).

119. This Court also has jurisdiction because Plaintiffs either have no administrative remedies available to them, the administrative remedies are exhausted, or the administrative remedies are inadequate. *See, e.g., Builders Ass’n of Minn. v. City of St. Paul*, 819 N.W.2d 172, 177 (Minn. App. 2012); Minn. R. 8710.0900.

120. Venue is appropriate because the Board is a state agency residing in Ramsey County. *See* Minn. Stat. § 542 *et. seq.*

BACKGROUND

121. One of the most important issues facing our State is the deplorable and indefensible educational achievement gap between white students and students of color. Regardless of how it is measured, Minnesota is consistently found to have among the worst achievement gaps in the nation.

122. For example, the U.S. Department of Education’s recently released data on state graduation rates shows that Minnesota has either the lowest or second lowest

graduation rates for all four non-white student categories. (U.S. Department of Education, 2012-2013 Graduation Rates, attached as “**Exhibit 1**”).

123. It has the lowest graduation rate for Hispanics and Asians in the country, and the second lowest graduation rate for African Americans and Native Americans. (*Id.*).

124. Similarly, the U.S. Department of Education found that Minnesota had the second lowest graduation rate for economically disadvantaged students in the country in the 2011-12 school year. (U.S. Department of Education, Public High School Four-Year On-Time Graduation Rates and Event Dropout Rates: School Years 2010-11 and 2011-12, April 2014, excerpts attached as “**Exhibit 2**”).

125. No other state even comes close to Minnesota’s abysmal record. (*See, e.g., Minnesota Near Bottom in On-Time Graduation for Students of Color*, Tim Post, February 19, 2015, MPRNews, attached as “**Exhibit 3**”).

126. Results from the Minnesota Comprehensive Assessments tell the same story. They show that white students attain proficiency scores in math and reading at least 30 percentage points higher than students of color. (Minnesota Office of Higher Education: High School Academic Preparation and College Readiness, attached as “**Exhibit 4**”).

127. Similarly, while Minnesota boasts that in 2013 its average composite score on the ACT College Entrance Exam “was the highest in the nation among the 28 states in which more than half the college-bound students took the test” and that “Minnesota has

led the nation in average composite ACT scores for eight consecutive years,” the story is very different for students of color. (*Id.*).

128. While the ACT test shows 43 percent of White students are deemed “college ready,” it also showed that only 9 percent of black, 15 percent of Native American, and 20 percent of Hispanic students were similarly “college ready.” (*Id.*).

129. Hundreds of research studies spanning over a quarter century have definitively shown that the single most important factor for student achievement is the teacher. Simply put, “[n]o other attribute of schools comes close to having [as] much influence on student achievement.” Eric A. Hanushek, *The Economic Value of Higher Teacher Quality*, 30 *Economics of Education Review* 466, 467 (2011).

130. Recognizing the central role of teachers, the Minnesota Legislature prefaced its 2011 amendments to teacher licensing statutes by making explicit that the amendments were intended to “improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap...” Minn. Stat. § 122A.245.

131. In its 2015 Report to the Legislature, the Department of Education noted several trends “of concern to policymakers,” including: (i) that while Minnesota’s public school population is becoming more diverse, its teacher population remains 96 percent white, which adversely affects students of color and white students alike; and (ii) the percentage of Minnesota school districts reporting that it is “difficult or impossible” to hire qualified teachers in high-demand areas has doubled since 2012. (January 2015,

Teacher Supply and Demand, Report to the Legislature, p. 71, excerpts attached as “**Exhibit 5**”).

132. The Department of Education also concluded that the increasing “disparity in diversity of the teaching workforce and student population may affect student academic achievement of students of color and Caucasian students alike.” (*Id.*)

133. Nonetheless, the Board continues to deny licenses to high-performing out-of-state applicants who satisfy the statutory requirements. The Board’s actions violate Minnesota law and frustrate plaintiffs’ efforts to get effective, diverse teachers in the classroom to close the achievement gap.

I. THE BOARD HAS REFUSED TO ARTICULATE THE STANDARDS IT APPLIES FOR ISSUING A MINNESOTA TEACHING LICENSE AND HAS SYSTEMATICALLY PREVENTED ADMINISTRATIVE APPEALS.

134. Despite repeated requests from community leaders, school principals, teachers, non-profit organizations, state representatives, state senators, private attorneys, and even the Department of Education, the Board has steadfastly refused to provide any guidance on how it interprets and applies the statutory requirements for a Minnesota teaching license.

135. Instead, the Board makes “case-by-case” determinations based on arbitrary and inconsistent standards. As a result, similarly situated applicants are rarely treated similarly, and there is never transparency. Indeed, the Board often denies some of the most qualified applicants while granting licenses to less-qualified applicants, and all without explanation.

136. Moreover, despite the clear language of Minn. R. 8710.0900, which guarantees applicants the right to an administrative appeal, the Board has not allowed a single administrative review of one of its teacher-licensing decisions.

137. Because an applicant has no right to an appeal until her application is formally denied, the Board has avoided the appellate process by simply not issuing formal denials, or refusing to provide any basis for its decisions.

138. The Board also avoids the appellate process by not informing applicants of their right to an appeal, or incorrectly telling them that they have no such right. (See Board Email incorrectly telling applicant there is no appeal, attached as “**Exhibit 6**” Redacted).

139. By way of example, one applicant sent the Board an email on October 23, 2013, formally requesting a contested hearing before an Administrative Law Judge (“ALJ”). On November 13, 2013, the Board’s Interim Executive Director responded:

My name is Allen Hoffman and I am currently the Interim Director of the Minnesota Board of Teaching. My apologies for the tardy response....

While you are certainly within your right to request the hearing to which you refer. [sic] Please do know that it will be considered a contested case hearing before an administrative law judge. The Board of Teaching will have an attorney from the Attorney General’s office representing the board demonstrating that the rules were applied in a fair and consistent manner to your request. You would be free to have counsel present as well.

What I want you to understand is that the administrative law judge does not have the authority to change the rules used to determine your eligibility for a license. It is his/her responsibility to ensure that the procedures were applied in a fair and consistent manner. The assessment made by the an [sic] experienced reviewer indicates that your preparation, as indicated above, does not meet the standards required. This is something that the administrative law judge would not have the authority to change.

Please let me know if you are still interested in an administrative hearing. While this is a possibility, I do not think that this would provide what you are looking for at this time. It appears that your best option at this time is that indicated by the reviewer, to contact a teacher preparation institution and ask them to review your work and help you determine what you would need to be eligible for a Minnesota teaching license in the state of Minnesota.

(A. Hoffman Nov. 13, 2013 email, attached as “**Exhibit 7**” Redacted).

140. Undeterred, the applicant sent another email on December 9, 2013, and a formal letter on January 21, 2014, again requesting a formal hearing before an ALJ. (January 21, 2014, Email “**Exhibit 8**” Redacted). To date, the Board has refused to provide the applicant a hearing, or explain why her request was ignored.

141. With the help of counsel, two applicants managed to start the appeal process and get a contested case set before an ALJ.

142. During that proceeding, the Board argued that the applicants should be precluded from introducing any evidence that the Board has granted licenses to similarly situated and even less qualified applicants, including the spouse of one appellant.

143. The ALJ found that such evidence would support a finding that the Board was acting arbitrarily and capriciously and denied the Board’s motion.

144. Soon after, without receiving a single document from the applicants, the Board reversed its position and granted the applicants all the licenses they requested.

145. The Board offered no explanation for its initial denial, or its sudden reversal.

146. The Board also successfully opposed a motion from the applicants arguing the ALJ should nonetheless issue an opinion because the Board's actions were capable of repetition while avoiding review. (The ALJ's opinion is not attached because it was marked as "not public").

II. THE BOARD UNLAWFULLY DISCONTINUED THE LEGISLATIVELY-REQUIRED PORTFOLIO APPLICATION PROCESS.

147. In 2008, the Minnesota Legislature created an alternative pathway to licensure for teachers who had not completed a traditional preparation program. *See* Minn. Stat. § 122A.21, subdivision 2.

148. The new "portfolio application process" allowed teachers to obtain initial or additional licenses by submitting "one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence." *Id.*

149. The 2008 legislation was enacted to create the flexibility necessary to recognize the qualifications, training, and experience of non-traditionally trained teachers.

150. Nonetheless, despite a clear statutory mandate for an alternative pathway to licensure, the Board unilaterally discontinued the portfolio process and refused to issue any licenses, regardless of an applicant's qualifications.

151. Instead, the Board simply told applicants to "contact a Minnesota college or university to complete a teacher preparation program." The Board's website notes:

Due to budget reductions and policy changes, the Licensure via Portfolio process has been discontinued. Interested candidates and past candidates

who were unsuccessful are encouraged to contact a Minnesota college or university to complete a teacher preparation program....

(Board Website as of March 26, 2015, attached as “**Exhibit 9**”).

152. The Legislature enacted the portfolio process so that well-qualified teachers could get licensed without having to complete teacher preparation programs at Minnesota colleges.

153. The Board’s discontinuation of the portfolio process is a clear violation of Minnesota law.

III. THE BOARD HAS REFUSED TO RECOGNIZE LEGISLATIVELY REQUIRED RECIPROCITY FOR OUT-OF-STATE TEACHERS.

154. The Board has also consistently refused to grant licenses to out-of-state applicants who satisfy the statutory requirements.

155. Under Minn. Stat. § 122A.23, subdivision 2, teachers licensed in other states are entitled to reciprocity if they satisfy three requirements:

- (i) They hold a bachelor’s degree from an accredited college;
- (ii) Their out-of-state license covers no more than two grade levels less than a similar Minnesota license; and
- (iii) The issuing state required the applicant to complete a teacher preparation program that included field-specific teaching methods and student teaching, or the applicant has essentially equivalent experience.

156. Despite the clear legislative mandate that out-of-state teachers are entitled to reciprocity, the Board entirely ignores Minn. Stat. § 122A.23, subdivision 2. It treats

experienced, licensed teachers like all other applicants applying for licensure for the first time.

157. It requires them to demonstrate that they completed all the courses that would be required in a comparable Minnesota teacher preparation program, as well as numerous other requirements not included in the statute, such as:

- i. that their teacher preparation program was “essentially equivalent” to a Minnesota program, which involves a course-by-course comparison of transcripts;
- ii. that they have an undergraduate degree with a major in the content area they are seeking to teach;
- iii. that they completed a 10-week student teaching program that included supervision by a university mentor and a teacher mentor;
- iv. that they completed field specific teaching methods in all the areas required by Minnesota preparation programs;
- v. that they have satisfied all Standards of Effective Practice in Minn. R. 8710.2000, including that they have demonstrated an understanding of:
 1. the subject matter they seek to teach;
 2. how students learn;
 3. how to teach diverse learners;
 4. a variety of instructional strategies;
 5. how to foster a productive learning environment;

6. verbal and nonverbal communication skills;
 7. how to plan effective lessons;
 8. how to use formal and informal strategies to evaluate student development;
 9. how to be reflective about their own professional development; and
 10. how to interact with parents;
- vi. that they have sufficiently studied American Indian history; and
 - vii. that they have satisfied a reading requirement.

(Deposition of Board (“Board Depo”), at 45:17-46:13; 52:9-53:13; 57:19-59:12; 65:13-71:15; attached as “**Exhibit 10**”).

158. Not only does the Board ignore Minn. Stat. § 122A.23, subdivision 2, but it also refuses to offer any insight into its decision-making process.

159. It does not tell out-of-state applicants what it believes the general requirements are, what specific requirements it believes the applicants have not satisfied, or how they might satisfy those requirements.

160. Instead, the Board simply tells applicants that they are not being issued a license, and that they should consult a Minnesota approved teacher preparation program to determine what additional courses they may need to take.

161. The Board’s form letter reads: “You are encouraged to contact a Minnesota college/university approved to offer this preparation program to determine what

additional coursework may be required to obtain Minnesota licensure.” (Example of Form denial letter, attached as “**Exhibit 11**”).

162. There are at least 37 Minnesota colleges and universities that offer approved preparation programs, and their curricula all differ. And although the Board does not provide any training or guidance to these schools about what Minnesota law requires for licensure, it nonetheless accepts their recommendations without question.

163. Despite the drastic differences in Minnesota approved institutions, if any approved school recommends an applicant for licensure, the Board will issue the license without any review.

164. Not surprisingly, on at least two occasions the Board has admitted that teachers were “incorrectly advised” that they needed to take additional courses by a Minnesota teacher preparation program, and were subsequently granted full licenses. (**Exhibits 12 and 13**).

165. The application review process for out-of-state teachers is an incomprehensible mess. As State Representative Kelly Fenton recently explained, “I know from personal experience that Minnesota’s licensure process for out-of-state teachers is exceedingly onerous and confusing. After teaching for many years in both Wisconsin and Texas, I was shocked to discover the hoops through which I would have to jump in order to transfer my license to Minnesota. Unfortunately these hoops still exist for out-of-state teachers, and deter excellent educators from pursuing careers in Minnesota.”

166. In its 2015 Report to the Legislature, the Department of Education asked district hiring officials to “identify factors that are barriers for hiring.” The responses show immense frustration with licensure practices for teachers initially trained in other states. Anonymous responses collected in the report include:

...Finally, I have seen some good applicants (at least on paper) inquire about teaching who have experience but have not been licensed in MN. Getting the license is costly and time consuming so several of those people have decided not to pursue education again - I believe that if they have been successful teachers out of state and re-locate to MN, we should honor that and have the ability to employ them without making it more difficult. In general, it seems that the difficulty with hiring and retaining educational staff is at a crisis level.

Getting candidates is difficult. Out of state candidates won't even apply because of all the hoops they have to jump through and the cost of the license and tests is excessive....

Licensing requirements placed on us by the board of teaching are making it very difficult to hire in areas like science and SPED, ASD. The hoops that prospective teachers have to jump through to get a license in MN is causing a shortage of licensed staff in all areas. We can't hire licensed teachers from neighboring states because they don't meet our over the top licensing requirements. The Board of teaching has too much control in deciding who gets a license to teach in MN.

...Future teachers from other states are no longer coming to MN for licensure as in the past because of the difficulty of obtaining a license with all of the extra requirements beyond their own state licensing. It is quite intimidating to think that one was good enough to be licensed and teach in another state and that MN would require such an additional burden to get licensed....

(January 2015, Teacher Supply and Demand, Report to the Legislature, p. 96-106, excerpts attached as “**Exhibit 5**”).

167. Mr. Barry Olson, Superintendent of Blooming Prairie, MN Public Schools, recently wrote that, “When a quality out-of-state teacher applies for a job in Minnesota,

let's not make their licensure process more difficult than it needs to be. Let's maintain standards, of course, but focus on the questions that I believe—and suspect most of my colleagues would agree—are most important: Have they demonstrated success in the classroom and competence in their content area? Will they help our students learn? I fear that the Board of Teaching has taken away some of what principals and superintendents job is: to hire quality people. We know if they are good teachers or not, and we welcome being held accountable for the results of our hires.” (B. Olson, *School Leader: To Help MN Kids, Let's Open the Door to Great Teachers*, Feb. 2, 2015, available at: <http://minncan.org/news-blog/blog/school-leader-open-door-great-teachers>).

168. In practice, the Board makes it far more difficult for experienced, out-of-state teachers to get licensed than in-state applicants applying for the first time.

169. The Board must stop ignoring Minn. Stat. § 122A.23, subdivision 2, and start affording out-of-state applicants their statutory rights to a Minnesota license.

IV. THE BOARD HAS STEADFASTLY REFUSED TO ADOPT LEGISLATIVELY MANDATED “STREAMLINED PROCEDURES.”

170. In addition to ignoring applicants' right to an administrative appeal, their right to a portfolio review, and ignoring out-of-state teachers' right to reciprocity, the Board has also entirely ignored a legislative mandate that they create streamlined procedures to recognize the experience, qualification, and training of out-of-state applicants.

171. In 2011, in recognition of the challenges that highly qualified, out-of-state teachers were experiencing with the Board, and in an attempt to “improve ethnic and

cultural diversity in the classroom, and close the academic achievement gap,” the Minnesota Legislature amended the laws governing teaching licenses for applicants trained, but not licensed in other states. Minn. Stat. § 122A.23, subdivision 1.

172. The amendment required the Board to create streamlined procedures to recognize the experience and training of out-of-state teachers. The amendment reads:

For purposes of granting a Minnesota teaching license to a person who receives a diploma or degree from a state-accredited, out-of-state teaching 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 qualification for receiving a Minnesota teaching license based on performance measures the board adopts under this section.

Minn. Stat. § 122A.23, subd. 1.

173. In a recent deposition, the Board’s designated representative testified that in the three years since the Legislature passed the amendment, it had created only one “streamlined procedure.” (Board Depo., at 97:23-98:1; 107:10-12). That procedure, however, has not been made public or memorialized in any internal Board document, and has not been applied to a single applicant.

174. As the Board explained, the one streamlined procedure is intended to allow applicants who did not complete student teaching to demonstrate they nonetheless have “essentially equivalent” experience.

175. Although not defined in any document of any kind, the Board testified it interprets “student teaching” as requiring the completion of at least a 10-week program in

which the applicant taught under the supervision of a university professor and a teacher mentor. (Board Depo., at 41:18-42:12).

176. Under the new streamlined procedure, applicants who do not satisfy that requirement can instead demonstrate that they completed a teacher preparation program that includes all the requirements of Minn. Stat § 122A.245, subd. 2, which includes:

(i) “a minimum 200-hr instructional phase that provides intensive preparation and student teaching;”

(ii) “a research-based and results orientated approach focused on best teaching practices to increase student proficiency and growth measured against state academic standards;”

(iii) “strategies to combine pedagogy and best teaching practices to better inform teacher candidates’ classroom instruction;”

(iv) “assessment, supervision, and evaluation of teacher candidates to determine their specific needs throughout the program and to support their efforts to successfully complete the program;”

(v) “intensive, ongoing, and multiyear professional learning opportunities that accelerate teacher candidates’ professional growth, support student learning, and provide a workplace orientation, professional staff development, and mentoring and peer review focused on standards of professional practice and continuous professional growth;” and

(vi) “a requirement that teacher candidates demonstrate to the local site team under subdivision 5 satisfactory progress toward acquiring a standard license from the Board of Teaching.”

(Board Depo., at 103:12-105:15) (emphasis added).

177. As the Board explained, there are no exceptions to these requirements. Even an applicant who has taught for 38 years will not be considered to have “essentially equivalent experience” to student teaching unless she can demonstrate that her teacher preparation program included each requirement of Minn. Stat § 122A.245, subd. 2 noted above. (Board Depo., at 43:2-45:16; 106:5-11).

178. The so-called streamlined procedure creates one notable difficulty for applicants: to demonstrate they have essentially equivalent experience to student teaching, they must show they completed student teaching, in addition to other things.

179. To avoid the streamlined procedure actually being more burdensome to applicants, the Board has explained it interprets the term “student teaching” in Minn. Stat. § 122A.245 differently from how it interprets the same term in Minn. Stat. § 122A.23. (Board Depo., at 99:16-100:21).

180. The Board, however, was unable to explain how it defines student teaching in § 122A.245, or why it attributes two different meanings to the same term. (*Id.*).

181. Even the Department of Education recognizes that the Board has failed to create the legislatively mandated streamlined procedures, and that its failure has frustrated teachers, school superintendents, and the Legislature.

182. On July 26, 2012, the Commissioner of Education, Dr. Brenda Cassellius, wrote the Board urging it to create the streamlined procedures. She explained:

As you know, this was a high priority for both Governor Dayton and the Legislature as a strategy to attract highly qualified mid-career professionals to address shortages in high need areas, help close achievement gaps and diversify our teaching corps. I understand developing this approval process is a complex and lengthy endeavor; however, more than a year later, it is still unclear how the BOARD is moving forward to ensure its success. In particular, please attend to the expedited process for out-of-state candidates as outlined in statute. It's been reported to me that there are currently several hundred qualified teachers standing by to serve our children. If the Department can assist you in finalizing work in this area, we stand ready.

(Dr. Cassellius, July 26, 2012, letter to Board, attached as “**Exhibit 14**”).

183. The Board did not respond to Dr. Cassellius's letter, and it did not accept the Department of Education's offer of help.

184. After another year of inaction, on February 11, 2013, the Chair of the Education Policy Committee in the Minnesota State House, Representative Carlos Mariani, wrote the Board requesting that it expedite its efforts to create streamlined procedures in accordance with Minn. Stat. § 122A.23, subd. 1. Representative Mariani wrote:

This will be the third hiring season since the legislature passed MN Statute 122A.23 requiring that a pathway be created for out of state candidates “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.”

I would like to specifically highlight the urgent need that our schools and districts currently have in accessing the widest and most diverse teaching candidates when filling open positions. Candidates who have taught or become licensed in another state currently face a significant lack of clarity

and inconsistency in how their previous experience, knowledge and credentials are recognized by the MN Department of Education.

I urge the Board of Teaching to take the immediate, necessary steps to establish a clear, objective set of criteria that acknowledges the knowledge and prior experience these candidates bring to the MN workforce.

(Rep. C. Mariani Feb. 11, 2013, letter to Board, attached as “**Exhibit 14**”)

185. On April 12, 2013, the Board received a similar letter from seven “stakeholders in the MN education community” again calling the Board to action. (April 12, 2013 letter to Board, attached as “**Exhibit 16**”). The letter was signed by: (i) Rep. Carlos Mariani; (ii) the Superintendent of the Minneapolis Public Schools; (iii) the Executive Director of Charter School Partners; (iv) the Director of African-American Leadership Forum; (v) the Executive Director of Teach For America; (vi) the principal of Minneapolis College Prep; and (vii) the Chief Entrepreneurship Officer Venture Academy. The Board again offered no response.

186. On April 24, 2013, the Board received another letter from Senator Terri Bonoff joining Representative Mariani’s letter “urging the Board of Teaching to take the immediate, necessary steps” to establish the necessary streamlined procedures. (Sen. T. Bonoff April 24, 2013 letter to Board, attached as “**Exhibit 17**”).

187. Another two years have passed and the Board has still done nothing. Despite public outcries from state representatives, senators, school superintendents, principals, and teachers across the state, the Board continues to refuse to create the streamlined procedures the Legislature mandated in 2011.

188. The Board's refusal to recognize the experience and training of highly qualified, out-of-state applicants has not only deprived teachers of their livelihoods, it has deprived students of the most qualified teachers.

189. Perhaps most troubling, the Board's refusal to take action has had a particularly adverse effect on students of color.

190. Minnesota continues to struggle with one of the most embarrassing education gaps in our nation, and the Board's inaction frustrates the 2011 amendment's explicit purpose "[t]o improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap." Minn. Stat. § 122A.245, subd. 1.

**COUNT I – VIOLATION OF PLAINTIFFS’
PROCEDURAL DUE PROCESS RIGHTS
UNDER THE MINNESOTA CONSTITUTION**

191. Plaintiffs incorporate by reference the above paragraphs as if fully stated herein.

192. Plaintiffs have legitimate claims of entitlement to Minnesota teaching licenses.

193. Plaintiffs also have due process rights to have their applications considered under a fair and transparent process that applies appropriate legal standards, informs them of the standards being applied, and informs them of the basis for the Board's determinations.

194. The Board violates Plaintiffs' due process rights in a number of ways, including:

- a. By not allowing applicants to exercise their statutory right to apply for licensure under the portfolio process articulated in Minn. Stat. § 122A.21;
- b. By not allowing out-of-state applicants to apply for licensure under the reciprocity requirements articulated in Minn. Stat. § 122A.23, subdivision 2;
- c. By ignoring the legislative mandate of Minn. Stat. § 122A.23, subdivision 1 to create streamlined procedures to recognize the qualifications, experience, and training of applicants;
- d. By failing to develop or apply a consistent criteria for issuing licenses;
- e. By not informing Plaintiffs' of the requirements for licensure, or why their applications were not granted;
- f. By deferring to private institutions to decide what coursework Plaintiffs need to complete for licensure; and
- g. By not impeding and preventing administrative appeals as required by Minn. R. 8710.0900.

195. The Board's systematic deprivation of Plaintiffs' rights to a fair and transparent application process that complies with Minnesota Law is a violation of Minnesota's constitutional right to due process under the law.

COUNT II – NON-DELEGATION

196. Plaintiffs incorporate by reference the above paragraphs as if fully stated herein.

197. The Minnesota Board of Teaching in conjunction with the Department of Education are the sole bodies entitled to assess the qualifications of applicants and issue teaching licenses.

198. Without reviewing their programs or offering any information or training on the requirements for Minnesota licensure, the Board has “approved” the teacher preparation programs offered by at least 37 colleges and universities, many of which are private institutions run for-profit.

199. Without conducting any substantive review, the Board issues teaching licenses to all graduates of approved Minnesota teacher preparation programs.

200. The Board does not review out-of-state applicants to determine whether they satisfy the requirements of Minn. Stat. § 122A.23, subdivision 2.

201. The Board also does not tell out-of-state applicants what requirements it believes they need to fulfill, or how they might fulfill those requirements.

202. Instead, the Board simply refers all out-of-state applicants to one of the 37 approved Minnesota teacher preparation programs.

203. Without providing the institutions with any information or training on the statutory requirements for out-of-state applicants, the Board defers entirely to the institutions’ discretion in determining which applicants require more coursework, and what specific courses they require.

204. If an approved institution recommends that an out-of-state applicant be issued a license, the Board issues the license without further review or consideration.

205. The Board's practice of delegating its authority to private, for-profit institutions violates Article I, Sections 2 and 8 of the Minnesota Constitution and its guarantees of equal protections under the law and due process under the law.

COUNT III – DECLARATORY JUDGMENT

206. Plaintiffs incorporate by reference the above paragraphs as if fully stated herein.

207. Under Minn. Stat. Ch. 555, the Uniform Declaratory Judgments Act, a dispute exists as to whether the Board of Teaching is appropriately exercising its quasi-legislative authority in interpreting and applying Minn. Stat. § 122A *et. seq.* when considering out-of-state applicants for Minnesota teaching licenses.

208. Specifically, the Board has wrongfully refused to recognize applicants' rights to licensure by the portfolio process articulated in Minn. Stat. § 122A.21.

209. The Board has also refused to grant licenses to out-of-state applicants who satisfy the express requirements of Minn. Stat. § 122A.23, subdivision 2.

210. The Board has also wrongfully and without justification ignored a legislative mandate to create streamlined procedures that would allow out-of-state applicants to demonstrate their education, training, and experience. *See* Minn. Stat. § 122A.23, subd. 1.

211. The Board has refused to articulate the requirements for licensure or the basis for its determinations.

212. The Board also wrongfully delegates decision-making authority to private, for-profit institutions.

213. The Board's abuse of its quasi-legislative authority has affected the rights of the public generally, including causing each Plaintiff injury-in-fact.

COUNT IV – INJUNCTION

214. Plaintiffs incorporate by reference the above paragraphs as if fully stated herein.

215. Plaintiffs have exhausted all available administrative remedies, or none are meaningfully available.

216. The Board frustrates a meaningful administrative review by: (i) refusing to articulate the bases of its decisions; (ii) refusing to issue formal denials and instead continuously seek additional information; and (iii) refusing to grant administrative appeals to those who seek it.

217. Administrative reviews are also unavailable to consider the Board's refusal to apply the appropriate legislative standards and adopt the required streamlined procedures.

218. Moreover, the authority of the Executive Director of the Board of Teaching is unrestricted by the findings of an administrative law judge. Plaintiffs are simply unable to get the relief they seek through the administrative process.

219. To the extent the Board has applied any standards, it has done so in an arbitrary and capricious manner.

220. There is no remedy at law available to Plaintiffs.

JURY DEMAND

221. Plaintiffs hereby request a jury on their due process claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

1. A declaration interpreting the statutory requirements for a teaching license under Minn. Stat. § 122A.23, subdivision 2.
2. A declaration and injunction requiring the Board of Teaching to issue licenses to applicants who satisfy the requirements of Minn. Stat. § 122A.23, subdivision 2.
3. A declaration and injunction requiring the Board of Teaching to issue licenses to applicants who satisfy the requirements of Minn. Stat. § 122A.21.
4. A declaration and injunction that the Board of Teaching must pass streamlined procedures allowing individual applicants to receive a teaching license by demonstrating their experience and professional credentials as required by Minn. Stat. § 122A.23, subd.1.
5. A declaration or injunction requiring the Board of Teaching to explain the basis for its denials and to inform applicants of their right to an administrative appeal.
6. A declaration or injunction prohibiting the Board of Teaching from inappropriately deferring to private, for-profit Minnesota institutions to determine the qualifications of applicants.
7. Nominal damages for violating Plaintiffs' due process rights.

8. Such other and further relief, including an award of costs and disbursements, as the Court may deem just and equitable.

Dated: May 28, 2015

FAEGRE BAKER DANIELS LLP

s/Rhyddid Watkins

Ll. Rhyddid Watkins

Rhyddid.Watkins@FaegreBD.com

2200 Wells Fargo Center

Minneapolis, MN 55402

Telephone: (612) 766-7000

Facsimile: (612) 766-1600

ATTORNEY FOR PLAINTIFFS

ACKNOWLEDGEMENT REQUIRED BY MINN. STAT. § 549.211, SUBD.1

The undersigned hereby acknowledges that pursuant to Minn. Stat. § 549.211, subd. 3, sanctions may be imposed if, after notice and a reasonable opportunity to respond, the Court determines that the undersigned has violated the provisions of Minn. Stat. § 549.211, subd. 2.

Dated: May 28, 2015

FAEGRE BAKER DANIELS LLP

s/Rhyddid Watkins

Ll. Rhyddid Watkins
Rhyddid.Watkins@FaegreBD.com
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: (612) 766-7000
Facsimile: (612) 766-1600

ATTORNEY FOR PLAINTIFFS