

Discretionary Variance Request

In accordance with Minnesota Statutes [14.055](#) and [14.056](#), a person or entity who wishes the Professional Educator Licensing and Standards Board (PELSB) to consider a request for a variance from a rule or portion of a rule under the Board's authority may apply to PELSB for a discretionary variance. PELSB will examine each request on an individual basis. A discretionary variance will only be granted in cases of extreme hardship.

For the district to be considered eligible for this discretionary variance under Minnesota Statute 14.055, the district must submit a petition to PELSB. According to Minnesota Statute 14.056, the petition must include:

1. The name and address of the person or entity for whom a variance is being requested;
2. A description of and, if known, a citation to the specific rule for which a variance is requested;
3. The variance requested, including the scope and duration of the variance;
4. The reasons that the petitioner believes justify a variance, including a signed statement attesting to the accuracy of the facts asserted in the petition;
5. Explanation of why the application of the rule to the petitioner would result in hardship or injustice;
6. Explanation of why a variance from the rule would be consistent with the public interest;
7. Explanation of why a variance from the rule would not prejudice the substantial legal or economic rights of any person or entity;
8. A history of the agency's action relative to the petitioner, as relates to the variance request;
9. Information regarding the agency's treatment of similar cases, if known; and
10. The name, address, and telephone number of any person the petitioner knows would be adversely affected by the grant of the petition.

In addition, the Board requests that you include the following information as applicable:

- school year
- file folder number
- district number and type
- licensure area requested
- grade level
- % FTE for requested position
- Salary for requested position
- Date range and where the district advertised the position
- Attach resume

Also, please be very clear within the request as to why the permission is needed, how the individual is qualified for the position, and what steps the individual may be taking to move toward licensure.