

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0301**

In the Matter of the Teaching License of Raquel M. Andrade.

**Filed December 15, 2025
Affirmed
Larson, Judge**

Minnesota Professional Educator
Licensing and Standards Board
File No. 412937

Raquel M. Andrade, Minneapolis, Minnesota (self-represented relator)

Keith Ellison, Attorney General, Jamal Zayed, Theresa Flahaven, Assistant Attorneys General, St. Paul, Minnesota; and

Maria Zaloker, Teacher Ethics Attorney, Professional Educator Licensing and Standards Board, St. Paul, Minnesota (for respondent Minnesota Professional Educator Licensing and Standards Board)

Considered and decided by Bentley, Presiding Judge; Wheelock, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Respondent Minnesota Professional Educator Licensing and Standards Board (the board) suspended self-represented relator Raquel M. Andrade’s teaching license for six years following a contested-case hearing. On appeal, Andrade challenges both the procedures used during the contested-case hearing and the board’s final decision. We affirm.

FACTS

Andrade has a teaching license authorizing her to teach Spanish to students in kindergarten through grade 12. Andrade worked at two schools, Elizabeth Hall Elementary School and Beacon Academy.

Andrade began teaching at Elizabeth Hall Elementary School in fall 2018. In October, a teacher reported that Andrade pulled a kindergartener's ear. The school administrators investigated the report and uncovered a total of three alleged ear-pulling incidents involving Andrade and a kindergartner. The incidents were reported to the Minnesota Department of Education and the board. Andrade was placed on administrative leave with pay. In lieu of termination, Andrade resigned, and the board did not take any further action.

Andrade began teaching at Beacon Academy in fall 2021. In March 2023, Beacon Academy received reports that Andrade had grabbed two fifth graders (student A and student B) by their shoulders. Beacon Academy investigated the reports. The investigation revealed that Andrade yelled at student A, "grabbed their sweater near the shoulder," and "pulled" the chair student A was sitting in from "under the table forcefully." At the time, student A had a broken collarbone and wore a sling. Regarding student B, multiple students disclosed that Andrade yelled at student B and grabbed their shirt collar. As a result of the investigation, Beacon Academy placed Andrade on administrative leave without pay for two days. Beacon Academy reported the incidents to the Minnesota Department of Education and the board. Following the period of administrative leave, Andrade returned to her position.

In January 2024, the board’s ethics committee (the committee) initiated a contested-case hearing before the Court of Administrative Hearings.¹ The scope of the hearing was to determine whether Andrade’s actions in both 2018 and 2023 warranted discipline under either the statutory grounds for suspending or revoking a license, *see* Minn. Stat. § 122A.20, subd. 1(a) (2024), or for violating the Code of Ethics for Minnesota Teachers (the code), *see* Minn. R. 8710.2100, subp. 2 (2023). Specifically, the committee sought to prove that Andrade’s actions constituted: (1) “immoral character or conduct,” Minn. Stat. § 122A.20, subd. 1(a)(1); (2) “willful neglect of duty,” Minn. Stat. § 122A.20, subd. 1(a)(3); (3) failure to “make reasonable effort to protect the student from conditions harmful to health and safety” (duty to protect), Minn. R. 8710.2100, subp. 2(B); and (4) failure to “take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning” (duty to take reasonable disciplinary action), Minn. R. 8710.2100, subp. 2(D).

Following a prehearing conference, the administrative-law judge (ALJ) scheduled the contested-case hearing for June 13 and 14, 2024. As the hearing neared, Andrade requested a continuance due to health issues interfering with her ability to prepare. The ALJ partially granted the request, moving the second day of the contested-case hearing to October 4, 2024.

¹ Effective August 1, 2025, the legislature changed the name of the Office of Administrative Hearings to the Court of Administrative Hearings. *See* 2025 Minn. Laws ch. 39, art. 2, § 17, at 1219 (amending Minn. Stat. § 14.48, subd. 1 (2024)).

On the first day of the contested-case hearing in June, following arguments from both parties, the ALJ admitted the committee's eleven exhibits. The committee then called four witnesses: student A, student B, an administrator from Elizabeth Hall Elementary School, and an administrator from Beacon Academy. Andrade cross-examined each witness, except the Elizabeth Hall Elementary School administrator. At the end of the first day, Andrade requested that she be allowed to recall each witness during the second day of the contested-case hearing. The ALJ expressed concerns about recalling student A and student B but did not deny Andrade's request.

On the second day of the hearing in October, Andrade sought to admit eight exhibits. Following arguments from both parties, the ALJ did not admit four exhibits on the basis that they were irrelevant and lacked foundation. Andrade then recalled the two administrators, and she testified on her own behalf.

Following the contested-case hearing, the ALJ issued a report and recommendation concluding the board proved that Andrade's actions violated Minn. R. 8710.2100, subp. 2(D), because she failed to perform her duty to take reasonable disciplinary action. But the ALJ determined the committee failed to establish the other three alleged violations. The parties filed exceptions to the ALJ's report, and the board held a hearing in January 2024.² After the hearing, the board adopted the ALJ's report, in part, but disagreed with the ALJ's determination that the committee failed to establish all four alleged violations. Instead, the board determined that—in addition to her failure to perform the duty to take

² Andrade did not attend the board hearing on January 17, 2025, after receiving notice on December 18, 2024.

reasonable disciplinary action—Andrade’s conduct constituted “immoral conduct,” “willful neglect of duty,” and a failure to perform her duty to protect. The board disciplined Andrade and suspended her license for six years.

Andrade appeals.

DECISION

Andrade raises several challenges to the board’s decision to suspend her license. Before reaching her arguments, we review the applicable law.

To teach in a Minnesota public school, a person must hold a license. *See* Minn. Stat. §§ 122A.15, subd. 1, 122A.16 (2024). The board has authority to discipline a licensed teacher for five statutory reasons or for violating the code.³ Minn. Stat. § 122A.20, subd. 1(a) (grounds for revocation, suspension, or denial); Minn. R. 8710.2100 (2023) (the code); *see also* Minn. R. 8710.0800 (2023) (procedures for revocation or suspension of licenses). License suspension is one form of discipline the board can impose. Minn. R. 8710.2100, subp. 5(D) (providing that license may be suspended for period of time determined by board).

If the board receives a complaint and—following communication with the licensed teacher and investigation—believes board action may be warranted, the board must schedule a contested-case hearing under the Minnesota Administrative Procedure Act (MAPA), Minn. Stat. §§ 14.001-.69 (2024). Minn. Stat. § 214.10, subd. 2 (2024).

³ A disciplinary action to enforce the code requires the board to comply with certain procedures. *See* Minn. R. 8710.2100, subp. 3 (2023) (citing Minn. Stat. § 214.10, subds. 1-3). The board followed those procedures in this case.

Following the contested-case hearing, an ALJ sends a report and recommendation to the board. Minn. Stat. § 14.50. The board then issues a final decision regarding (1) whether board action is appropriate, and if so, (2) the appropriate discipline, including suspension. Minn. Stat. §§ 14.61-.62; Minn. R. 8710.2100, subp. 5. Thereafter, a person who is aggrieved by the board’s decision may seek judicial review. *See* Minn. Stat. § 14.63. We review the board’s decision under Minn. Stat. § 14.69, which provides that we:

may affirm the decision of the agency or remand the case for further proceedings; or [we] may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

The board’s decision “enjoy[s] a presumption of correctness,” and the person challenging the board’s decision bears “the burden of proof.” *See In re Excelsior Energy, Inc.*, 782 N.W.2d 282, 289 (Minn. App. 2010).

Here, broadly, Andrade challenges her suspension on five grounds: (1) the board violated her right to procedural due process; (2) the board used an unlawful procedure when it initiated a single contested-case hearing for both the 2018 and 2023 incidents; (3) the board’s decision that her conduct warranted discipline was unsupported by substantial evidence; (4) the board’s decision was arbitrary and capricious; and (5) the ALJ made errors during the contested-case hearing. We address Andrade’s arguments in turn.

I.

Andrade first argues the board violated her right to procedural due process. *See* Minn. Stat. § 14.69(a). Both the federal and state constitutions prohibit the government from denying “life, liberty, or property” absent due process of law. U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. We review de novo whether an agency afforded a party procedural due process. *In re Minnikka Props., LLC*, 834 N.W.2d 572, 580 (Minn. App. 2013).

“We conduct a two-step analysis to determine whether the government has violated an individual’s procedural due process rights.” *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). First, we identify whether the board deprived Andrade of “a protected life, liberty, or property interest.” *Id.* A teacher has a property interest in their teaching license, *see Falgren v. State, Bd. of Teaching*, 545 N.W.2d 901, 908-09 (Minn. 1996), so we move to the second step.

Under the second step, we must determine whether the board employed constitutionally sufficient procedures. *Sawh*, 823 N.W.2d at 632. Constitutionally sufficient procedures include notice and an opportunity to be heard. *Id.* To decide whether a procedure meets this standard, we typically apply the factors from *Mathews v. Eldridge*, 424 U.S. 319 (1976).⁴ But Andrade does not analyze the *Mathews* factors or offer any

⁴ The *Mathews* factors require us to consider:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function

other authority to support her claim that a contested-case hearing does not provide an opportunity to be heard. *See Poeschel v. Comm’r of Pub. Safety*, 871 N.W.2d 39, 47 (Minn. App. 2015) (“An assignment of error in a brief based on ‘mere assertion’ and not supported by argument or authority is [forfeited] unless prejudicial error is obvious on mere inspection.”). Further, a contested-case hearing under MAPA is the gold standard for administrative proceedings in Minnesota, requiring a trial-style hearing process. *Cf. GH Holdings, LLC v. Minn. Dep’t of Com.*, 840 N.W.2d 838, 842 (Minn. App. 2013) (stating procedures in contested-case hearing “are the incidents of a trial” (quotation omitted)); *CUP Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557, 563 (Minn. App. 2001) (holding due-process rights satisfied when relator received notice, a neutral ALJ, a trial-type hearing, and an ALJ report based on record), *rev. denied* (Minn. Nov. 13, 2001); *Haik v. Pro. Educator Licensing & Standards Bd.*, No. A25-0368, 2025 WL 2754171, at *6-7 (Minn. App. Sept. 29, 2025) (explaining contested-case hearings provide procedural protections by ensuring adequate notice, opportunity for discovery, and trial-like hearing with opportunity to present evidence and cross-examine witnesses).⁵ Thus, upon our inspection, we conclude that Andrade received an opportunity to be heard.

For these reasons, Andrade has not met her burden to show the board violated her right to procedural due process.

involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

424 U.S. at 335.

⁵ This opinion is nonprecedential and, therefore, not binding. We cite nonprecedential opinions as persuasive authority only. *See Minn. R. Civ. App. P. 136.01, subd. 1(c).*

II.

Andrade next argues the board followed an unlawful procedure because it did not comply with Minn. R. 1400.6350 (2023) when it “consolidated” the 2018 and 2023 incidents into one contested-case hearing. *See* Minn. Stat. § 14.69(c). Rule 1400.6350, subpart 1, provides that two or more “contested cases” can be consolidated if they “present substantially the same issues of fact and law, [where] a holding in one case would affect the rights of parties in another case . . . save time and costs, and . . . not prejudice any party.”

We are not persuaded that the board used an unlawful procedure. The rule does not seem to apply because the committee initiated a single contested case based on the 2018 and 2023 incidents, rather than two separate contested cases requiring consolidation. *See* Minn. R. 1400.6350, subp. 1. And Andrade does not provide any authority establishing that it is unlawful for the committee to raise multiple incidents in a single contested-case hearing. *See Poeschel*, 871 N.W.2d at 47 (“An assignment of error . . . based on ‘mere assertion’ . . . is [forfeited] unless prejudicial error is obvious.”). Because prejudicial error is not obvious upon mere inspection, we conclude Andrade did not meet her burden to show the board followed an unlawful procedure.

III.

Andrade next asserts the board’s decision that her conduct warranted discipline is unsupported by substantial evidence. *See* Minn. Stat. § 14.69(e). Substantial evidence is “(1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than some evidence; (4) more

than any evidence; or (5) the evidence considered in its entirety.” *In re Wazwaz*, 943 N.W.2d 212, 216-17 (Minn. App. 2020) (quotation omitted), *rev. denied* (Minn. June 30, 2020). “[A] substantial-evidence analysis requires us to ‘determine whether the agency has adequately explained how it derived its conclusion and whether that conclusion is reasonable on the basis of the record.’” *In re NorthMet Project Permit to Mine Application*, 959 N.W.2d 731, 749 (Minn. 2021) (quoting *Minn. Power & Light Co. v. Minn. Pub. Utils. Comm’n*, 342 N.W.2d 324, 330 (Minn. 1983)).

As described above, the board has authority to discipline a licensed teacher for violating the code.⁶ Minn. R. 8710.0800, subp. 1; *see also* Minn. R. 8710.2100, subp. 5. The board found Andrade violated two code provisions: the duty to take reasonable disciplinary action, Minn. R. 8710.2100, subp. 2(D), and the duty to protect, Minn. R. 8710.2100, subp. 2(B). We address each alleged violation in turn.

Beginning with the duty to take reasonable disciplinary action, the code states that “[a] teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.” Minn. R. 8710.2100, subp. 2(D). Minnesota law bars teachers from using corporal punishment to reform, or as a penalty for unacceptable student conduct. Minn. Stat. § 121A.58, subd. 2 (2024). Corporal punishment includes

⁶ The board suspended Andrade’s license after determining her conduct violated the two code provisions and constituted “immoral conduct” and “willful neglect of duty” under Minn. Stat. § 122A.20, subd. 1(a). We need not decide whether Andrade’s conduct also constituted “immoral conduct” or “willful neglect of duty” because the board’s decision to suspend Andrade for violating the code is supported by substantial evidence in the record, there is nothing in the board’s decision that indicates the severity of the discipline imposed depended on the number of violations, and Andrade does not challenge the severity of the discipline.

“hitting or spanking a person with or without an object” or “unreasonable physical force that causes bodily harm or substantial emotional harm.” *Id.*, subd. 1. But teachers may use “reasonable force” with a student “when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or to another.” Minn. Stat. § 121A.582, subd. 1(a) (2024).

To support its conclusion that the committee met its burden to prove Andrade failed to take reasonable disciplinary action, the board found that Andrade’s use of physical discipline with the kindergartners, student A, and student B “constituted unlawful corporal punishment.” The board further found that there was “no evidence in the record showing that [Andrade] was faced with a student who presented a risk of harm” requiring the use of physical force. The board determined that Andrade’s “use of corporal punishment inflicted pain and fear in students, was not reasonable disciplinary action, and created an atmosphere that was not conducive to learning.” The board’s findings—that Andrade used physical force against the students, that the use of physical force caused the students to feel fear, and that the level of force was unreasonable under the circumstances—are well supported by the testimonies of student A, student B, and the two administrators. Therefore, we conclude the board’s decision is supported by substantial evidence.

Moving to the duty to protect,⁷ the code provides that “[a] teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.”

⁷ We note that the only reason the ALJ provided to support its decision that the committee failed to establish a violation of the duty to protect was “it is not necessary or appropriate . . . to stack multiple violations for the same conduct.”

Minn. R. 8710.2100, subp. 2(B). The board concluded that the committee met its burden to show that Andrade did not comply with this provision when she used physical force to discipline the two kindergartners, student A, and student B. To support its decision, the board relied on its findings that Andrade (1) pulled on the kindergartners' ears and (2) yelled at student A and student B, grabbing one by the sweater near their broken collarbone and the other by their shirt collar. These findings are amply supported by the testimonies of student A, student B, and the two administrators. Therefore, we conclude the board's decision is supported by substantial evidence.

For these reasons, the board's decision that Andrade's actions warranted discipline is supported by substantial evidence in the record.

IV.

Andrade also asserts the board's decision to suspend her license was arbitrary and capricious. *See* Minn. Stat. § 14.69(f). "An agency decision is arbitrary and capricious if it is an exercise of the agency's will, rather than its judgment, or if the decision is based on whim or is devoid of articulated reasons." *CUP Foods*, 633 N.W.2d at 565. An agency engages in arbitrary and capricious decisionmaking if it (1) relies "on factors not intended by the legislature"; (2) entirely fails "to consider an important aspect of the problem"; (3) offers "an explanation that runs counter to the evidence"; or (4) "the decision is so implausible that it could not be explained as a difference in view or the result of the agency's expertise." *Citizens Advocating Responsible Dev. v. Kandiyohi Cnty. Bd. of Comm'rs*, 713 N.W.2d 817, 832 (Minn. 2006).

Andrade argues the board's decision is arbitrary and capricious because it disregarded the evidence she presented regarding bias, improper motive, and fabrication of the allegations. We are not persuaded. Andrade's arguments go to the weight of the evidence and the board's credibility determinations. "We do not re-try the facts or make credibility determinations" when reviewing an administrative decision. *Excelsior Energy*, 782 N.W.2d at 296. Accordingly, we conclude Andrade did not meet her burden to show the board engaged in arbitrary and capricious decisionmaking.

V.

Finally, Andrade raises several challenges to the way the ALJ conducted the contested-case hearing. She contests the ALJ's decision to deny her continuance request in part; certain evidentiary decisions; and the ALJ's failure to properly accommodate Andrade's self-represented status.

Beginning with the continuance request, we review the ALJ's decision to deny a continuance for an abuse of discretion. *See Torchwood Properties, LLC v. McKinnon*, 784 N.W.2d 416, 418 (Minn. App. 2010) (reviewing district court's denial of continuance motion). Under Minn. R. 1400.7500 (2023), an ALJ shall grant a continuance upon a showing of "good cause." To determine whether "good cause" exists, the ALJ must give due regard to the requesting party's ability to effectively proceed without a continuance. Minn. R. 1400.7500. "[W]hen we evaluate the denial of a continuance motion, the critical question is . . . whether the denial prejudiced the outcome" *Torchwood*, 784 N.W.2d at 419.

We conclude the ALJ did not abuse their discretion when they partially denied the continuance request. The record reveals that the ALJ weighed the interests of the committee in presenting its case with Andrade's ability to effectively proceed. By moving the second day of the hearing out nearly four months, the ALJ provided Andrade ample opportunity to prepare for the presentation of her evidence given her health concerns. Accordingly, we conclude the ALJ's decision did not prejudice the outcome of the case.

Next, Andrade challenges certain evidentiary decisions by the ALJ. We review evidentiary decisions for an abuse of discretion. *See CUP Foods*, 633 N.W.2d at 566 (applying abuse-of-discretion standard to review ALJ's evidentiary ruling on motion to strike).

Andrade first asserts the ALJ abused their discretion when they denied her the opportunity to recall student A and student B. Andrade's argument is not supported by the record. Following the first hearing day, Andrade asked to recall the same four witnesses on the second hearing day. Initially, the ALJ said no. But after some discussion, the ALJ changed their mind and said, "if you do choose to call, I would ask that you please do not call the students." Yet the ALJ acknowledged that Andrade had the "right" to recall the witnesses and stated that they did not know if they could stop Andrade if she chose to recall them. Accordingly, the record does not reflect that the ALJ denied Andrade the right to recall student A and student B.

Andrade argues second that the ALJ made biased decisions in the admission of the exhibits. Specifically, she argues the ALJ applied different evidentiary standards because they admitted all eleven of the committee's exhibits but only four of her eight exhibits. We

are not persuaded. The record reflects that the ALJ made reasoned decisions when evaluating the admissibility of the exhibits and, to the extent they disagreed with Andrade's positions, they explained their decisions within the confines of Minn. R. 1400.7300, subp. 1 (2023) (admissible evidence). We, therefore, conclude the ALJ did not abuse their discretion in their evidentiary decisions regarding the exhibits.

Finally, Andrade argues the ALJ failed to properly consider Andrade's self-represented status. Andrade's argument is belied by the record. The record shows the ALJ took Andrade's self-represented status into consideration. During the first hearing, the ALJ stopped to ask if Andrade understood the rules of evidence, legal terminology, and the process of witness examination. They even paused to remind Andrade that she was able to ask a witness questions and asked if Andrade wanted an interpreter. The ALJ also admitted some exhibits with questionable foundation and gave Andrade leeway in questioning witnesses. Thus, the record does not indicate that the ALJ failed to take Andrade's self-represented status into consideration.

Affirmed.