

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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Donald Mueting
Special Assistant Attorney General
303 Capitol Square Building

October 12, 1977

- BT 3 and BT 109

N.B. The effective date of these rules, despite what they say, is 20 days after publication in the State Register. The stated effective date in the rules should be stricken.

Attorney General

Donald Mueting
Special Assistant
Attorney General

August 19, 1977

296-4692

Michael B. Miller
Special Assistant
Attorney General

Board of Teaching Rules

Returned herewith are the above-captioned rules. I need:

1. One set of copies of all documents;

2. Five sets of the rules as adopted and repealed and

3. An order doing exactly what should be done with the rules, so that the Secretary of State's file reflects the status of the rules accurately.

MBM:mb

Enclosure

MINNESOTA BOARD OF TEACHING
607 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

KENNETH L. PEATROSS
EXECUTIVE SECRETARY

KATHRYN C. RAYBURN, Chairman
513 - 32nd Street Northeast
Rochester, Minnesota 55901

JOSEPH J. MOREN, Vice-Chairman
304 East 32nd Street
Hibbing, Minnesota 55746

ROBERT J. CASANOVA
982 South Market
Shakopee, Minnesota 55379

WILLIAM E. GARDNER
104 Burton Hall
University of Minnesota
Minneapolis, Minnesota 55455

LOWELL GILLETT
St. Cloud State College
St. Cloud, Minnesota 56301

MARGERY H. HARRIS
4624 Colfax Avenue South
Minneapolis, Minnesota 55409

EDWARD HUDOBA
United Labor Center
312 Central Avenue - Room 356
Minneapolis, Minnesota 55414

LUCILLE L. KAINU
590 Highway 33 North
Cloquet, Minnesota 55720

JO MALMSTEN
5350 Shady Hills Circle
Shorewood, Minnesota 55331

CARL H. NEVILS
20200 Vance Street
Elk River, Minnesota 55330

ADDIE PERL
2240 Drew Avenue South
Minneapolis, Minnesota 55416

EDWARD A. RAPP
9955 Grouse Street Northwest
Coon Rapids, Minnesota 55433

EUGENE ROACH
Star Route, Box 50 A
Silver Bay, Minnesota 55614

AARON RUPERT
1409 West Minnehaha Avenue
St. Paul, Minnesota 55104

SISTER MARY DENISE VILLAUME
2475 Dodd Road
St. Paul, Minnesota 55120

DOLORES WINDINGSTAD
Route #1, Box 41
Dawson, Minnesota 56232

TO : Michael B. Miller, Special Assistant Attorney General

FROM : Kenneth L. Peatross, Executive Secretary MINNESOTA BOARD OF TEACHING

DATE : August 24, 1977

SUBJECT: Rules of the Minnesota Board of Teaching

Pursuant to your request in correspondence dated August 19, 1977, attached please find:

1. A complete set of all documents relating to the adoption and repeal of the attached rules of the Minnesota Board of Teaching

2. Five sets of the rules of the Minnesota Board of Teaching as adopted and repealed

3. The Order adopting the rules for the files of the Secretary of State which accurately reflects the status of the rules

This is to advise you that rules adopted by the Minnesota Board of Teaching must be approved by the Minnesota Board of Education. Of the rules adopted by the Minnesota Board Teaching, only two rules, as attached to the affidavit of Howard B. Casmey, have been approved by the Minnesota Board of Education and accepted by the Minnesota Board of Teaching.

These rules are hereby submitted to the Office of the Attorney General for approval and submission for filing with the Office of the Secretary of State.

KLP/nad

Attachments

AN EQUAL OPPORTUNITY EMPLOYER

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Donald J. Mueting, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Donald J. Mueting
Special Assistant Attorney General

Dated: July 29, 1977

ADMIN 1060

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MIKE MILLER
Special Assistant Attorney General
G19K Administration Bldg.

DATE: July 29, 1977

FROM : DONALD J. MUETING
Special Assistant Attorney General

PHONE: 6-3701

SUBJECT: RULES OF BOARD OF TEACHING

Please accept on behalf of the Board of Teaching the enclosed certificate. This pertains to and completes the record on the proposed rules submitted for your approval.

DJM:li

Enc.

cc: Kenneth Peatross

MINNESOTA BOARD OF TEACHING
607 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

KENNETH L. PEATROSS
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2475 Dodd Road
St. Paul, Minnesota 55120

DOLORES WINDINGSTAD
Route #1, Box 41
Dawson, Minnesota 56232

July 18, 1977

Mr. Michael B. Miller
Special Assistant Attorney General
Room G19K
Administration Building

Dear Mike:

I hereby submit for final approval by the Office of the Attorney General, rules heard at Public Hearing on December 11, 1976, which have been approved by the Minnesota Board of Education and which have been approved and adopted by the Minnesota Board of Teaching.

The two rules submitted for final approval are attached to the affidavit of Howard B. Casmey.

I ask your consideration in expediting this final approval so that these rules may, as soon as possible, be published in the register of the state so that they might become effective.

Sincerely,

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

KLP/pac

Attachments

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF TEACHING

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD OF TEACHING GOVERNING PROCEDURES FOR ISSUANCE OF LIFE LICENSES, ISSUANCE AND RENEWAL OF ALL LICENSES-FEES, SCHOOL NURSE, COACHES OF INTERSCHOLASTIC SPORTS IN THE ELEMENTARY AND SECONDARY SCHOOLS.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing on the above-entitled matter was held on Saturday, December 11, 1976, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Minnesota Board of Teaching on February 4, 1977; and

WHEREAS, the hearing included several rules consolidated into one hearing; and

WHEREAS, the Minnesota Board of Teaching has now determined to adopt only those rules numbered BT 3 (Issuance and Renewal of All Licenses; Fees) and the repeal of BT 109; and

WHEREAS, the Minnesota Board of Teaching has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final rule to be adopted and the repeal of the one rule are not substantially different from those which were proposed at the public hearing and that the Minnesota Board of Teaching has met all requirements of Minn. Stat. §15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Minnesota Board of Teaching has the responsibility of submitting the complete hearing record and the rules as adopted and repealed by the Agency to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 15th day of July, 1977.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 11th day of December, 1976, at 9:00 a.m. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules and the reasonableness thereof.

NOW, THEREFORE, IT IS ORDERED that the rule identified as BT 3 Issuance and Renewal of all Licenses; Fees is adopted and the existing rule identified as BT 109 Public School Coaches for Girls' Interscholastic Sports is hereby repealed this 24th day of February, 1977, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Kathryn C. Rayburn

Kathryn C. Rayburn, Chairman

Joseph J. Moren

Joseph J. Moren, Vice Chairman

Bd. Ex. 9

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

STATEMENT OF EVIDENCE

In addition to the STATEMENT OF NEED which is available for inspection or purchase at the Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104 and in support thereof the BOARD OF TEACHING will introduce the following evidence and may call one or more of the following expert witnesses to testify:

BT 2 RULES GOVERNING Procedures for Issuance of Life Licenses:

1. Mr. John E. Ferkul
   Teacher
   Virginia, Minnesota

   Mr. Ferkul and a committee listed on the first page of a survey for the TEPS Commission of the MEA Schools (attached) conducted a survey of teachers in the fall of 1972 with 4,926 responses. Part of his testimony will refer to this survey and its results.

   In addition, he will contend that teachers in Minnesota, prior to July 1, 1969, applied for and received initial licenses which were the first steps of a licensure system that included a Life License after five years of successful teaching. In effect, an agreement was signed with the State of Minnesota and that agreement should be fulfilled.

   Further, those teachers in that licensure system were not notified by the State that a different arrangement was being proposed to the Minnesota Legislature so that they could take action to protect their interests.

   Finally, no due process procedures were built into the law to provide protection for those teachers who believed they were working toward a Life License.

2. Mr. Orrin DeLong
Teacher
Northfield, Minnesota

Mr. DeLong and a committee of the MEA conducted a Life License Survey in the winter of 1976, receiving 15,316 responses by March 9, 1976. He will use the results of that survey in his testimony.

In addition, Mr. DeLong will site several cases which he contends were injustices or illegalities, denying the individuals their due process rights.

These cases concern teachers who moved into Minnesota from other states, giving up Life Licenses there in some cases because they believed they would be able to obtain a Life License in Minnesota--as they were promised by the local hiring districts and the State Department of Education.

Other cases concern teachers who were on maternity leaves sometime during the period of 1963 to 1969 and thus were denied claiming five years of teaching prior to July 1, 1969 when Life Licenses were terminated. Due process was denied them.

Finally, there are claims by teachers that they were misinformed by the State Department of Education, stating they were told the 1969 law would not go into effect until 1975 -- thus believing there would be a grandfather clause in the law.

3. Ms. Charlotte Sandstrom
Vocational Teacher
Hibbing, Minnesota

Ms. Sandstrom will testify contending that injustices still exist from the time that Life Licenses ceased to be issued. These injustices will be corrected with the adoption of BT 2 Procedures for Issuance of Life Licenses.

Statements will also include evidence from personal experience attesting to existing inequities from the time that Life Licenses ceased to be issued.

4. Mr. Charles Cole
Staff Member
Minnesota Federation of Teachers
St. Paul, Minnesota

Mr. Cole will testify contending that at the time Life Licenses ceased to be issued, active teachers were denied a right available and expected upon entry into the profession.

5. Mr. Henry Winkles
Assistant Executive Secretary
Minnesota Federation of Teachers
St. Paul, Minnesota

Mr. Winkles will contend that the adoption of BT 2 Procedures for Issuance of Life Licenses is a legitimate first step in a process of establishing a system of career licensure for teachers including levels of licensure in the state of Minnnesota.

BT 3 RULES GOVERNING Issuance and Renewal of all Licenses-Fees:

1. Ms. Kathryn Rayburn, Chairman
Minnesota Board of Teaching
Rochester, Minnesota

Ms. Rayburn will testify concerning statutory provisions requiring the Board of Teaching to establish by rule the period of time for which each license issued is valid and that the amount of the total processing fees collected as closely as possible approximate the amount of the total anticipated expenditures of each licensing board.

2. Dr. George B. Droubie, Director
Teacher Certification and Placement
Minnesota Department of Education
St. Paul, Minnesota

Dr. Droubie will present evidence attesting to the statistical and financial data which indicates current licensing practice and projected licensing practice.

This data will include numbers of licenses issued and revenue generated as well as data concerning current and projected expenditures relative to the Board of Teaching.

BT 106 RULES GOVERNING School Nurse:

1. Dr. Robert ten Bensel, Director
Maternal Child Health Program
School of Public Health
University of Minnesota
Minneapolis, Minnesota

Dr. ten Bensel will testify concerning the effects of mental and physical illness on the growth, development, and learning ability of a child.

2. Ms. George Zubick
   Parent
   Ramsey County
   Minnesota

   Ms. Zubick will describe the difficulty her son experienced and how the school nurse assisted in the discovery of a health problem which caused the difficulty.

3. Ms. Kirsten Kurtz
   Assistant Executive Director
   Minnesota Nurses Association
   St. Paul, Minnesota

   Ms. Kurtz will present reasons that the profession of nursing endorses public health nursing certification as a minimum standard for the practice of school nursing.

   She will explain the difference between the preparation required of a certified public health nurse and a registered nurse without baccalaureate degree nursing education.

4. Ms. Delphie Fredland
   Associate Professor
   Maternal and Child Health Nursing Division
   School of Public Health
   University of Minnesota
   Minneapolis, Minnesota

   Ms. Fredland will describe the educational preparation needed for school nurses in order to meet the needs of school children today.

   She will describe educational opportunities available in Minnesota for the 215 registered nurses employed as school nurses and who do not meet the proposed licensure requirements for school nurse.

5. Ms. Elenor Thelander
   School Nurse Coordinator
   White Bear Lake, Minnesota

   Ms. Thelander will testify concerning the provision for grandfathering the 215 school nurses who do not currently meet the proposed licensure requirements for school nurse.

   She will describe the advantages to school students having a school health program administered by a licensed public health nurse.

6. Ms. Mary Lou Christenson
   Instructor
   School of Nursing
   Mankato State University
   Mankato, Minnesota

   Ms. Christenson will present case studies and give examples of health problems school students experience and describe how the public health nurse assists school students in dealing with health problems.

BT 108 RULES GOVERNING Coaches of Interscholastic Sports in the Elementary and Secondary Schools:

1. Dr. Carl Knutson, Supervisor
   Health, Physical Education and Safety
   Minnesota Department of Education
   St. Paul, Minnesota

   Dr. Knutson will testify providing supporting justification for the establishment of licensure standards for athletic coaches in Minnesota schools.

2. Ms. Susan Day, Director
   Women's Athletics
   Winona State University
   Winona, Minnesota

   Ms. Day will testify providing justification for Class A requirements contained in the proposed licensure rule.

3. Mr. Larry Koenck, Consultant
   Elementary School Physical Education
   Rochester Public Schools
   Rochester, Minnesota

   Mr. Koenck will testify providing justification for Class B requirements contained in the proposed licensure rule.

   Mr. Koenck will also provide testimony relating to the justification of the grandparenting provision contained in the proposed licensure rule.

4. Dr. Edward Nelson, M.D., Chairman
   Committee on Medical Aspects of Sports
   Minnesota State Medical Association

   Dr. Nelson will present evidence concerning the scientific basis for coaching and the prevention and care of athletic injuries.

We intend to introduce the following manuals, books, scientific treatises, surveys, and other documentary evidence:

1. Minnesota Education Association Life Certificate Survey
2. Survey for the TEPS Commission of the MEA Schools
3. Minnesota Requirements for Certification as a Public Health Nurse
4. Action in Nursing - Progress in Professional Purpose
   Jerome P. Lysaugth
5. Registered Nurse Licensed
   Practical Nurse
   Minnesota Nurses Association
6. Differences between RN and PHN Certification
   Minnesota Nurses Association
7. Correspondence from Minnesota Department of Health
8. The New Legal Definition of Registered Nursing
   Minnesota Nurses Association
9. Goals of School Nursing - An Interpretive Tool
   Minnesota Nurses Association

We will be citing the following statutes:

1. M.S. 125.185, Subd. 4
2. M.S. 127.071
3. Minnesota Laws 1976, Chapter 222, Section 3

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 11/12/76

Bd. of Ed. 8

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

STATEMENT OF NEED

Some of the above captioned rules are amendments to existing rules and others are new rules of the Board of Teaching.

The last time any of the above captioned rules were amended was 1975.

The need to adopt BT 2 RULES GOVERNING Procedures for Issuance of Life Licenses arises:

Because M.S. 125.185, Subd. 4, mandates that the Board of Teaching "grant life licenses to those who qualify according to requirements established by the Board of Teaching," and

Because the Minnesota Legislature, in 1969, removed the opportunity for life licensure for all "continuing" teachers except those who qualified with at least five years of experience prior to July 1, 1969, thus depriving active teachers in the field of a right available and expected upon entry into the profession, and

Because the date of July 1, 1969, appears to be arbitrary as applied to practicing teachers, and

Because a precident for instituting a system of grandfathering for these teachers who presented a valid claim has already been established by the 1973 Legislature which authorized those non-life licensed teachers eligible in 1969 to apply for and receive such licensure by July 1, 1975, and

Because another legislative bill, House File #1431, was introduced in the 1975 Legislature to fulfill essentially the same goal as BT 2, thus reflecting a less than desirable process of licensure regulation by legislative act, rather than by Board of Teaching action after an intense system of professional and public input and study, and

Because more recent legislative trends have indicated a movement toward a "continuing education" philosophy for all practicing professionals, thus providing the Board of Teaching the opportunity to "grant life licensure" as required by law to those limited number of senior teachers who hold a justifiable claim to the status, while retaining a system of "professional growth" for all teachers entering the profession after July 1, 1969, and

Because the most logical recipients of a mandated life licensure would be only those senior teachers who have indicated to the Board of Teaching their belief that an extension of eligibility for pre-1969 life licensure would provide both equity and the fulfillment of a promise, and

Because the removal of this last of the "gray areas" in the realm of life licensure would allow the Board of Teaching to propose rules for new levels of licensure that would provide professional status to active teachers, while insuring the public that protection which is inherent in mandated and continuous professional growth.

The need to adopt BT 3 RULES GOVERNING Issuance and Renewal of all Licenses-Fees arises:

Because Minnesota Laws 1976, Chapter 222, Section 3 requires that the Board of Teaching establish by rule the period of time for which each license is valid and the processing fee required for the issuance of each license, and

Because Minnesota Laws 1976, Chapter 222, Section 3 requires all licensing boards to adjust processing fees by rule in order that the amount of the total fees collected as closely as possible approximate the amount of the

total anticipated expenditures of each licensing board, and

Because the Board of Teaching estimates that expenditures of the Board including actual cost of services rendered by the Department of Education under the authority of the Board based upon FY 1978 projections will be approximately $450,580.00, and

Because the current ten dollar processing fee authorized by the Board of Teaching generates revenue each fiscal year in the amount of $250,000.00, and

Because the Board of Teaching estimates that a twenty dollar processing fee will generate revenue each fiscal year in the amount of $500,000.00, and

Because the increased revenue generated by a twenty dollar processing fee will as closely as possible approximate the amount of the total anticipated expenditures of the Board of Teaching.

The need to adopt BT 106 RULES GOVERNING School Nurse arises:

Because the present licensure structure for Public School Nurses which is permissive does not insure that persons employed in public schools as nurses meet minimally acceptable standards necessary to protect the health and well being of Minnesota school children, and

Because parents, students, and teachers are entitled to be assured that persons employed by a school district who use the title "nurse, school nurse, licensed school nurse, or public health school nurse," meet minimally acceptable requirements and meet standards of training and preparation in order to render adequate nursing services and to meet the health need requirements of Minnesota school children, and

Because the 215 school nurses who may or may not meet current voluntary licensure requirements and who do not meet minimally acceptable standards as proposed and who are currently providing nursing services to Minnesota school children need direction in order to meet requirements for training and prepara-

tion necessary to provide school health services for Minnesota school children, and

Because Minnesota school districts should be assured that persons employed as nurses by them possess the qualifications to provide the nursing services required in a comprehensive school health program, and

Because persons employed as school nurses should be qualified to implement health components inherent in Rules of the State Board of Education, Edu 120-139 Special Education and federal legislation contained in Title 19 Early and Periodic Screening, Diagnosis and Treatment.

The need to repeal BT 108 RULES GOVERNING Public School Athletic Coaches and, BT 109 RULES GOVERNING Public School Coaches, Girls' Interscholastic Sports and adopt BT 108 RULES GOVERNING Coaches of Interscholastic Sports in the Elementary and Secondary Schools arises:

Because a double standard of licensure for coaches of boys' interscholastic sports and girls' interscholastic sports now exists in Minnesota. The minimum requirement for coaches of boys' interscholastic sports is 9 quarter hours of credit; and for the coaches of girls' interscholastic sports, the minimum requirement is 18 quarter hours of credit effective July 1, 1978. Also, all head varsity coaches of girls' interscholastic sports must be licensed, but for the boys' program head varsity coaches of only six sports must be licensed, and

Because this dual system of licensure may be found to be contrary to the Minnesota Human Rights Act of 1973 and the guidelines adopted by the Minnesota Department of Human Rights; and Title IX of the Education Amendments of 1972 passed by Congress, and

Because it is necessary to eliminate the double standard for licensure of coaches, BT 108 and BT 109 should be repealed, and

Because this action will leave a void regarding qualified leadership for interscholastic athletic programs for girls and boys in Minnesota, and

Because head varsity coaches must be competent to prevent avoidable injury and provide emergency care in case of an injury, and

Because head varsity coaching requires an understanding of the anatomical structure and physiological function of the body systems regarding conditioning and performance, and

Because head varsity coaches need to thoroughly understand the techniques and strategies of coaching in order to develop the full potential of the athlete, and

Because the emotional factors regarding the environment of the practice and game field, and the emotions of the athlete regarding competition needs to be understood and accommodated by the coach, and

Because head varsity coaches need to understand the role that athletics have in the educational process of the athletes and of the student body. A proper philosophy regarding athletics is needed to make this experience enriching for all who are directly or indirectly involved, and

Because rules and regulations of the Minnesota State High School League, and state and federal laws have an impact regarding the conduct of interscholastic sports; scheduling of facilities equally for both sexes is necessary; and budgets have to be carefully administered. Knowledgeable coaches need to assist athletic directors in these areas, and

Because coaches in preparation programs need to have a practicum experience to provide them with an opportunity to apply the competencies developed in the classroom.

The level of preparation and competency for all other coaches of interscholastic sports are not as high as the head varsity coach. The head varsity coach is responsible for the supervision or direction of those coaches who assist. However, all other coaches of interscholastic sports need some special preparation and competencies.

Because assistant coaches must be competent to prevent avoidable injury

and provide emergency care in case of an injury, and

Because assistant coaches need to thoroughly understand the techniques and strategies of coaching in order to develop the full potential of the athlete, and

Because the emotional factors regarding the environment of the practice and game field, and the emotions of the athlete regarding competition needs to be understood and accommodated by the coach, and

Because assistant coaches need to understand the role that athletics have in the educational process of the athlete and the student body. A proper philosophy regarding athletics is needed to make this experience enriching for all directly or indirectly involved, and

Because licensure of coaches of interscholastic sports has been a concern of Minnesota educators since 1956. A statewide survey by the State Supervisor of Health, Physical Education and Safety revealed a need for special preparation of men coaches. A health and physical education advisory committee of the State Board of Education recommended in 1968 that women coaches be licensed as well.

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 11/12/76

Bd. Ex. 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

The Board of Teaching deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 125, as amended.

The public hearing on the proposed rules captioned above will be held on Saturday, December 11 ,1976, commencing at 9:00 a.m.

It is estimated that the public hearing will continue until 6:00 p.m. on the date cited above and that approximately 200 to 250 persons will be in attendance.

STATE OF MINNESOTA
BOARD OF TEACHING

By Kenneth L. Peatross
KENNETH L. PEATROSS, Executive Secretary

Bd ex. 3

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minn. Stat. Section 15.0412 subd. 4 (Supp. 1975), in the above-entitled matter in the State Office Building, Auditorium, St. Paul, Minnesota 55101 on Saturday, December 11, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for twenty (20) days after the public hearing ends.

The Board proposes to amend or repeal its existing rules governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools. The authority of the Board to promulgate the proposed rules is found in Minn. Stat., chs. 15 and 125, as amended, and Minn. Laws 1976, ch. 222. A copy of the proposed amendments and repeals is attached hereto.

Under Minn. Stat. Section 10A.01 subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Copies of the proposed rules are now available and may be obtained by writing to:

Minnesota Board of Teaching
607 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Additional copies of the proposed rules will be available at the door on the date of the hearing.

STATE OF MINNESOTA
BOARD OF TEACHING

By Kenneth L. Peatross
KENNETH L. PEATROSS, Executive Secretary

Bd. ex. 2

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

ORDER FOR HEARING

The Board of Teaching deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 125, as amended.

NOW, THEREFORE, IT IS ORDERED on this 28th day of September, 1976, that a public hearing on the proposed rules captioned above be held in the State Office Building, Auditorium, St. Paul, Minnesota 55101, on Saturday, December 11, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the notice of said hearing be published in the State Register.

STATE OF MINNESOTA
BOARD OF TEACHING

By Kenneth L Peatross
KENNETH L. PEATROSS, Executive Secretary

Bd. Ex. 6

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption of a Rule of the Board of Teaching governing Issuance and Renewal of all Licenses-Fees

The Board of Teaching deems it necessary to consider adoption of the proposed rule captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Chapter 15, as amended, and Minnesota Statutes, Chapter 125, as amended, and Minnesota Laws 1976, Chapter 222.

The current processing fee for the issuance of a license by the Board of Teaching is ten dollars ($10.00).

The current processing fee of ten dollars ($10.00) generates revenue in the amount of $250,000.00 (est.) each fiscal year.

The Board proposes to establish by rule a processing fee of twenty dollars ($20.00).

The Board estimates that the twenty dollar ($20.00) processing fee will generate revenue in the amount of $500,000.00 each fiscal year.

The Board estimates that expenditures of the Board including the actual cost of services rendered by the Department of Education under the authority of the Board based upon FY 1978 projections to be approximately $450,580.00.

The Board proposes the adoption of the proposed rule establishing a processing fee for the issuance of licenses in the amount of twenty dollars ($20.00) in order to generate revenue sufficient to equal current expenditures and to account for inflationary factors in expenditures to be encountered in the near future.

STATE OF MINNESOTA
BOARD OF TEACHING

By Kenneth L Peatross
KENNETH L. PEATROSS, Executive Secretary

By Tom H. Mark
Education Agency Controller

10/29/76
Date

By _____
Commissioner, Department of Finance

_____
Date

APPROVED:
GERALD W. CHRISTENSON
Commissioner of Finance

BY: _____
Bernard J. Carlson, Director
Budget, Planning and Control

Bd. 44. 11

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD OF TEACHING GOVERNING PROCEDURES FOR ISSUANCE OF LIFE LICENSES, ISSUANCE AND RENEWAL OF ALL LICENSES - FEES, SCHOOL NURSE, COACHES OF INTERSCHOLASTIC SPORTS IN THE ELEMENTARY AND SECONDARY SCHOOLS

CERTIFICATE

I hereby certify that the attached 9 sheets & 504 labels constitute the complete list of persons, associations, and other interested groups who as of 12:45 o'clock p .m., this 1st day of November 1976, have requested pursuant to Minn. Stat. § 15.0412 (Supp. 1975) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

By Joan Anderson Growe
Ceil Dion

B. 14. 5

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The proposed adoption of Rules of the Board of Teaching governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools

AFFIDAVIT OF MAILING

Cynthia L. Johnson, being first duly sworn, deposes and says:

That on the 4th day of November, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States Mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Cynthia L. Johnson
Cynthia L. Johnson

Subscribed and sworn to before me
this 4th day of November, 1976.

Betty K. King

BETTY L. KING
Notary Public, Dakota Co., MN
My Commission Expires
June 13, 1983

Bd. Ex. 4

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD OF TEACHING GOVERNING PROCEDURES FOR ISSUANCE OF LIFE LICENSES, ISSUANCE AND RENEWAL OF ALL LICENSES - FEES, SCHOOL NURSE, COACHES OF INTERSCHOLASTIC SPORTS IN THE ELEMENTARY AND SECONDARY SCHOOLS

AFFIDAVIT

Donald J. Mueting, being first duly sworn on oath deposes and says:

1. That he is the attorney for the Board of Teaching of the State of Minnesota.

2. That on the 1st day of November, 1976, he went to the Secretary of State's Office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (Supp. 1975).

3. That on the 1st day of November, in response to the above request, the Secretary of State provided him with a list of 504 labels and nine pages of names and addresses which constitutes the complete list of persons, associations, and other interested groups who as of 12:45 o'clock p.m. on the 1st day of November, 1976 had requested that their names be placed on file for the purposes set out in paragraph 2 above.

FURTHER AFFIANT SAYETH NOT.

Donald J. Mueting

Subscribed and sworn to before me this 1 day of November, 1976.

RICHARD L. VARCO
Notary Public, Ramsey County, Minn.
My Commission Expires July 15, 1977

Notary Public

Bd. ex. 1

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, KATHRYN C. RAYBURN, do hereby certify that I am the Chairman of the Minnesota Board of Teaching, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 28th day of September, 1976, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

RESOLVED that Kenneth L. Peatross, Executive Secretary of the Minnesota Board of Teaching, be and hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board, including the enactment, amendment, or repeal of rules relating to: Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses - Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools, as well as perform any and all acts incident thereto, including but without being limited thereto, signing an order for hearing and notice of hearing, as well as securing a hearing examiner for all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of September, 1976.

Kathryn Rayburn

Chairman, Minnesota Board of Teaching

Excie J. Jones

Attest by one other officer

Attachment #1

BT 3 Issuance and renewal of all licenses; fees.

A. All licenses to teach shall be issued and/or renewed in accordance with Minn. Stat. 125.05 and criteria established in rules of the board of teaching and shall be valid for the period of time specified in rules of the board of teaching:

1. Limited license - valid for 1 year.

2. Entrance license - valid for 2 years.

3. Continuing license - valid for 5 years.

B. All licenses to teach shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.

C. After July 1 in the year of expiration, all licenses to teach not renewed shall be deemed expired and no longer valid for teaching.

D. Each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of twenty dollars ($20.00). Such fees shall be paid to the commissioner of education who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

E. The fee shall be nonrefundable for applicants not qualifying for a license, provided however, that the fee shall be refundable by the state treasurer in those cases in which the applicant already holds a valid unexpired license.

F. This rule shall become effective on July 1, 1977.

Attachment #2

[BT 109 Public school coaches, girls' interscholastic sports. Effective July 1, 1978.

A. Any person employed as a coach of girls' interscholastic sports, full-time or part-time, shall

1. have a teaching license and

2. be under contract with the local board of education, and

3. obtain a license for public school coaches, girls' interscholastic sports which shall be granted upon submission of evidence showing satisfactory completion of a program which has been approved by the state department of education.

B. In order to obtain approval, programs leading to a license as a public school coach, girls' interscholastic sports, shall provide for:

1. 18 quarter hours (or the equivalent) of experiences designed to develop competencies in all of the following areas:

The foundations of girls' and women's sports
Theory and techniques of coaching
Organization and management of girls' interscholastic sports
Growth and development and psychology of adolescent behavior
Medical aspects of coaching girls' sports (prevention and care of girls' athletic injuries)
Scientific basis of conditioning and skills performance
Sports officiating

2. A practicum, Inservice Coaching for Women.

3. Means for assessment of the competencies to be developed.

C. Renewal of the first or entrance license as a public school coach, girls' interscholastic sports, is contingent upon the possession of a valid teaching license in a major field and one season of coaching experience in one or more girls' interscholastic sports.

D. The continuing license may be renewed according to general rules of the state board of education pertaining to continuing education, except that no person shall receive a continuing license as a public school coach, girls' interscholastic sports, until requirements of BT 109 A have been fulfilled.]

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik, being first duly sworn, deposes and says that on the 7th day of February, 1977, at the City of St. Paul, Minnesota, she served the annexed Report of the Hearing Examiner/BT-77-001-PE, on Mr. Kenneth Peatross, Executive Secretary of the Minnesota State Board of Teaching, by handing to and leaving with him at the Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota

Eileen A. Gaiovnik

Subscribed and sworn to before me
this 7th day of February, 1977.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jul. 28, 1983

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF TEACHING

In the Matter of the Proposed Adoption of Rules of the Board of Teaching Governing Procedures for Issuance of Life Licenses, Issuance and Renewal of all Licenses-Fees, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 9:00 a.m. on Saturday, December 11, 1976 in Room 83 of the State Office Building, St. Paul, Minnesota.

Don Mueting, Special Assistant Attorney General, 301 Capitol Square Building, appeared as counsel for the Board of Teaching. Eighteen members of the Board were present at the hearing. Over 40 persons gave testimony on the rules. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1975 Supp.), this Report shall be available for review to all affected individuals upon request for at least ten days.

The Board of Teaching shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. The Board shall include the rules as originally proposed and the rules as proposed for adoption in final form. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On October 22, 1976, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On November 8, 1976, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 725.

3. On November 4, 1976, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On November 18, 1976, the Board filed with the Office of Hearing Examiners the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need;
(g) The Affidavit of Mailing of a notice pursuant to Minn. Stat. § 15.0412, subd. 6, a copy of the Notice and material received pursuant to the Notice.
(h) The names of Board personnel who will represent the agency.
(i) A Department of Finance approval.
(j) The Statement of Evidence.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained opened through December 31, 1976, for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is found in Chapter 222, §§ 3 and 25, Laws 1976, and Minn. Stat. § 125.05 (1974).

7. In 1969, the Minnesota Legislature took away authority to grant life licenses to teachers except for those who qualified with at least five years of experience prior to July 1, 1969. Thus, many active teachers, who had entered the field less than five years prior to 1969 and expected to be able to achieve life licensure, were deprived of that opportunity. In 1973, the Legislature again granted authority to issue life licenses. Minn.

Stat. § 125.185, subd. 4, states that the Board of Teaching shall "grant life licenses to those who qualify according to requirements established by the Board of Teaching."

Proposed BT 2 is necessary to fulfill the mandate of Minn. Stat. § 125.185, subd. 4. The proposed rule would, however, only grant life licenses to those who were teaching in the state in the school year immediately preceding July 1, 1969, and have five years of teaching experience. This limitation only allows those teachers who, in fact, had the expectation of life licensure prior to 1969, the opportunity to achieve it now. The continuing education philosophy would be retained as a system of professional growth for all teachers entering the profession after July 1, 1969. The proposed rule includes a July 1, 1978 expiration date.

(a) An amendment was proposed to BT 2 at the hearing to change "in the school year immediately preceding July 1, 1969" to "in <u>any</u> school year preceding July 1, 1969." This proposal was prompted by the situation of a teacher who had taught in any of the years preceding the "school year immediately preceding July 1, 1969", been unemployed or had not taught in the "immediately preceding" year, and then come back to teach again in later years. The expectation of life licensure would not be realized, however, under the rule as proposed.

(b) The Minnesota School Boards Association opposes BT 2 because it is not consistent with the philosophy of continuing education. The Association contends that:

> "The proposed rule has tremendous impact upon the concept of continuing education because it advocates the issuance of life licenses due to the arbitrary actions of the legislature. MSBA believes that the actions of the legislature ought to be dealt with by the legislature and not an administratively appointed body. Further, to continuously grant life licenses to each special interest group allegedly wronged by legislative action, is in reality only a ruse to weaken and ultimately destroy the concept of continuing education.
>
> "Currently, over 15,000 teachers possess life licenses, and therefore, are not subject to continuing education requirements. The proposed rule has the potential to expand that number by approximately 8,000 to 9,000 teachers. In collective terms, over 50% of the active teaching profession would be exempted from the concept of continuing education. Given the legislative history of grandpersoning, one begins

to question the sincere commitment of some teachers to the concept of continuing education. Furthermore, upon examining the recommendations of the Continuing Education task Force required pursuant to EDU 550, MSBA finds that the ultimate goal of the teaching profession appears to be life licensure and not continuing education."

(c) The Minnesota Assocation of School Administrators (MASA) proposes to amend BT 2 by changing the language "actually employed as a teacher" to "actually employed or on authorized leave as a teacher." This language is directed at the concerns expressed in (a) above.

(d) The MASA also proposes to amend BT 2 by adding the language "applying to the grades and subjects taught and certificates held." They contend that if this language is not added, the application will prevent many legitimate certificate holders from receiving life licensure.

(e) The Dassel-Cokato Public Schools, Independent School District No. 466, proposes the following revision of BT 2:

> BT 2 Procedures for Issuance of Life Licenses. (All new material.)
>
> A. Any teacher currently holding a license in Minnesota having a minimum of seven years teaching experience in the State of Minnesota, and subject to the rules of the Board of Teaching, who was actually employed as a teacher in the State of Minnesota (as defined in Minnesota Statute 179.63) may apply for and receive a life license of the same class and kind as the 5 year certificate which shall be valid until suspended or revoked, upon payment of fees as established by the Board of Teaching.
>
> The holder of a 5 year certificate shall present to the Board of Teaching satisfactory evidence that he has actually and successfully taught in the public schools of the State for not less than 7 years, and show evidence of meeting continuing education requirements. The permanent licensure may be issued only to a teacher actually employed in the public schools of the State, or who has been so employed at any time during the 10 year period immediately preceding the date of application. No permanent certificate shall be issued to a teacher who holds less than a baccalaureate degree from an accredited teacher preparation institution.

The District contends that this revision will result in equitable treatment for all teachers and reflect appropriate competency for one holding a life license.

(f) Edward A. Rapp, member of the Board of Teaching, proposes to amend BT 2 by changing the fourth line to read, ". . . in any one of the three years immediately . . ." He contends

that this proposal would allow for temporary absences immediately prior to 1969, while excluding those teachers who left the profession for an extended period of time.

8. Proposed BT 3 is necessary to establish a license fee so that the revenues generated by those fees will, as closely as possible, approximate the total anticipated expenditures of the Board of Teaching. A Department of Finance Approval was submitted at the hearing supporting the proposed fee increase.

(a) Dassel-Cokato proposes the following addition to BT 3A:

> BT 3 Issuance and renewal of all licenses; fees.
> A. All licenses to teach shall be issued and/or renewed in accordance with Minnesota Statute 125.05 and criteria established in rules of the Board of Teaching and shall be valid for the period of time specified in rules of the Board of Teaching:
>
> 1. Limited license - valid for 1 year.
> 2. Entrance license - valid for 2 years.
> 3. Continuing license - valid for 5 years.
> 4. Permanent license - valid for life.

This addition provides for the life license as proposed by Dassel-Cokato in Finding 7(e) above.

9. Proposed BT 106 is needed to upgrade the course requirements for one who wishes to become a licensed school nurse and to eliminate the use of registered nurses as a substitute for licensed school nurses. The proposed rule makes provision for the inclusion of registered nurses, who now act as school nurses, by requiring courses to be taken after a two-year school nurse license is issued. The effective date of the rule is July 1, 1980.

Support for BT 106 was expressed by the Minnesota Nurses Association, the School Nurses Organization of Minnesota, and the Greater Metro Association of School Nurses. Each testified as to the need for school nurses who are equipped to deal with the many and varied health problems, both physical and emotional, faced by today's students and their families. The school nurse also has assumed counseling and curricula responsibilities that require extra training.

The significant difference between proposed BT 106 and what exists presently is that the present rule allows school boards to

hire registered nurses to provide services under the direction of the superintendent or licensed school nurse. Proposed BT 106 states that, "All persons employed as nurses by school districts shall hold a valid Minnesota license as school nurse."

(a) The Board of Teaching proposes the following clarifying and editorial amendments to BT 106: (1) BT 106 A. be amended by adding a sentence to read, "The provisions of this rule shall not apply to persons employed as nurses in area vocational technical institutes."; (2) BT 106 G.7. be amended to read, "The provisions of section G shall be in effect until July 1, 1982, when section G shall . . ."; and (3) BT 106 D. and G.5. be amended by deleting the word "general" and putting in place thereof the word the.

(b) The Minnesota Board of Nursing (MBN) contends that the Board of Teaching does not have the statutory authority to license school nurses; and that both proposed BT 106 and present BT 106 are invalid.

(c)(1) The major argument expressed at hearing and in written comments received after the hearing was in opposition to the removal of the language in present BT 106 which allows the use of R.N.'s for school nursing services. Many comments agreed with the intent of proposed BT 106, although most proposed to amend the rule by deleting the last sentence in section A. and replacing it with "Nothing in this rule shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse." Other comments argued that there was no need shown for proposed BT 106 and that the rule should be left as it reads presently.

(2) The following comments are representative of the concerns expressed in regard to proposed BT 106:

The Minnesota School Boards Association states,

> "BT 106 A appears to require all school districts to hire a licensed school nurse. Presently, school districts are not required to hire licensed school nurses, but rather at their option, may either hire registered nurses under the direction of the superintendent, or hire licensed school nurses. The reason, of course, for this rule was to enable school districts

to provide adequate health services for their children in a flexible and affordable manner. It should be remembered that Minnesota is made up of many small school districts. Of Minnesota's 439 independent school districts, nearly 50% have a total enrollment of less than 800 students K-12. Not only would it be very difficult to find qualified personnel in all areas of the state, but the practical problem of funding these positions may be impossible to resolve. School districts are already suffering financial burdens caused by declining enrollments, mandated programs and levy limitations. MSBA believes the proposed rule, if adopted, would serve only to further complicate that situation. If the proposed rule is passed in its present form, MSBA strongly suggests that appropriate funding accmpany the rule.

Independent School District #13, Columbia Heights, states,

"Necessity of Licensure Questioned: A real question must be raised as to why the Board of Teaching should become so definitively involved in the licensure of nurses. All registered nurses are presently certified yearly by the Board of Nursing and public health nurses are certified by the State Board of Health. It would seem that an additional licensing agency is hardly reasonable or necessary.

"It might be argued that because the nurses referred to in the proposed regulations are employed by the schools, a licensure is necessary in order to indicate to the public certain standards are being met. If individual school systems would agree with that concept the option of licensing through the Board of Teaching could be available, as is presently true, but an absolute requirement is not justified.

"Practical Considerations: On the very practical side the regulation as proposed would lead to diminished rather than expanded services. Recent figures indicate that there are approximately 500 school nurses in the State of Minnesota with about 200 of them presently holding certificates. Since many districts employ more than one school nurse it is a fair assumption that a large number of school districts presently have no nursing services and any regulation which would make it more difficult for more school districts to secure some service is of detriment to students.

"Also, if it is to be assumed that the 300 presently unlicensed school nurses will go back within the next few years and meet necessary certification requirements, that assumption is just not realistic. Most school nurses are in the field because they genuinely enjoy working with young people, but to have to meet a credit requirement could cause such nurses to seek other types of employment. Finally, at a time when many school districts are experiencing declining enrollments, and most school districts are feeling such a financial pinch, the additional requirements could escalate the costs of nursing services since they could bring about greater demands for salary. Certification could even be used as justification for nurses' membership in teacher unions and thus placement on the salary schedule adopted for teachers. According to an MEA interview release concerning nursing certification, a conservative estimate is that the certification could cost fifteen to twenty million dollars across the State of Minnesota. Certainly such a cost could cause nursing services to be diminished in districts which already have them and do

nothing to encourage other districts to become involved.

"If upgrading of school nursing is necessary, it can more realistically be accomplished through in-service activities of nurses' organizations and cooperative ventures through educational cooperative service units rather than through a listing of arbitrary licensure requirements."

Dassel-Cokato Superintendent Robert R. Ness states,

"In regards to the proposed certification requirements for school nurses, I am firmly convinced that any change in the regulations is not necessary and will only serve the purpose of diminishing or eliminating health care in many schools. In out-State communities, there is only a limited supply of registered nurses who are available. Many out-State communities coordinate the delivery of health services with the County Nursing Service, the local medical professionals, and other instructional staff. In a time of mandated coordination and cooperation for the delivery of services, it is not defensible to duplicate services and/or costs."

(d) Edward A. Rapp proposes to amend BT 106 G. by adding a section, between 4. and 5., to read:

5. Equivalence, as authorized in 3b, above, shall include experience, workshops, inservice sessions, and such other activities as the local committee may approve. Actual experience as a school nurse may be substituted for such areas as health curriculum, school health, school nursing and special education, provided that the applicant demonstrate to the local committee that such work experience includes a reasonable amount of time in the areas for which an equivalence determination is requested.

Mr. Rapp contends that:

"The primary objection to this rule at the hearing (other than that involving school district costs) was the difficulty that active, successful school nurses (registered) would find in meeting the upgrading requirements outlined in 106 G. This liberalization of the grandpersoning clause, which merely defines the word equivalent found in BT 106 G.3.b, would overcome this objection and, at the same time, make the grandpersoning clause for nurses more consistent with those clauses established in other areas of licensure."

(e) The MSBA raises the concern that proposed BT 106 would place school nurses under the coverage of the continuing contract law, Minn. Stat. § 125.12. They feel that if the contract law is to cover non-instructional personnel, it should be the legislature that makes that determination and not the Board of Teaching.

The Board of Teaching contends that:

"The assertion by the Minnesota School Boards Association that mandatory licensing extends continuing contract benefits is correct. But the further statement that the legislature did not intend such a result is unsupported and unsupportable. While this

was not a reason for the Board's decision to implement BT 106, this effect does not negate the Board's right to exercise its lawful authority. The legislature extended continuing contract benefits to persons required to hold licenses from the state department of education who meet certain other statutory requirements. Authority to license such persons was given to the Board of Teaching. This is the system established by the legislature. As long as the Board of Teaching only requires licenses of those who fall under their jurisdiction, there is no violation of legislative intent."

(f) The MSBA also expressed the following concern:

"Recent legislation was passed (Ch. 9 of the '76 Session) which allows communities to plan for their total health needs. Specifically M.S. 145.914 Subd. 5 allows school districts to contract for services provided through the local board of health. However, if the proposed rule was adopted school districts would be unable to avail themselves of such services unless the personnel hired by the local board of health possessed a school nurse license. Thus, in the opinion of MSBA the flexibility and cooperation intended by the legislation would be seriously impaired."

The Board argues that:

"Proposed BT 106 does not preclude agreements to the type permitted by chapter 9 but it insures that any such persons who provide the nursing services to public elementary and secondary schools are fully licensed. The law and the rule are not inconsistent or in conflict. Neither does the rule restrict the school boards' basic authority to enter into contracts of this nature. It only requires that the person providing the nursing services to the school district be licensed in accordance with BT 106."

(g) The MBN proposes to amend BT 106 A., B. and C. by deleting the word "may" in each section and replacing it with the word shall.

(h) The MBN questions the use of the term "or the equivalent" in B.3., G.2., and G.3. They raise the concern of who will determine the equivalency and what standards will be used.

(i) The MBN argues that proposed BT 106 E.1. and G.6. create grounds for license revocation that are not included in Minn. Stat. § 125.09. That these grounds for revocation should be embodied in the statute and not established by rule.

10. Proposed BT 108 is necessary to establish uniform licensing requirements for coaches of boys and girls inter-scholastic sports. Currently, the requirements are not the same and may be in violation of the Minnesota Human Rights Act and Title IX of the Education Amendments of 1972 passed by Congress. The rule upgrades the qualifications needed for licensure as a head varsity

coach and creates new requirements for licensure for all assistant coaches. The need for coaches who are trained in the prevention and care of athletic injuries, and the science, theory, psychology and practice of sports programs was expressed through testimony and written comments. The proposed rule includes "grandfathering" provisions for head varsity coaches and has an effective date of July 1, 1978. Proposed BT 108 emanates from the report and recommendation of a Task Force created by the Board of Teaching.

(a) A minority report to the Task Force recommendation was also issued. Because the minority report was a focal point for opposition to proposed BT 108, it will be set out in full as follows:

> "We have served as members of the Task Force to Study Programs Leading to Certification of Coaches and have attempted to develop appropriate standards for the professional development of coaches in Minnesota. While we concur with the general philosophy underlying certification and the content of the Task Force Report, we strongly urge your consideration of the following areas:
>
> (1) The number of quarter hours required for certification of the head varsity interscholastic coash at the senior high level;
> (2) the establishment of a Class B certificate, and
> (3) the grandpersoning clause.
>
> "We recognize that the ideal model for certification of coaches would provide:
>
> (1) Coaches from the teaching staff of the school.
> (2) Coaches who are well trained in their respective sports.
> (3) Coaches in sufficient numbers to provide a valid selection and choice for each school district.
>
> "We also recognize the realities now facing our secondary schools:
>
> 1. The number of sports sponsored by schools are rapidly increasing; particularly in the area of girls athletics.
> 2. The number of available and interested coaches is declining due to:
>
> a. Maturation of staff results in older staff withdrawing from coaching positions.
> b. Declining enrollments - fewer vacant teaching positions from which to employ teachers (and coaches).
> c. Affirmative action - schools must now use multiple criteria in employment, not just teaching certification and coaching.

3. It is difficult, if not impossible, to employ only classroom teachers from teaching staff for coaching assignments.
4. Undue pressure is building to employ only classroom teachers who can serve as coaches too.

"Our fears? That inappropriate or unreasonable standards of time and course work would create fewer coaches, resulting in the elimination of school-sponsored athletic programs in our schools.

WE RECOMMEND: THAT THE NUMBER OF QUARTER HOURS REQUIRED IN A PROGRAM OF CERTIFICATION BE DESIGNED TO ATTRACT INDIVIDUALS TO THE PROGRAM. THAT TWELVE (12) QUARTER HOURS BE ESTABLISHED TO MEET THE COMPETENCIES INCLUDED IN THE TASK FORCE REPORT.

"No certification now exists for assistant coaches of high school athletic teams. No certification requirements now exist for elementary or junior high head or assistant coaches. Assistant coaches are now certified teachers who serve the program with little compensation for their efforts. Our fears? That the establishment of a Class B certificate would increase the turnover and create a shortage of assistant coaches, resulting in the elimination of school-sponsored athletic programs in our schools.

WE RECOMMEND: THAT THE CLASS B CERTIFICATE BE ELIMINATED FROM THE TASK FORCE REPORT.

"It is important that the coaches in the field be encouraged to continue in their areas. The proposed standards would include an additional eight sports in the boys athletic program which do not require certification at the present time.

WE RECOMMEND: THAT #8, Grandpersoning clause, p. 3, BE MODIFIED TO READ:

8. Grandpersoning Clause - effective until July 1, 1978.

   A. All current holders of coaching certificates or those who qualify for coaching certificates between this date and the date that the current regulations are repealed, shall be considered to have met this regulation.

   B. All interscholastic head coaches currently coaching or having coached within the past three (3) seasons (years), without coaching certification and with three (3) seasons (years) of coaching experience shall be considered to have met this regulation.

"In summary, we recognize the impact of establishing appropriate standards for those individuals who are responsible for the health, education, and safety of students under their supervision. It is imperative, however, that the Board also recognize the impact of establishing standards of certification for a voluntary service performed by teachers who enjoy sports and the young students in our secondary schools of Minnesota.

"We urge your consideration of our recommendations."

(b) Over 100 letters were received, mainly from individual schools and school districts, in opposition to proposed BT 108. A majority of these letters proposed that the minority report be adopted by the Board. Typical of these letters are the following excerpts:

> The MASA states that, ". . . there has been no evidence furnished that the present regulations are not producing generally well qualified personnel to coach in our school systems. Minnesota has a reputation among the states for having an outstanding educational program including athletics and of operating schools in a responsive and responsible manner. These regulations will not contribute materially to the welfare or development of anyone except the institutions which may keep their students somewhat longer and receive more tuition as people return to meet the requirements to retain jobs."

Independent School District 741, Paynesville, Minnesota, responded,

> "We are opposed to the modification of coaching certification requirements on the following grounds:
>
> A. Most schools are already having considerable difficulty filling all coaching positions under present certification requirements because:
>
> 1. The addition of many girls sports has created an additional demand for coaches which we are trying to fill with a declining or, at best, stable number of staff members.
>
> 2. The required reduction of teaching staff members because of declining enrollments has reduced the employment opportunities and resulted in a decline in turn-over of teaching staff. This has reduced or virtually eliminated the chance to hire new faculty members who can assume some of the increasing coaching duties which schools must assume.
>
> 3. As staff members grow older, they frequently wish to withdraw from coaching positions. If they were forced to complete additional course work, they would undoubtedly withdraw more quickly.
>
> 4. When School Districts must take into consideration numerous factors other than teaching and coaching capabilities, they are sometimes forced to hire people without the coaching capabilities they need in order to comply with affirmative action requirements. This further reduces the supply.
>
> B. A coaching certificate is presently required for varsity coaches. Since assistant coaches work with and under varsity coaches for minimal compensation, we see no reason to impose new certification requirements upon assistant coaches to drive them from the field. This would impose even greater

responsibilities upon varsity coaches and drive them out or force them to demand salaries which will fold athletic programs that schools cannot afford to support. The Class B certificate should be eliminated from the recommendations.

James Cabalka, principal of Edina-West Secondary School, wrote:

"I am very concerned about the proposed regulations for certification of high school coaches. I am in opposition to the proposed regulations because it is currently very difficult to staff our boys and girls athletic program with qualified coaching staff. The proposed regulations would increase the difficulty immensely since many of our present coaches who are quitting cannot be replaced from our existing personnel. New personnel are not being hired since enrollment is declining and budget curtailments have caused a reduction in staff. The supply of coaches is dwindling! I support the minority report."

Columbia Heights, District No. 13, stated:

"Practical Considerations: Finally, a practical question which the Board of Teaching must consider in adopting rules and regulations for coaching relates to what such rules and regulations would do to the educational program of a school district. Today when most school districts are experiencing declining enrollments and must make maximum utilization of staff if top quality programs are to continue, any regulations which would make it difficult for staff members to continue in programs, particularly when they have been successful in such programs, need to be kept at a minimum. In Independent School District #13, eighty-two percent of the high school head coaches for boys' sports, and eighty-six percent of the high school head coaches for girls' sports are presently certified. However, the eighteen percent and fourteen percent not presently certified are well-qualified coaches and are in specialized areas. At the senior high school, seventy-five percent of the assistant coaches for boys' sports are certified but no assistant coaches for the girls' sports presently have their certification. At one of the district's two junior high schools, sixty-five percent of the coaches of boys' sports would have to obtain certification and fifty-four percent of the coaches of girls' sports, while at the second junior high school fifty-eight percent of the coaches of boys' sports and seventy-three percent of the girls' sports would have to obtain their certification. To expect that this percentage of persons, who already are doing capable jobs, would have the time or the desire to meet the requirements as found in the proposed regulations is totally unrealistic."

(c) The Task Force proposes to change the effective date of BT 108 to be September 1, 1981. This amendment is suggested in order to allow college students a full four years to complete the additional requirements for a coaching license.

(d) Mr. Rapp proposes to amend BT 108 by replacing the "Class A" and "Class B" terms with Level A and Level B. He

contends that this change will eliminate an unfortunate value connotation that was not intended by the task force.

(e) Mr. Rapp also proposes to delete proposed BT 108 H. and replace it with:

H. Alternate Routes to Licensure.

1. All current holders of coaching certificates or licenses, or those who qualify for coaching licenses between the date of adoption of this rule and the date such rule shall go into effect, shall be considered to have met the requirements for licensure, except that those who qualify during the interim must show evidence of competencies in the areas of first aid and prevention and care of athletic injuries.

2. All interscholastic coaches currently coaching or having coached within the past three years, without licensure for coaching but with at least two years of coaching experience, shall be considered to have met the requirements for licensure by showing evidence of competencies in the following areas prior to the effective date of this rule:

   a. First Aid and prevention and Care of Athletic Injuries
   b. Theory and Practice of Sport Techniques
   c. Psychology of Sports and Coaching.

   Such evidence shall be submitted to the local committee, which shall be responsible for certifying such competence on all applications for licensure in coaching under the provisions of this section.

3. The local committee shall further have the option to approve:

   a. local inservice programs which meet the requirements of Sections F and/or G, above, and which are designed to prepare licensed teachers for coaching.
   b. evidence of training and/or competencies derived from workshops, inservice courses, coaching experience, and other non-collegiate experiences which may be submitted by otherwise licensed teachers in lieu of Sections F, G, or H3a, above.

4. Local committees shall be authorized to establish such other committees composed of representatives from the district(s) comprising their areas of responsibility as may be necessary to evaluate applications for alternate route approval as outlined in paragraphs 2 and 3. Such committees shall contain a majority of licensed coaches.

5. All applications for licensure in coaching under paragraphs 1 through 3 of this section shall contain the endorsement of an appropriate local committee. Such licensure, when granted, shall be without designation as to level of training.

Mr. Rapp contends that this change, along with the addition of a sentence after the effective date to read, "Applications for alternate route approval after this date shall be limited to entrance licenses only," would,

> ". . . expand the concept of grandpersoning to all of those teachers who are currently coaching or who have met the requirements of the previous rule while, at the same time, requiring a demonstration of competency in those areas that most affect the safety of the students under their supervision. By allowing equivalency credit for those areas where experience should provide the necessary learnings, it retains the concept of well-trained personnel while allowing for the alternate routes so necessary in today's expanded athletic programs. Above all, this proposal keeps the approval of such alternate experiences in the hands of the local committees - an arm of this Board of Teaching. Although the colleges may be affected, this cannot be considered a legitimate concern of the board."

(f) Mr. Lowell R. Gillet, member of the Board of Teaching, has also suggested several changes to proposed BT 108. These include:

(1) A minimum of 12 credits be required of all head varsity coaches which shall include training in first-aid and the care and prevention of athletic injuries;

(2) All other coaches be required to complete a minimum of six credits, including the subjects listed in (1) above;

(3) That "Class A" and "Class B" be changed to Head Varsity Coach and Other Head or Assistant Coaches; and

(4) That the effective date of reduced regulations be set at July 1, 1977.

(g) Eloise M. Jaeger, Assistant Dean of the College of Education, University of Minnesota, conducted a survey of all four-year public and private institutions offering a major and minor program in physical educatin. One hundred percent response was obtained. She summarizes the data as follows:

> The study as of fall 1976 indicates that public and private institutions have produced 4,124 certified coaches of which 2,533 were men and 1,591 were women. In addition, it is anticipated that a total of 4,218 men and women will complete the coaching certificate program within the next 5 years and that 2,226 will be men as opposed to 1,992 women. If projections are correct, this study indicates that by 1981, there will be a total of:

Men	Women
2,533 (completed)	1,591 (completed
2,226 (projected)	1,992 (projected)
4,759	3,583

Grand Total - 8,342

It should be noted that the figures given represent men and women fully qualified to coach (without designation as to holding a class A or B coaching credential). It also becomes apparent that fully certified and qualified coaches have been produced and that the trend will continue. The real question then may be expressed as: a) is there a lack of qualified men and women coaches or; b) is the problem one of the inability or the failure of public schools to employ qualified coaches due to financial reasons.

(h) Proposed BT 108 requires that both Class A and Class B coaches have teaching certificates. Presently, many school districts employ assistant coaches who are not members of the teaching staff. The proposed rule would eliminate that practice and, naturally, raises concern in many districts. The Minnesota State High School League conducted a survey of its 526 member schools in regard to the status of present coaches and the need for coaches in the future. 502 schools responded. The results have been summarized as follows:

NUMBER OF COACHES.

1. Number of Head Coaches, girls and boys sports, Class A-AA = 5,414
   Number of Assistant Coaches, girls and boys sports, Class A-AA - 6,342

2. Head Coach, girls and boys sports, Class A-AA

Possess Coach Certificate	4,310
Do not possess Coaching Certificate	1,116

Assistant Coaches, girls and boys sports, Class A-AA

Possess Coaching Certificate	3,238
Do not possess Coaching Certificate	3,104

Number of Coaching Vacancies for 1976-77: 741

Number of Teaching Vacancies for 1976-77: 451

Number of Coaches employed from outside teaching staff of member high school: 323

This summary reflects high school coaching statistics only and does not represent the numbers and needs in junior high and elementary schools.

(i) A question arose as to the broad definition of interscholastic sports, which is somewhat controlling as to the

licensure requirements for junior high and elementary coaches. Mr. Larry Koenck, a member of the Task Force, stated at hearing that the intent of the definition was to define competition as being regularly scheduled competition.

(j) The MEA proposes to amend the grandpersoning provision so that it covers all teachers performing coaching duties and not just head varsity coaches.

11. The Board contends that the proposed rules do not require any expenditure of public moneys, thus, no statement need be submitted pursuant to Chapter 138, Laws 1976.

Based upon the foregoing Findings of Fact, the Examiner makes the following:

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Board of Teaching. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1975 Supp.), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. Although granting life licenses is contrary to the principles of continuing education, the legislature made its intention clear that at least some persons be granted life licenses when that authority was reinstated in Minn. Stat. § 125.185, subd. 4. The Board of Teaching has chosen to grant life licenses only to those teachers who expected to be able to achieve life licensure prior to the deletion of that authority in 1969. Granting life licenses to all teachers, after certain requirements are met, is not a reasonable proposal. If all are allowed life licensure, continuing education would indeed be severely thwarted. The Examiner concludes that proposed BT 2 is not reasonable by

restricting its application to only teachers employed "in the school year immediately preceding July 1, 1969." BT 2 should be amended as set out in Findings 7(d) and 7(f) for the reasons stated therein.

NOTE: The Examiner is aware that legislation has been drafted to again repeal the authority to granted life licenses, however, that fact is not reflected in the conclusions or recommendation contained herein.

4. Chapter 222, § 25, Laws 1976, grants authority to the Board of Teaching to create rules for the licensure of public school teachers. Section 20 of the same Chapter defines teacher as "a supervisor, classroom teacher, or other similar professional employee required to hold a certificate from the state department of education." Section 12 of Chapter 222 reads, "Qualifications of teachers and other professional employees shall be determined by the board. . . ."

The question is, what makes school nurses "other professional employees"? Section 22 of Chapter 222 reads in part:

> "The board shall be composed of one teacher whose responsibilities are those either of a counselor, librarian, psychologist, remedial reading teacher, speech therapist, vocational teacher, or certified school nurse. . . ." (Emphasis added)

The Examiner concludes that the legislature intended, by the mandated composition of the Board, that school nurses be included in "teachers and other professional employees" as set out in Section 12. Statutory authority to regulate school nurses is not clear on its face, however, the Examiner concludes, by way of the foregoing discussion, that the Board of Teaching does have the authority to determine the qualifications for school nurses.

5. Evidence offered at hearing and subsequent to hearing demonstrated unquestionably that school nurses who meet the requirements of proposed BT 106 will be better equipped to function in a school surrounding. Much testimony and many written comments also stated that requiring all school nurses to meet those requirements will deprive some school systems of necessary nursing services. It was not shown that registered nurses could not function satisfactorily as school nurses or that the supply of licensed school

nurses would meet the demand for nursing services. Also, with the financial strain now being felt by all school districts, nursing services, if required to be furnished by a licensed school nurse, might be greatly reduced. Rural areas which share or contract for services would be most noticeably affected. As written, proposed BT 106 is not reasonable.

The Examiner concludes that proposed BT 106 be amended as set out in Findings 9(a), 9(c)(1), 9(d) and 9(g). If Mr. Rapp's proposal is adopted, a liberalized grandpersoning provision may yield results which show that BT 106 can be applied across the board. The MBN should bear in mind that Minn. Stat. § 125.09 just speaks to grounds for the revocation or suspension of teacher licenses, not for "teachers and other professional employees." If the Board of Teaching has authority to determine the qualifications for licensed school nurses, one of these can surely be the maintenance of qualifying certificates and licenses.

6. The testimony and written comments in regard to proposed BT 108 were overwhelmingly in support of the minority report. The proposal by the Board to move the effective date back to September 1, 1981 is aimed at eliminating the immediacy of the opposition's fears. There is no question but that universal compliance with BT 108 will result in a better quality of athletic coaches. However, this must be weighed against the result forecasted by opponents that many school athletic programs will have to be abandoned, especially at the elementary and junior high levels. The same factors are involved here as were for school nurses, i.e., the future supply of licensed coaches and the ability of school districts to be able to pay for licensed coaches for all of the interscholastic sports. Until it can be shown by an affirmative presentation of facts that the imposition of higher standards for all coaches will not seriously damage athletic programs, it is not reasonable to do so.

The Examiner concludes that the minority report is reasonable. "Class A" should be changed to Head Varsity Coach, and the effective date of July 1, 1978 should be retained. The term "interscholastic sports" should be redefined as is set out in Finding 10(i).

7. The Examiner has concluded that proposed BT 108 is not reasonable and that the minority report is the most viable and reasonable proposal. However, a combination of Mr. Gillet's suggestion, i.e. Other Head or Assistant Coaches be required to complete a minimum of six credits, including training in first-aid and the care and prevention of athletic injuries, Mr. Rapp's more liberal "grandpersoning" provisions, which apply to all levels of licensure (see Finding 10(e)), and an effective date for the requirements for Other Head or Assistant Coaches of July 1, 1981, together with the minority report for Head Varsity Coaches, is also reasonable. The Examiner feels that this alternative is not as reasonable as what he is recommending in Conclusion 6, as it still places a licensure burden on many volunteer or non-teacher assistant coaches. The "grandpersoning" clause in the minority report could easily be rewritten to cover Other Head or Assistant Coaches in conjunction with the aforementioned alternative by: (1) adding language to read, "effective until July 1, 1978 for Head Varsity Coaches and July 1, 1981 for Other Head or Assistant Coaches."; and (2) deleting the word "head" from paragraph B.

8. Chapter 138, Laws 1976, mandates a written estimate statement only in some instances. The record does not reveal any evidence which would warrant a conclusion that an estimate should have been submitted.

9. The Examiner concludes that the Board of Teaching has documented its statutory authority to promulgate the proposed rules.

10. The Examiner concludes that the Board of Teaching has demonstrated the need for and reasonableness of proposed BT 3 by an affirmative presentation of facts. That the need for and reasonableness of proposed BT 2, BT 106 and BT 108, as recommended to be modified in this report, has been shown by an affirmative presentation of facts.

11. The Examiner concludes that the amendments he is suggesting to the rules make the rules more reasonable and that none of these amendments constitute a substantial change.

Based upon the foregoing Conclusions, the Examiner makes the following:

RECOMMENDATIONS

That the Board of Teaching adopt the proposed rules as recommended to be amended in this Report.

Dated this 4th day of February, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner