

Minnesota Attorney General: Administrative Rules Proceedings

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FILE NO. 449

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Lois Steinhaus
Department of Education

DATE: September 7, 1978

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Rules as Approved - Chapter Twenty-Eight: Issuance and Renewal of Licenses for School Superintendents and Principals Department of Education

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

LES/dw
Enclosure

cc: Duane Harves
Michael Bradley

#449 Education

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/21 Temporary Rule _____

Resubmitted and Received 9/1

DUE DATE 8/10 || 9/11

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved Part App'd 8/10 Date Sent Back to Agency _____
" Disapp'd 8/10 → App'd 9/5 ~~per by receipt of orig of Order Adopting~~

1. Rules as Adopted ✓✓
2. Rules as Proposed ✓✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓✓
4. Order for Hearing ✓✓
5. Notice of Hearing ✓✓
   (i) Sufficiency ✓✓
6. Secretary of State's List ✓✓
7. Certificate of Acquisition of Secretary of State's List ✓✓
8. Affidavit of Mailing ✓✓
   (i) At least 30 days prior to hearing ✓✓
9. Statement of Need and Evidence ✓✓
10. Hearing Examiner's Report ✓✓
11. Agency's Findings of Fact ✓✓
12. Certificate of Board's Resolution Adopting Rules, where applicable ✓✓
13. Order Adopting ✓✓
14. Report of Chief Hearing Examiner ✓✓
    (i) Finding of No Substantial Change ✓✓
    (ii) Permission to Incorporate by Reference, where applicable N.A
15. Certificate of Compliance with Rulemaking Procedures ✓✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N.A
17. Petition by Public, where applicable N.A.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed adoption of Rules of the State Board of Education for Issuance and Renewal of Licenses for School Superintendents and Principals; and the Repeal of EDU 330

FINDINGS OF FACT AND ORDER ADOPTING RULES

The above-entitled matter came on for hearing on March 28, 1978, at St. Paul, Minnesota before Peter C. Erickson, Hearing Examiner appointed by the Chief Hearing Examiner after proper notice required by Minnesota Statutes, 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 reviewed all of the testimony, having considered all the evidence adduced, having considered the Report of the Hearing Examiner, and upon all of the testimony and proceedings herein, and applicable statutory standards or criteria, having withheld action on the proposed Rules for the required period of time after receipt of the Hearing Examiner's Findings and having confirmed the need for the above captioned rules, we find that the findings of fact of the Hearing Examiner accurately reflect the facts in the record, except as expressly provided below.

NOW THEREFORE, BE IT RESOLVED that the State Board of Education hereby adopts and incorporates herein the Report of the Hearing Examiner dated April 26, 1978, relative to the above-entitled matters with two additional changes set forth below. The changes in the rules as originally proposed as compared with the rules as adopted are as follows and reflect the recommendations of the Hearing Examiner.

1) The following addition is made to clearly enumerate the intent of the rule, that the member who is a teacher be actively engaged in teaching.

   § 1.0553 C.4. One practicing classroom teacher;

2) It was suggested at hearing that the task force be broadened to include representation from students of educational administration actively enrolled in a Minnesota college or university offering an approved program. The Department of Education and the Hearing Examiner concurred that student representation on the task force is desirable and proposed the following amendment to add one student member and decrease the number of nonvoting members from the staff of the Department of Education. By state statute, task forces cannot exceed 15 members.

   § 1.0553 C. The task force shall consist of ~~eleven~~ fourteen voting and ~~two~~ one nonvoting members as follows:

   § 1.0553 ~~C.9. Two nonvoting members from the department of education staff~~.

   § 1.0553 C.9. One student representative from an approved Minnesota program in school administration;

   § 1.0553 C.10. One nonvoting member from the state department of education staff.

3) With regard to § 1.0554 A.1.a., testimony by the Minnesota Administrators of Special Education stated that this section as written severely limited the types of educational professionals who may aspire to move into administrative positions. The Hearing Examiner supports the concept that nontraditional classroom teachers should qualify for licenses as administrators and proposed the following language, which is also adopted by this Board:

§ 1.0554 A.1.a. Have had three years of ~~classroom~~ teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years of teaching experience ~~in one or more grades, kindergarten through 6~~ at the elementary level. Secondary school principals must have at least three years of teaching experience ~~in one or more grades, 7 through 12~~ at the secondary level. Superintendents of schools must have at least three years of teaching experience ~~in one or more grades, kindergarten through 12~~ at the elementary or secondary level.

4) The following amendment addresses concerns relative to the replacement of superintendents and principals by administrative interns.

§ 1.0554 A.1.b.(2) Include a field experience. ~~as follows~~ Persons taking part in field experiences shall not replace required licensed principals or superintendents.

5) The Hearing Examiner ruled that the type of field experience for each level of administrative license should be identical. The State Board concurs with that recommendation, therefore, § 1.0554 A.1.b.(2)(a), (b), and (c) have been amended to eliminate the discrepency.

§ 1.0554 A.1.b.(2)(a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal, or in an administrative placement with a licensed educational administrator appropriate for the elementary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

§ 1.0554 A.1.b.(2)(b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

§ 1.0554 A.1.b.(2)(c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

6) The Department of Education proposed to amend § 1.0554 B.2. by adding the following language, which recommendation was supported by the Hearing Examiner and is adopted by this Board.

§ 1.0554 B.2.c. In the first five years following the effective date of this Chapter, clock hours of approved administrative continuing education and clock hours of individual professional development activity shall be required as follows:

§ 1.0554 B.2.c.

(1) Twenty-five clock hours of approved administrative continuing education and fifteen clock hours of individual professional development activity for renewal of licenses expiring June 30, 1979.

(2) Fifty clock hours of approved administrative continuing education and thirty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1980.

(3) Seventy-five clock hours of approved administrative continuing education and forty-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1981.

(4) One hundred clock hours of approved administrative continuing education and sixty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1982.

(5) One hundred twenty-five clock hours of approved administrative continuing education and seventy-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1983.

In addition to the changes adopted as a result of the Hearing Examiner's recommendations, the State Board of Education hereby adopts two additional amendments to the rules as proposed.

1) An editorial change was required due to the addition of c. in § 1.0554 B.2.

§ 1.0554 B.2. The second and subsequent continuing licenses may be issued to an applicant who has met ~~both of~~ the following requirements during the term of the continuing license which is expiring. An applicant must: . . .

2) In the future, the licensure renewal system for principals and superintendents will be based upon the completion of 125 clock hours of approved administrative continuing education during each five-year licensure period. At the public hearing held on March 28, 1978, it was noted in the testimony that superintendents and principals have been affiliated with local continuing education committees and have been earning renewal units for the renewal of licenses as superintendents and principals. It was pointed out at the hearing that it would be unfair to expect administrators to suddenly change from renewal units to a clock hour requirement for renewal purposes.

Therefore, the Department proposed a gradual phase-in of the clock hour requirement in order to alleviate any unfair burden placed upon superintendents and principals with regard to the renewal of their licenses. However, subsequent correspondence has led us to reconsider our earlier inclination that renewal units would not readily translate into the clock hour requirement. The Department has proceeded on the assumption that a gradual phase-in of the clock hour requirement was fair and equitable with regard to continuing education for superintendents and principals. As a result of the correspondence mentioned above, the State Board has determined that an amendment to this rule which would recognize renewal units that school administrators earn during the phase-in period toward administrative relicensure is required.

In studying the continuing education rules for teachers under which administrators earned these renewal units, it has been determined that one renewal unit earned and verified by a local committee could be equated with one clock hour of administrative continuing education. An amendment of this kind would be fair and equitable and would recognize administrative renewal units earned in lieu of the clock hour requirement during the phase-in period. It would not place an unfair burden on administrators and require them to suddenly switch to clock hours after having earned renewal units in good faith through continuing education committees.

It is our position that this would not be a substantive change to the rule and phase-in presented at the hearing, inasmuch as the convertibility question was raised at the hearing and an amendment proposed to deal with the issue. What we are hereby adopting is that during a five year phase-in period, renewal units may be used in lieu of the clock hour requirement for continuing education.

This amendment would permit renewal on the basis of renewal units granted by local continuing education committees and/or renewal on the basis of completing approved clock hours of continuing education. Administrators that have earned renewal units would not be penalized by a new requirement and those that have not earned renewal units could begin earning clock hours under the new system. Therefore, we adopt the following addition to page 7. of the proposed rules contained in Chapter 28:

§ 1.0554 B.2.d. In the first five years following the effective date of this Chapter, renewal units which are earned toward administrative relicensure may be allocated toward clock hours of administrative continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of administrative continuing education shall be granted. Provisions B.2.c. and B.2.d. of 5 MCAR 1.0554 shall remain in effect until July 1, 1983, at which time provisions B.2.c. and B.2.d. shall be repealed without further action by the board of education.

The State Board of Education finds all the above amendments reasonable and necessary.

THEREFORE, IT IS ORDERED that EDU 330 be repealed, and the rules identified as § 1.0552 - § 1.05599 as amended are adopted this 10th day of July, 1978, pursuant to authority vested in us by Minn. Stat. § 121.11 (1976) and § 125.05.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Henry G. Tweten
President
State Board of Education

Rules as Adopted

Chapter Twenty-Eight: Issuance and Renewal of Licenses for School Superintendents and Principals

5 MCAR § 1.0552 Definition and scope.

A. Definition of terms:

1. The term superintendent includes assistant superintendents; the terms elementary school principal and secondary school principal include assistant principals; and the term principal includes all elementary and secondary school principals and assistant principals.

2. Administrative licensure areas are the areas of superintendent of schools, elementary school principal, and secondary school principal.

3. Licensed administrator means a person holding an appropriate license for a position as superintendent, assistant superintendent, principal, or assistant principal.

4. The term clock hours means clock hours of actual instruction or supervised group activities in an approved Minnesota continuing education program. Hours devoted to individual professional development activity are in addition to specified clock hours and are not counted as clock hours.

5. The term initiator means the individual, agency, or institution that initiates and conducts administrative continuing education programs in accordance with 5 MCAR § 1.0556.

B. Persons holding positions as superintendents and principals must be licensed as follows:

1. Superintendents and assistant superintendents must hold Minnesota licenses as superintendents of schools.

2. Elementary school principals and assistant elementary school principals must hold Minnesota licenses as elementary school principals.

3. Secondary school principals and assistant secondary school principals must hold Minnesota licenses as secondary school principals.

5 MCAR § 1.0553 A school administration standards and licensure advisory task force shall be established which is advisory to the board of education.

A. The purposes of the task force are:

1. To review proposed rules pertaining to the preparation and licensure of school administrators and to provide written recommendations concerning such proposals to the board of education.

2. To work with licensed administrators practicing in Minnesota schools to identify needed areas of study for administrative continuing education programs.

3. To study and make recommendations for affirmative action in the preparation and employment of school administrators.

4. To review and recommend approval of continuing education programs for administrators to the commissioner of education. The task force may appoint subcommittees to meet this responsibility.

B. The task force shall meet at least three times during each school year.

1. The first meeting of each year will be called by the commissioner of education and will be held before October 31.

2. At the first meeting, a chairman, secretary, and any other officers deemed necessary by the members shall be elected from the voting members. Officers shall serve for one year.

C. The task force shall consist of fourteen voting and one nonvoting member as follows:

1. Two elementary school principals;

2. Two secondary school principals;

3. Two school superintendents;

4. One practicing classroom teacher;

5. Two administrators or faculty members in education from colleges with approved school administration programs;

6. One member of a Minnesota school board;

7. One individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district;

8. Two members of the public;

9. One student representative from an approved Minnesota program in school administration;

10. One nonvoting member from the state department of education staff.

D. Task force members are appointed by the board of education for terms of two years. Members may not serve for more than two terms.

1. Membership terms begin with the first task force meeting of the school year.

2. Members shall serve until successors are appointed.

3. A vacancy during the term of a member shall be filled by the board of education.

4. The position of a member who leaves Minnesota or whose employment status changes to a licensure area different from that from which appointment was made shall be deemed vacant.

5. Members shall be qualified as follows:

a. All members shall be selected on the basis of experience, and knowledge of, and interest in, the preparation and licensure qualifications of school administrators.

b. Members who are teachers, principals, and superintendents must

(1) Be currently practicing in Minnesota in the licensure area that they represent;

(2) Hold a current Minnesota license valid for their present position.

5 MCAR § 1.0554 Types of licenses. Entrance licenses and continuing licenses may be issued for each administrative licensure area, and an applicant must meet requirements in each area where licensure is sought as specified in A. and B., below. Life licenses may be held by those who meet requirements as specified in C., below.

A. Entrance license.

1. Requirements must be met for each administrative area where licensure is sought. An entrance license shall be issued to an applicant who has met all of the following requirements. An applicant must:

a. Have had three years of teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years of teaching experience at the elementary level. Secondary school principals must have at least three years of teaching experience at the secondary level. Superintendents of schools must have at least three years of teaching experience at the elementary or secondary level.

b. Complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits, in the administrative area for which licensure is sought. Each program to be approved by the commissioner of education must:

(1) Be offered at a regionally accredited Minnesota graduate school.

(2) Include a field experience. Persons taking part in field experiences shall not replace required licensed principals or superintendents.

(a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal, or in an administrative placement with a licensed educational administrator appropriate for the elementary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(d) Persons who have gained licensure in one administrative area and who have completed 3 years of experience under that administrative license may qualify for licensure in another administrative area by completing the required teaching experience and the approved program for that area except that an administrative field experience may be waived.

c. Fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

d. Be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner of education a transcript of college or university work to be analyzed in order to determine comparability of program.

2. An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation.

3. An entrance license is the first license issued in any administrative licensure area and is valid for a term of two years and is not renewable except in the case of an applicant who is unable to gain one year of experience as an administrator during the term of the entrance license. In such a case, the entrance license may be allowed to expire and a one-year, nonrenewable entrance license may be issued at such time as the applicant secures a position.

B. Continuing license.

1. The first continuing license shall be issued to an applicant who has met all of the following requirements. An applicant must:

a. Hold, or have held, an entrance license in the administrative area for which the continuing license is requested.

b. Provide evidence of at least one year of experience in the administrative area for which the continuing license is requested while holding an entrance license or a one-year, nonrenewable entrance license for that administrative area.

2. The second and subsequent continuing licenses shall be issued to an applicant who has met the following requirements during the term of the continuing license which is expiring. An applicant must:

a. Provide evidence to the office of the commissioner of education of the completion of at least 125 clock hours of approved administrative continuing education.

b. Provide a record, to be on file in the central office of the employing school district or agency, of the completion of at least 75 hours of individual professional development activity related to school administration.

c. In the first five years following the effective date of this Chapter, clock hours of approved administrative continuing education and clock hours of individual professional development activity shall be required as follows:

(1) Twenty-five clock hours of approved administrative continuing education and fifteen clock hours of individual professional development activity for renewal of licenses expiring June 30, 1979.

(2) Fifty clock hours of approved administrative continuing education and thirty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1980.

(3) Seventy-five clock hours of approved administrative continuing education and forty-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1981.

(4) One hundred clock hours of approved administrative continuing education and sixty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1982.

(5) One hundred twenty-five clock hours of approved administrative continuing education and seventy-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1983.

d. In the first five years following the effective date of this Chapter, renewal units which are earned toward administrative relicensure may be allocated toward clock hours of administrative continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of administrative continuing education shall be granted. Provisions B.2.c. and B.2.d. of 5 MCAR § 1.0554 shall remain in effect until July 1, 1983, at which time provisions B.2.c. and B.2.d. shall be repealed without further action by the board of education.

3. In the case of a continuing license which has been allowed to lapse:

a. An applicant must provide evidence that 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity as required in 2.a. and b., of this rule, a two-year, nonrenewable continuing license may be granted. Upon expiration of the two-year, nonrenewable continuing license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. and b., of this rule.

4. The term of each continuing license is five years. Renewal requirements must be met during the five-year term of each continuing license.

5. The expiration date for all areas of continuing licensure will be the expiration date established for the first continuing license issued to an applicant.

6. An applicant for a license under this section must also fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

C. Life license or permanent license. Any person holding a Minnesota life or permanent license in an administrative area need not hold an entrance or a continuing license in that administrative licensure area.

5 MCAR § 1.0555 Approval of programs which prepare school administrators for entrance licensure.

A. All programs which prepare applicants for entrance licenses in the licensure areas of superintendent of schools, elementary school principal, and secondary school principal must be approved by the commissioner of education.

B. All programs which prepare applicants for entrance licensure in administration shall be developed with the involvement of licensed administrators currently practicing in Minnesota school districts.

C. Each college or university developing programs to prepare school administrators for licensure shall designate an official of that institution to be responsible for:

1. Developing proposals for programs to prepare school administrators for licensure. Each licensure program must be described separately. A college or university may request approval for any, or all, of the following programs of preparation:

a. Superintendent of schools, specialist or doctoral degree;

b. Superintendent of schools, master's degree plus 45 quarter credits;

c. Elementary school principal, specialist or doctoral degree;

d. Elementary school principal, master's degree plus 45 quarter credits;

e. Secondary school principal, specialist or doctoral degree;

f. Secondary school principal, master's degree plus 45 quarter credits.

2. Providing evidence that licensed administrators practicing in Minnesota school districts have been involved in planning the program being forwarded for approval.

3. Forwarding program proposals to the commissioner of education and arranging for site visits for the study of administrative programs proposed for initial approval.

4. Maintaining approval status of administrative programs by communicating with the commissioner of education concerning changes in program status. The designated official shall forward program descriptions and arrange for on-site reviews at least once during each five-year period.

5. Recommending to the commissioner of education candidates who satisfactorily complete approved programs for entrance licensure.

D. Each administrative program proposal shall contain:

1. A description of planning activities.

2. A statement of program goals.

3. A description of the administrative roles and function for which the program is designed to prepare candidates.

4. A copy of information to be included in the college bulletin which sets forth all requirements for entrance licensure.

5. A complete description of the proposed program which includes:

a. Statements of expected learning outcomes including knowledge, skills, and understandings for each of the program areas including: school administration, supervision, curriculum, and instruction.

b. Descriptions of program components designed to develop specified learning outcomes which include a description of means to be used to achieve learning outcomes for each component.

c. Statements which relate expected learning outcomes to goals and to components of the program.

d. The means by which achievement of specified learning outcomes will be determined for each student.

6. Evidence that qualified faculty will be assigned to the program.

7. Evidence that resources, in addition to faculty, necessary to support the program have been allocated.

8. A plan for program evaluation which will enable the college or university to determine whether program goals have been achieved.

E. Programs will be approved for periods of five years. Six months before the end of the period for which approval of the program is granted, the college or university must forward a request for continued approval, a current program proposal as described in D., above, and arrange for a site visit to be administered by staff of the Minnesota department of education. Site visit teams shall be appointed by the commissioner of education and shall include licensed practicing administrators with representation from each administrative licensure area for which a program is to be studied. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of entrance license requirements.

5 MCAR § 1.0556 Approval of administrative continuing education programs.

A. All administrative continuing education programs for the licensure areas of superintendent of schools, elementary school principal, and secondary school principal, and the clock hours which may be earned in each program, must be approved by the commissioner of education.

1. If clock hours are to be earned, approval must be secured before participants are registered in an administrative continuing education program.

2. Admission to all approved administrative continuing education programs shall be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission.

3. The department of education shall disseminate lists of known approved administrative continuing education programs twice annually.

B. The initiator of an administrative continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector.

C. The program initiator is responsible for:

1. Developing proposals for administrative continuing education programs in areas of study which have been identified in cooperation with licensed administrators practicing in Minnesota school districts.

2. Forwarding continuing education program proposals to the commissioner of education for approval.

3. Maintaining communication with the commissioner of education concerning the status of all approved administrative continuing education programs offered.

4. Reporting to the commissioner of education the names of all individuals who complete an approved administrative continuing education program including the number of clock hours earned by each individual.

D. Each administrative continuing education program shall consist of at least three clock hours and each program proposal shall contain:

1. A description of planning activities including a list of names, addresses, and positions of those involved in planning.

2. A description of the client group, or groups, for whom the program is designed.

3. A statement of program goals which relates goals to client demands.

4. A statement concerning any prerequisite education or experience required for admission to the program.

5. A description of the proposed administrative continuing education program which includes:

a. Statements of expected learning outcomes.

b. Descriptions of program components designed to develop specified learning outcomes.

c. The means by which achievement of specified learning outcomes will be determined for each program participant.

6. Statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period.

7. Evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

E. Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of continuing education requirements.

5 MCAR § 1.0557 Suspension and revocation of licenses.

A. The license of a principal or superintendent may be revoked or suspended for any of the following causes:

1. Immoral character or conduct;

2. A breach of contract of employment without justifiable cause;

3. Overall gross inefficiency or willful neglect of duty;

4. Fraud or misrepresentation in obtaining a license.

B. The state board of education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed:

1. A written complaint which specifies the nature and character of the charges is filed with the state board of education by either the school board employing the superintendent or principal, or by the commissioner of education.

2. The commissioner of education, within 10 days after the filing of the complaint with the state board of education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address.

3. The superintendent or principal, within 20 days after the service of the copy of charges, files with the state board of education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived.

4. A hearing conducted in accordance with the rules of the office of the hearing examiner shall be held.

5 MCAR § 1.0558 Human relations requirement.

A. All applicants for licenses as superintendents or principals must complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license in one or more areas of school administration seeks to be licensed, or to have a license renewed, in another administrative area for which the person does not hold a life license. In addition, persons from outside Minnesota who wish to be licensed in an administrative area must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.

B. Human relations components of programs which lead to administrative licensure in education will be approved upon submission of evidence:

1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.

2. Showing that the human relations components are planned to develop the ability of applicants to:

a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and

b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism, and

c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and

d. Respect human diversity and personal rights.

3. Relating all of the areas enumerated in B.2. to specific competencies to be developed, and

4. Indicating means for assessment of competencies.

5 MCAR § 1.0559 The issuance and renewal of licenses.

A. All licenses to serve as superintendent and principal 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.

B. After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.

C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of twenty dollars ($20.00).

5 MCAR § 1.05599 In order to provide means for persons holding standard administrator licenses granted under prior rules of the state board of education to phase into the requirements of 5 MCAR § 1.0554, the following provisions of 5 MCAR § 1.05599 shall pertain until July 1, 1979, at which time 5 MCAR § 1.05599 shall be deleted without further action of the board of education.

A. Persons holding standard licenses for one of the administrative areas whose first license for this area was issued after September 1, 1967, shall complete the requirements of 5 MCAR § 1.0554, section A., by July 1, 1979, or on the next date when an applicant's license must be renewed if it falls after July 1, 1979.

B. Any person whose standard license as a school administrator lapsed after July 1, 1974, shall meet requirements of 5 MCAR § 1.0554.

APPROVED AS TO FORM AND LEGALITY

Sept. 5

WARREN SPANNAUS, ATTORNEY GENERAL

19 78

BY Lee E Shelby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP - 6 1978
Joan Anderson Growe
Secretary of State
8:55 AM

Minnesota State Department of Education
Capitol Square ☐ 550 Cedar Street ☐ St. Paul, Minnesota 55101

Phone: 296-5601

TO: Lee E. Sheehy
Special Assistant
Attorney General

FROM: Dr. Gregory J. Waddick
Assistant Commissioner
Division of Special Services

DATE: August 31, 1978

SUBJECT: In the Matter of the Proposed Adoption of the Rules of the State Board of Education for Issuance and Renewal of Licenses for School Superintendents and Principals and the Repeal of EDU 330

The following information is being provided pursuant to your memorandum of August 10, 1978, addressed to Michael Bradley.

1. Appended hereto is a copy of the notice of intent to seek outside comments pursuant to M.S. § 15.0412 subd. 6 as printed in the State Register dated April 4, 1977. No written materials were received in response to the notice of intent to seek outside comments.

2. Life licenses. The legislature in Minnesota Laws 1969 ch 435 § 2 repealed the authority to issue life licenses contained in Minn. Stat. § 125.07. While that authority was subsequently recreated for teachers in Minn. Stat. § 125.185, it has not been reestablished for administrators. Minnesota Laws 1969 ch 435 § 3 expressly states that the repeal of the authority to grant life licenses in the future does not affect the validity of all such licenses issued prior to the repeal. The provisions of 5 MCAR § 1.0554(C) merely recognizes that a permanent license is exactly that and no other license or licensing requirements need be satisfied. Since no new life licenses can be issued, there is no need for setting forth the criteria for such license.

3. The statutory authority for the creation of this task force is contained in Minn. Stat. § 15.014.

4. Attached please find a copy of the rule as adopted showing where we have substituted "shall" for "may" as recommended in paragraph 2 of your memorandum of August 10.

GJW/pac
Attachment

AN EQUAL OPPORTUNITY EMPLOYER

OUR FILE NO. 449

ADMIN 1060 (Rev. 1-78)

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael J. Bradley
Assistant Attorney General

DATE: August 10, 1978

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of the Rules of the State Board of Education for Issuance and Renewal of Licenses for School Superintendents and Principals and the Repeal of EDU 330

First, I have approved the Board amendment to 5 MCAR section 1.0762 and the repeal of EDU 8 and 5 MCAR section 1.0765. Stamped copies reflecting such approval and filing with the Secretary of State are being returned to you under separate cover. All other documents are being returned herewith, except that I have kept a copy of materials should you wish to call to discuss this matter with me.

I am returning the above-captioned rules herewith which have not been approved by this office for the reasons discussed below. After agency consideration of these reasons and appropriate action, these rules may of course be resubmitted to this office. Please ensure that the agency resubmits the originals of documents which are necessary for filing with the Secretary of State.

1. The State Board of Education's "Statement of Need and Reasonableness" relating to the above-captioned rules indicates that comments were solicited from persons outside the agency on or about June 14, 1977, and again in late 1977. Minn. Stat. § 15.0412, subd. 6 (1977 Supp.), requires published notice prior to such solicitation. Copies of that Notice of Intent to Solicit and the materials received pursuant thereto must be submitted to this office, as required by subdivision 6.

2. The agency's use of the word "may" in 5 MCAR section 1.0554 [Introduction, A(1), B(1), and B(2)] is improper. If the agency inadvertently used the word "may", it may correct this matter by merely substituting the word "shall." However, if the agency intentionally used the word "may" to permit the agency unfettered discretion in application of the rule, the agency fails to meet its statutory mandate as set forth in Minn. Stat. § 125.05, as well as fulfill requirements of Minn. Stat. § 15.0412, subd. 3, and protect the due process rights of affected persons.

   All references to the issuance of licenses read essentially as follows: "...A (type of license) license may be issued to an applicant who has met all of the following requirements." (Emphasis added.) Use of the word "may" in these cases permits the agency to consider unstated criteria in their decision making, as well as deny a license to an

applicant who has met all of the stated criteria. As discussed below, the word "shall" must be used and all applicable criteria must be established by rule.

Minn. Stat. § 125.05 reads in part as follows:

> "Licenses shall be issued to such persons as the Board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the Board under the rules which it promulgates."

The definition of rule in Minn. Stat. § 15.0412, subd. 3, requires that agency rules include "every agency statement of general applicability in future effect...made to implement or make specific the law enforced or administered by it..." (emphasis added.) The Board's use of the word "may" would permit the agency to add qualifications or criteria in an ad hoc fashion. Such qualifications and criteria are "agency statement(s) of general applicability and future effect" and must be established by rule. This office understands the need for agency flexibility and discretion. Flexibility and discretion are achieved by careful, complete selection of criteria which are not impermissibly vague but which are sufficiently broad to permit agency flexibility. The agency cannot hedge against its fallibility in listing all qualifications or criteria by use of the word "may". To permit this would violate the requirements of Minn. Stat. §§ 125.05 and 15.0412, subd. 3. It would also permit discrimination against an applicant who met all stated criteria, as the agency could rely on the word "may" in rejecting the application. Basic due process considerations, especially in light of the language of Minn. Stat. § 125.05, require that all qualification criteria be established by rule without permitting the vagueness of unstated criteria through the use of the word "may". Further, predictability and non-discriminatory application of the rule must be achieved and made available to all applicants who meet the stated criteria. To do so, the word "shall" must be used. As we discussed, addition of the criteria "moral fitness" may achieve the desired flexibility which the agency seeks while providing a judicially recognizable standard.

In a similar context, the rule relating to Life Licenses fails to establish clear criteria for issuance of a Life License, other than an incorporation by reference and criteria from other licensing requirements which appears to establish part, if not all, criteria to be considered in issuing a Life License. All criteria must clearly be established by rule.

See Memo - No car time Life Licenses

See written response from agency

3. Finally, the authority for establishment of the advisory task force created by 5 MCAR § 1.0553 is not clear. If the Board is relying on Minn. Stat. § 15.014 with the attendent consequences of giving advisory members the "rights" under Minn. Stat. § 15.059, then the Board should so clarify in writing to this office and perhaps even by reference to relevant statutory authority in the rule.

If you have any questions, do not hesitate to call me.

LES:mb

cc: Duane Harves

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed adoption of rules of the State Board of Education Governing Financial Accounting Reporting and the Repeal of EDU 8

FINDING OF FACT AND ORDER ADOPTING RECOMMENDATION OF HEARING EXAMINER AND RULES

The above-entitled matter came on for hearing on March 28, 1978, at St. Paul, Minnesota before Peter C. Erickson, Hearing Examiner appointed by the Chief Hearing Examiner after proper notice required by Minnesota Statutes, 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 reviewed all of the testimony, having considered all the evidence adduced, having considered the Report of Hearing Examiner, and upon all of the testimony and proceedings herein, and applicable statutory standards or criteria, having withheld action on the proposed Rules for the required period of time after receipt of the Hearings Examiner's Findings and having confirmed the need for the above captioned rules, we find that the findings of fact of the Hearing Examiner accurately reflect the facts in the record.

NOW THEREFORE, BE IT RESOLVED that the State Board of Education hereby adopts and incorporates herein the Report of Hearing Examiner dated April 26, 1978 relative to the above - entitled matters to wit:

EDU 8 ~~Annual audit.~~ Repealed.

~~A. An audit shall be made annually of all accounts of school districts and unorganized territory. Such audit shall be completed within one year following the year being audited.~~

~~B. The audit shall be performed by a member of the staff of the state auditor, or a certified public accountant, or a public accountant. A public accountant is defined as one who has for five years been engaged primarily in the business of public accounting.~~

~~C. The audit shall be performed in accordance with "Minimum Audit Procedures for Minnesota Municipalities" published by the Department of Public Examiners in 1960, including the 1964 Supplement and any subsequent revisions or supplements.~~

~~D. A copy of each audit shall be furnished the state board of education.~~

5 MCAR §1.0762 Fund accounting.

A. No change
B. No change
C. No change
D. No change
E. No change

F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

(a) The capital expenditure fund year-end unappropriated fund balance, plus

(b) The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.

G. No change

5 MCAR §1.0765 ~~Amendment~~ Repealed.

~~A. The requirements of this chapter, including classifications of funds and accounts, are subject to amendment as provided in this section unless otherwise provided in statute.~~

~~B. Any proposals by the state board for revision of the requirements in this chapter must be published in the state register. If after twenty days there is no petition for a hearing pursuant to the requirements of Minn. Stat. ch. 15, such revisions shall be incorporated into this chapter. However, upon receipt of a petition from any interested person upon such proposed revision, the state board shall proceed according to Minn. Stat. §15.0412.~~

THEREFORE, IT IS ORDERED that the rules identified as EDU 8, 5 MCAR §1.0762 and 5 MCAR §1.0765 are adopted this 10th date of July, 1978, pursuant to authority vested in us by Minnesota Statutes, Section 121.901.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Henry G. Tweten
President
State Board of Education

Rules as Adopted

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

5 MCAR §1.0762 Fund accounting.

F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

(a) The capital expenditure fund year-end unappropriated fund balance, plus

(b) The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.

APPROVED AS TO FORM AND LEGALITY

AUG. 14 1978 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY Lee E. Shulz

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1978
Joan Anderson Growe
Secretary of State
9:30 A.M

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF EDUCATION

In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Financial Accounting Reporting Requirements; and Issuance and Renewal of Licenses for School Superintendents and Principals; and the Repeal of EDU 8 and EDU 330.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:00 a.m. on Tuesday, March 28, 1978, in Room 716 of the Capitol Square Building, St. Paul, Minnesota.

Michael J. Bradley, Assistant Attorney General, appeared as counsel on behalf of the State Board of Education. Dr. George Droubie, director of teacher licensing and placement, Dr. Gregory Waddick, Assistant Commissioner, and Stan Tikkanen, education specialist II, testified on behalf of the Board in support of the proposed rules. The hearing continued until all interested groups or persons had an opportunity to testify concerning the adoption of the proposed rules.

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

The Board of Education shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. 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 of

Education shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

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

FINDINGS OF FACT

1. On January 19, 1978, 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 February 20, 1978, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 1539.

3. On February 23, 1978, 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 March 1, 1978, the Board filed 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; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of Department personnel who will represent the agency.

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 open through April 4, 1978 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 121.11 and 125.05 (1976).

7. EDU 8 is proposed to be repealed in its entirety because it is a general provision which was replaced by specific provisions of the uniform financial accounting and reporting standards (UFARS) rules contained in 5 MCAR §§ 1.0760-1.0769.

8. 5 MCAR § 1.0765 is proposed to be repealed in its entirety because it is no longer needed.

9. The proposed amendments to 5 MCAR § 1.0762 implement the provisions of 1977 Laws, Chapter 447, Article VII, Section 8 and Minn. Stat. Chapter 475.

a. Stanley A. Tikkanen, Department of Education School Financial Management Section, suggested that 1.0762 be amended by deleting the second paragraph and substituting in place thereof:

> "The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by
> (a) The capital expenditure fund year-end unappropriated fund balance, plus
> (b) The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.

He contends that the revised version is more clear and will be more workable for those affected.

b. The Examiner concludes that proposed § 1.0762 is both needed and reasonable. The Examiner recommends, however, that the rule be amended as set forth in paragraph a. above.

10. EDU 330 is proposed to be repealed in its entirety and replaced with new rules 5 MCAR §§ 1.0552-1.05599.

11. Proposed new 5 MCAR § 1.0552, Definition and scope, defines terms used in the rule.

12. Proposed new 5 MCAR § 1.0553, School administration standards and licensure advisory task force, sets out task force duties and responsibilities and prescribes membership for the body.

a. The Educational Administration Student Organization (EASO) at the University of Minnesota suggested that the membership of the task force be broadened to include two students of educational administration actively enrolled in a Minnesota college or university offering an approved program.

b. The Department of Education concurred that student representation on the task force is desirable and proposed the following amendment:

> "5 MCAR § 1.0553 C. shall be amended as follows: "The task force shall consist of fourteen voting and one non-voting member." Change the present C.9 to "one student representative from an approved Minnesota program in school administration." Add a new C.10. as follows: "one non-voting member from the State Department of Education staff."

This amendment also corrects the number "11" error in the rules as published.

c. The MEA suggested that the "teacher membership position on the task force be specified to be a practicing classroom teacher to clearly enumerate the intent of the rule.

d. The Examiner concludes that proposed § 1.0553 is both needed and reasonable. The Examiner recommends, however, that the rule be amended as set out in paragraphs b. and c. above.

13. Proposed new 5 MCAR § 1.0554, Types of Licenses, delineates the requirements for the various levels of licensure.

a. The State Board of Education proposed to amend § 1.0554 B. 2. by adding the following language:

> c. In the first five years following the effective date of this Chapter, clock hours of individual professional development activity shall be required as follows:
>
> (1) Twenty-five clock hours of approved administrative continuing education and fifteen clock hours of individual professional development activity for renewal of licenses expiring June 30, 1979.

(2) Fifty clock hours of approved administrative continuing education and thirty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1980.

(3) Seventy-five clock hours of approved administrative continuing education and forty-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1981.

(4) One hundred clock hours of approved administrative continuing education and sixty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1982.

(5) One hundred twenty-five clock hours of approved administrative continuing education and seventy-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1983.

The Board contends that:

> These corrections are necessary in order to provide a fair and workable phase-in period for those affected by this Chapter. School administrators have been involved in earning continuing education renewal units for some time; however, renewal units do not readily translate into clock hours. One renewal unit does not equate with one clock hour. Therefore, it is recommended that a phase-in period be adopted for implementation of this Chapter which will allow a gradual accumulation of clock hours during the first five years for those persons whose licenses expire from one to four years following the effective date of this Chapter.

b. The EASO suggested that the field experience requirements (§ 1.0554 A.1.b.(2)(a) - (d)) be deleted because there has been no showing that field experience is needed.

The Department responded as follows:

> With regard to concerns relative to the field experience requirement contained on pages 5 and 6 of the proposed rule, it is the Department's position that a field experience is a necessary part of a preparation program for school administrators. The field experience requirement included in this proposed rule reflects current practice among the approved educational administrative programs in six Minneapolis colleges and universities. The adoption of the field experience requirement will not place a burden upon any of the present programs currently in operation. Further, it should be noted that language is presently included in the rule allow-

ing colleges and universities flexibility in determining equivalency with regard to completing the 200 clock hour requirement of field experiences. It should be noted that the field experience requirement is a requirement for the entrance license. Persons completing this program will be serving in their first administrative position and may be the chief administrative officer of a school district or school building. Some type of field experience requirement should be a mandatory part of a school administrative preparation program similar to a student teaching requirement now in force for teachers in preparation programs.

c. The EASO also commented that the field experience requirement was inconsistent in that the elementary level must complete the experience in 12 months whereas the secondary and superintendency levels have no time limit. In addition, the experience requirement is more restrictive for the elementary level than for the others.

d. Mr. Merle D. Griffith commented that there is great concern over the practice of replacing licensed elementary teachers with administrative interns. In response to this comment, the Department proposed that a new paragraph (d) be added to read as follows:

"Persons taking part in the field experience shall not be used to replace licensed principals required by State Board of Education administrative staffing rules."

e. Mr. Vic Rinke and Dr. Glen Lakes, Pine River school principals, commented that the 125 hour continuing education requirement would be very difficult for out-state persons to comply with.

f. Mr. Daniel F. Bryan, Special Education Regional Consultant, commented on § 1.0554 A.1.a. as follows:

This section as written severely limits the types of educational professionals who may aspire to move into administrative positions. The proposed language would discriminate against professionals who have met minimum experience requirements for their respective licenses, no matter how long they have served students in assignments requiring the following licenses:

1) Elementary Music Specialist
2) Elementary Art Specialist
3) Elementary Remedial Reading Teachers
4) Elementary Physical Education Specialist
5) Elementary Counselors

6) Secondary Counselors
7) School Psychologists
8) School Social Workers
9) Audio-Visual Directors and Coordinators
10) Speech Correction
11) Special Learning and Behavior Problems
12) Crippled Children
13) Educable Retarded Children
14) Trainable Retarded Children
15) Hearing Impaired
16) Visually Handicapped Children
17) Librarians
18) Media Generalist
19) Media Supervisor
20) Nursery School Teachers
21) Secondary Developmental Reading Teachers
22) Reading Consultant

These professional groups could be excluded, without regard to their training, if "teaching experience in one or more grades, kindergarten through 12" is strictly and traditionally interpreted. Their only recourse would in some cases require additional training and in all cases require additional years of experience if they only met minimum experience requirements for their respective licenses. Without question, the proposed language would create second class professional positions within the educational system and would inappropriately limit boards of educations pool of potential leadership personnel.

Therefore, I support the testimony of the Minnesota Administrators of Special Education which proposes the following language under 5 MCAR 1.0554 A.1.a:

> "Have had three years teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years teaching experience at the elementary level. Secondary principals must have three years teaching experience at the secondary level. Superintendents of schools must have at least three years teaching experience at the elementary or secondary level."

The Department stated that their interpretation of the proposed rule would not exclude these specialists provided they had completed three years of teaching experience.

g. Mr. Charles Martin, principal of BayView School in Proctor, commented that § 1.0554 A.1.b.(1) would seem to exclude graduates of out-of-state colleges and universities. The Examiner points out that out-of-state programs are provided for in A.2, however.

h. The Examiner concludes that the inconsistency between § 1.0554 A.1.b.(2)(a), (b) and (c) was not shown to be reasonable. Each level should be treated the same to eliminate the discrepency.

The Department's interpretation of § 1.0554 A.1.a, (see paragraph f. above) does not square with the language of the rule. The Examiner recommends that the amendment proposed in paragraph f. be adopted as it seems to say what the Department's expressed intent is. The Examiner also recommends that the proposed rules be amended as set out in paragraphs a. and d. above.

So amended, the Examiner concludes that § 1.0554 is both needed and reasonable.

14. Proposed new 5 MCAR § 1.055, Approval of programs which prepare school administrators for entrance licensure, sets out requirements for colleges and institutions to develop such programs. Proposed new 5 MCAR § 1.0556, Approval of administrative continuing education programs, mandates procedures to be followed to secure approval for CE courses. Proposed new 5 MCAR § 1.0557, Suspension and revocation of licenses, sets out the grounds and procedure for such action. The Examiner concludes that all three of these sections are both needed and reasonable.

15. Proposed new 5 MCAR § 1.0558, Human relations requirement, is an updated version of EDU 520 and 521 which were adopted in 1971. The new rule includes references to the "handicapped" and to "sexism" as being specific human relations components. The Examiner concludes that § 1.0558 is both needed and reasonable.

16. Proposed new 5 MCAR § 1.0559, The issuance and renewal of licenses, provides information to applicants concerning dates of issue and expiration, requirements for holding licenses and the cost of licenses.

a. Mr. Stuart Blackorby testified on behalf of the Minnesota Association of School Administrators as follows:

> "It would be our recommendation that a procedure be developed that would permit automatic transfer of any renewal units gained

under the current system as an alternative to 1.0559 in cases where the individual has pursued these units. We would support the procedure outlined by the representatives of the State Board as a phase-in for persons beginning licensure under 5 MCAR. We would suggest that language be added as follows: INDIVIDUALS SHALL BE PERMITTED TO TRANSFER LOCAL RENEWAL UNITS APPROVED BEFORE JULY 1, 1978, TO APPLY TO RE-LICENSURE UNDER A PLAN DEVELOPED BY THE STATE BOARD OF EDUCATION. THIS WOULD BE IN ADDITION TO THE PHASE-IN PROCESS SUGGESTED BY THE DEPARTMENT."

The Department stated that because renewal units are not easily converted into clock hours, the most equitable solution to the problem is the amendment proposed in Finding 13.a.

b. The examiner concludes that § 1.0559 is both needed and reasonable.

17. Proposed 5 MCAR § 1.05599 is taken directly from present EDU 330 and provides for phasing out standard administrator licenses which were issued under rules effective prior to July 1, 1974. The Examiner concludes that § 1.05599 is both needed and reasonable.

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

CONCLUSIONS

1. The Department of Education gave proper notice of the promulgation of the proposed rules and proposed rule amendments.

2. Pursuant to Minn. Stat. § S 15.052, subd. 3 (1976), 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. The Department of Education has statutory authority to promulgate the proposed rules.

4. The Department of Education has fulfilled all relevant, substantive and procedural requirements of law or rule.

5. Except as otherwise specifically noted in the foregoing Findings of Fact (see Finding 13.h.), the Department of Education has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts in the record.

6. The Hearing Examiner recommends that the proposed rules be amended as set out in Findings 9.b., 12.d. and 13.h., discussed herein. The Department should further examine the entire record in this matter before final action is taken.

7. The Examiner concludes that the amendments he is suggesting make the proposed rules more reasonable and do not constitute a substantial change.

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

RECOMMENDATION

That the Department of Education adopt the proposed rules as recommended to be amended in this Report and on the basis of the record made herein.

Dated: April 26, 1978.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF EDUCATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF EDUCATION GOVERNING FINANCIAL ACCOUNTING REPORTING REQUIREMENTS; AND ISSUANCE AND RENEWAL OF LICENSES FOR SCHOOL SUPERINTENDENTS AND PRINCIPALS; AND THE REPEAL OF EDU 8 AND EDU 30.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 28, 1978, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter 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 Department of Education on April 26, 1978; and

WHEREAS, the Department of Education has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Department of Education 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 proposed rules are not substantially different from those proposed at the public hearing and that the Department of Education has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

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

Dated this 18th day of July, 1978.

BY: George A. Beck
GEORGE A. BECK
Hearing Examiner

FOR: DUANE R. HARVES
Chief Hearing Examiner

State of Minnesota
Board of Education

Statement of Need and Reasonableness

Concerning: The proposed adoption of rules governing the licensure of school superintendents and principals.

Introduction.

Minnesota Statute 125.05 vests the authority to license superintendents and principals in the state board of education. The purpose of 5 MCAR § 1.0552-5 MCAR § 1.05599 is to set forth requirements and procedures for the licensure of school superintendents and principals.

A statewide school administration task force of 19 members was established by the state board of education in April of 1972, to be advisory to the board in matters concerning the preparation and licensure of school administrators. When the Minnesota board of teaching was established by the 1973 legislature, responsibility for the licensure of teachers was transferred from the state board of education to the Minnesota board of teaching. The school administration task force, as well as one of its subcommittees, then began a study of the requirements for the preservice and continuing preparation of school administrators.

The advisory task force first developed a recommendation for the continuing licensure of superintendents and principals which was presented to the state board of education in September of 1976. The document was referred back to the task force with suggestions for further study and development which would include in one set of rules all requirements pertaining to the licensure of superintendents and principals.

On June 14, 1977, a working draft of a new set of rules was disseminated to all superintendents and principals serving in Minnesota schools. They were asked to share the draft with assistant superintendents, assistant principals, and others in their districts or professional organizations who hold, or seek to hold, administrative licensure. Administrators were asked to forward their views to the state agency, either supporting the draft or suggesting changes. This request yielded many responses which were studied and taken into consideration by members of the advisory task force and its writing committee.

A writing committee worked intensively during the fall of 1977 and presented a proposal to the full task force on November 29, 1977. The draft was approved by the task force, as well as by School Administrators of Minnesota, Minnesota Association of School Administrators, Minnesota Elementary School Principals' Association, and Minnesota Association of Secondary School Principals.

The proposed rules, 5 MCAR § 1.0552 - 5 MCAR § 1.05599, were presented to the state board of education on January 16, 1978. With several changes which are reflected in the current proposal, the board approved the rules for public hearing.

The foregoing history has been provided to indicate the amount of study and statewide participation that has taken place during the development of the proposed licensure rules.

Proposed Chapter Twenty-Eight: Issuance and Renewal of Licenses for School Superintendents and Principals

5 MCAR § 1.0552 Definition and scope.

This section provides definitions of terms in order to make the meaning of the rules more clear. The scope of the rules is indicated in part B. of the section wherein those who must be licensed are listed.

5 MCAR § 1.0553 A school administration standards and licensure advisory task force.

The capabilities of school administrators are very important to pupils in Minnesota schools and to the public, in general. Therefore, the means by which administrators are licensed are of great importance, not only to the administrators, themselves, but to the general public of the state. A task force is created to provide ongoing advice from both practicing school administrators and members of the public concerning the preparation and licensure of Minnesota school administrators.

5 MCAR § 1.0554 Types of licenses.

The first license that an applicant may receive in each of the three administrative areas is issued for a period of two years. There has been a great deal of study concerning the advisability of a two-year internship rather than a two-year entrance license. However, supervised internships are difficult to obtain for periods of one or two years. Additionally, it is viewed as desirable to have all persons begin as administrators on an entrance license, even though a person may be an experienced administrator coming from another state. Therefore, the entrance license approach is selected.

At least three years of classroom experience is required, with such experience for principals at the level where the administrative license is sought. It is generally agreed that the most important element in the preparation of a school administrator is experience as a classroom teacher.

National school administration organizations have led school administrators to support preparation for principals and superintendents at a specialist, or master's degree plus 45 quarter credits in a planned program, as the basic academic requirement for entrance licensure. This requirement has been in effect in Minnesota under the rule, EDU 330. The approved programs approach has also been in effect for many years. Alternative to the approved programs approach is the review of every transcript which places the decision concerning initial licensure in the hands of state agency people who do not know the candidate. Another alternative is to license anyone recommended by a college without program approval. Such an approach would be a complete delegation of state power and would make it very difficult for the state to affect training programs for those subsequently licensed by the state. Of these three approaches, the approved programs approach leaves the responsibility for operating the programs and evaluating candidates with the

college faculty members who know the candidates. At the same time, the state is able to discharge its responsibilities by assuring that state requirements for licensure are in accord with views of the public and practicing administrators and that college programs are designed to develop candidates who meet licensure requirements.

A field experience is specified as part of the preparation program in order to provide experiences necessary for the development and evaluation of administrative skills. Requirements for field experiences are stated in clock hours, rather than credit hours, for greater specificity and clarity for this kind of experience. Requirements for field experiences for each administrative licensure area are 200 clock hours. However, the settings in which such experiences may take place differ among the three areas according to the views of practitioners in each of the areas.

Means are specified by which persons may be licensed who complete equivalent programs outside Minnesota.

The last item in this section provides means for persons to gain licensure who complete preparation for a school administration position and then move out of the state for a period of time or who are unable to secure the year of experience as an administrator which is necessary for continuing licensure.

Section B. presents requirements for continuing licensure as a superintendent or principal. Such persons must have at least one year of experience as a school administrator while holding the appropriate administrative license. The first continuing license, as well as subsequent continuing licenses, is issued for a period of five years. The underlying assumption of continuing education is that no matter what academic level has been achieved, including a doctorate, it is important for educators to engage in ongoing professional development activities. Five years are selected as a reasonable relicensure period: there is sufficient time to find, or develop, worthwhile activities and to schedule them. At the same time, five years is not so long that ongoing professional activities can be ignored for any substantial period.

Requirements for continuing education are expressed in clock hours in accordance with Minnesota Statute 214.12. One hundred twenty-five clock hours of approved administrative continuing education was selected as a reasonable requirement for a five-year period of time. The reasonableness of this requirement is related to the kinds of activities which are approved for administrative continuing education and which will be further discussed in § 1.0556.

In addition, it was agreed by the task force that school administrators must engage in individual professional development activities which are related to school administration. Since this is a self-declaration activity, rather than participation in a planned program, records will only be maintained in the central office of the employing school district or agency. Records of the 125 clock hours of approved administrative continuing education will be maintained in the state agency.

The purpose of the rule for licensure of persons whose continuing license has been allowed to lapse is to provide a means for such persons to regain continuing licensure and, thereby, to hold positions as school administrators.

5 MCAR § 1.0554, cont.

The requirement that renewal requirements must be met during the five-year term of each continuing license supports the philosophy of continuing education stated earlier. It is expected that during some licensure periods, educators will have many more clock hours than required (for example, when persons are pursuing advanced degrees). However, the philosophy of continuing education is that a certain minimum of professional development will take place during each licensure period.

The expiration date of each individual's continuing license is established at the time the first continuing license is issued. When continuing licensure is achieved in additional areas, licenses will expire for all areas at the same time. This is no financial burden to the applicant since one fee is charged for renewal no matter how many areas of licensure an individual may have achieved. It is much more convenient for the licensed individual, as well as much more sound administratively for the state agency, to have only one expiration date for each person who holds a continuing license.

Section C. refers to life or permanent licenses. Such licenses are no longer issued in Minnesota. However, they are referred to in the rules since many persons hold such licenses which were issued in the past.

5 MCAR § 1.0554 is designed, primarily, to inform persons who wish to become licensed as school administrators of the requirements for such licensure. 5 MCAR § 1.0555 is designed to inform colleges of the requirements for securing approved status for programs which prepare school administrators. 5 MCAR § 1.0556 is designed to inform initiators of administrative continuing education programs concerning requirements for approval of such programs.

5 MCAR § 1.0555 Approval of programs which prepare school administrators for entrance licensure.

Section A. informs institutions of higher education of the office which is responsible for program approval. Also, it assures that there will be no confusion concerning which programs are approved and which are not.

Section B. assures that practicing administrators will be consulted by colleges as programs which prepare administrators are developed. The purpose of this requirement is to assure the development of college programs which are as valuable as possible in the preparation of beginning school administrators.

Section C. requires that a designated official in each college be responsible for working with the state in developing and securing approval of programs. This requirement prevents confusion concerning authority and responsibility as each institution works with the state. Also included in section C. is a listing of the various kinds of programs for which approval may be requested and the steps for gaining approval. A site visit is required as a part of the approval process in order to assure complete understanding of the proposed program and the resources available for its implementation. Once a college has an approved program, it then accepts the responsibility to recommend candidates who satisfactorily complete the approved program for entrance licensure.

5 MCAR § 1.0555, cont.

Section D. sets forth the elements that should be included in the college program proposal. A great deal of flexibility is provided with respect to details of the program and emphasis is placed upon the college showing how this program can, and will, prepare administrators who have achieved the learning outcomes specified in the program.

Section E. sets forth the period of five years for approval and the means by which approval is renewed. The five-year period was selected in order to assure current information concerning each program. Programs change a great deal in even a two-year span of time. However, it was felt that important trends could be studied and significant changes could be monitored with five-year reviews and at the same time be frequent enough so that institutions would not "gear up" especially for each visit. It is expected that a five-year visit will yield information about the year in, year out operation of a program rather than the "spruced up" program that may be reported on a ten-year cycle.

5 MCAR § 1.0556 Approval of administrative continuing education programs.

Although preservice programs may only be offered by approved graduate institutions with resources necessary to offer programs in education administration at a level of one year beyond the master's degree, continuing education programs may be offered by individuals, agencies, or institutions with expertise to offer special programs for persons already prepared at an advanced graduate level. Such persons, agencies, or institutions are referred to as "initiators" in the proposed rules. Professional organizations, some practicing administrators, various specialized institutes, business organizations, professionals from other fields, groups such as the American Management Association, possess areas of specialized expertise which may be of value for the continuing education of superintendents and principals. Therefore, initiators may represent a wide variety of backgrounds and business affiliations.

Approval procedures for continuing education programs parallel, insofar as possible, requirements for approval of preservice programs. This will reduce confusion among those who wish to offer programs and increase administrative efficiency for the state agency.

In section A. the requirement that all programs be approved by the commissioner assures that requirements of the rule will be met. Also, persons participating in programs are assured, at the time of registration, that the program has been approved for a specified number of clock hours. The requirement that administrative continuing education programs be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission provides opportunities for administrators to participate in programs offered by school districts where they are not employed or organizations to which they do not belong. For example, an elementary school principal may wish to participate in a human relations program being offered by the Minnesota Association of Secondary School Principals. This requirement also assures that administrators who are employed by small school districts which are unable to offer programs will have the opportunity to participate in programs offered by

5 MCAR § 1.0556, cont.

other school districts or agencies. The Department of Education will assist administrators in finding desired programs by disseminating lists of approved administrative continuing education programs twice annually.

Section B. provides that, although the initiator of an administrative continuing education program bears complete responsibility for conducting the program, such person or agency may use other resources. This provision enables persons or agencies to develop programs of the highest possible quality.

Section C. specifies the responsibilities of program initiators. As with preservice programs, there must be involvement with practicing, licensed administrators in identifying the areas where continuing education programs are necessary and in planning the program. The initiator is also responsible for gaining program approval, maintaining communication with the commissioner of education concerning the program, and reporting the names of persons who complete the approved program. This delineation assures that initiators understand their responsibilities for program administration.

Section D. specifies the elements that must be included in each program proposal, so that all program initiators understand the kind of information that must be forwarded in order to gain program approval. Also, it is specified that each program shall consist of at least three clock hours. This requirement is included to assure that inservice programs be of sufficient duration to require careful planning. Also, many of the topics of interest to school administrators are highly specialized and can be well presented in three to five hours.

Since continuing education programs are likely to deal with topics of current interest, they will be approved for only two years. However, this does not preclude a program being reviewed and reapproved for an additional two years if the content continues to be current and of great interest. The intent of section E. is that programs will be approved as long as they meet the rule. This means that practicing school administrators have been involved in decisions concerning the topics for continuing education as well as in the development of the program. Therefore, the role of the commissioner will be to review the program proposal to determine whether it is likely to achieve its goals, but not to decide what the program topic ought to be.

5 MCAR § 1.0557 Suspension and revocation of licenses.

This section is included to inform school administrators of the general grounds upon which licenses may be suspended or revoked. The grounds tend to parellel those found in M.S. 125.09 subd. 1. Section B. informs licensed administrators of the procedures by which suspension or revocation action may be taken. These procedures are compatible with state law.

5 MCAR § 1.0558 Human relations requirement.

EDU 520 and EDU 521 were human relations rules adopted by the state board of education on February 16, 1971, effective July 1, 1973, which applied to both teachers and administrators. It is important that human relations requirements continue in effect for school administrators since they form the leadership for the education of Minnesota children and youth. It is essential that school

5 MCAR § 1.0558, cont.

administrators be sensitive to the various groups which constitute our society, recognize the kinds of problems that society generates for these various groups, and develop skills to help solve such problems both in the school learning situation and the statewide community.

§ 1.0558 closely parallels the human relations requirement which was developed with a great deal of statewide participation in 1969 and 1970. Also, it includes modifications which have proved desirable during the five years of experience since the effective date of the rule. For example, specific mention is made of the handicapped group and of sexism in our society. The requirement that human relations program components be developed with participation of members of the various racial, cultural, handicapped, and economic groups, as well as that membership in planning groups be equitably distributed between men and women, is designed to yield programs which improve continuously.

5 MCAR § 1.0559 The issuance and renewal of licenses.

This section provides information to applicants for licensure concerning dates of issue, dates of expiration, requirements for holding licenses, and the cost of licenses.

5 MCAR § 1.05599 is taken directly from EDU 330. It provides for phasing out standard administrator licenses which were issued under rules effective before July 1, 1974. All such persons were to have come under EDU 330 by July 1, 1979. Therefore, on that date § 1.05599 will be automatically deleted from the rules for superintendents and principals since, on that date, § 1.05599 will no longer have an effect on licensed personnel. It should be noted that EDU 330 dealt only with requirements for issuance of the entrance license for superintendents and principals. Since this set of proposed rules does not change requirements for entrance licensure, § 1.05599 will function with respect to this proposed set of rules in the same way that it would have with respect to EDU 330. It involves no change in effect on persons in the field.

for attorney general

Rules as Adopted

Chapter Twenty-Eight: Issuance and Renewal of Licenses for School Superintendents and Principals

5 MCAR § 1.0552 Definition and scope.

A. Definition of terms:

1. The term superintendent includes assistant superintendents; the terms elementary school principal and secondary school principal include assistant principals; and the term principal includes all elementary and secondary school principals and assistant principals.

2. Administrative licensure areas are the areas of superintendent of schools, elementary school principal, and secondary school principal.

3. Licensed administrator means a person holding an appropriate license for a position as superintendent, assistant superintendent, principal, or assistant principal.

4. The term clock hours means clock hours of actual instruction or supervised group activities in an approved Minnesota continuing education program. Hours devoted to individual professional development activity are in addition to specified clock hours and are not counted as clock hours.

5. The term initiator means the individual, agency, or institution that initiates and conducts administrative continuing education programs in accordance with 5 MCAR § 1.0556.

B. Persons holding positions as superintendents and principals must be licensed as follows:

1. Superintendents and assistant superintendents must hold Minnesota licenses as superintendents of schools.

2. Elementary school principals and assistant elementary school principals must hold Minnesota licenses as elementary school principals.

3. Secondary school principals and assistant secondary school principals must hold Minnesota licenses as secondary school principals.

5 MCAR § 1.0553 A school administration standards and licensure advisory task force shall be established which is advisory to the board of education.

A. The purposes of the task force are:

1. To review proposed rules pertaining to the preparation and licensure of school administrators and to provide written recommendations concerning such proposals to the board of education.

2. To work with licensed administrators practicing in Minnesota schools to identify needed areas of study for administrative continuing education programs.

3. To study and make recommendations for affirmative action in the preparation and employment of school administrators.

4. To review and recommend approval of continuing education programs for administrators to the commissioner of education. The task force may appoint subcommittees to meet this responsibility.

B. The task force shall meet at least three times during each school year.

1. The first meeting of each year will be called by the commissioner of education and will be held before October 31.

2. At the first meeting, a chairman, secretary, and any other officers deemed necessary by the members shall be elected from the voting members. Officers shall serve for one year.

C. The task force shall consist of ~~eleven~~ fourteen voting and ~~two~~ one nonvoting members as follows:

1. Two elementary school principals;

2. Two secondary school principals;

3. Two school superintendents;

4. One practicing classroom teacher;

5. Two administrators or faculty members in education from colleges with approved school administration programs;

6. One member of a Minnesota school board;

7. One individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district;

8. Two members of the public;

~~Two nonvoting members from the department of education staff.~~

9. One student representative from an approved Minnesota program in school administration;

10. One nonvoting member from the state department of education staff.

D. Task force members are appointed by the board of education for terms of two years. Members may not serve for more than two terms.

1. Membership terms begin with the first task force meeting of the school year.

2. Members shall serve until successors are appointed.

3. A vacancy during the term of a member shall be filled by the board of education.

4. The position of a member who leaves Minnesota or whose employment status changes to a licensure area different from that from which appointment was made shall be deemed vacant.

5. Members shall be qualified as follows:

a. All members shall be selected on the basis of experience, and knowledge of, and interest in, the preparation and licensure qualifications of school administrators.

b. Members who are teachers, principals, and superintendents must

(1) Be currently practicing in Minnesota in the licensure area that they represent;

(2) Hold a current Minnesota license valid for their present position.

5 MCAR § 1.0554 Types of licenses. Entrance licenses and continuing licenses may be issued for each administrative licensure area, and an applicant must meet requirements in each area where licensure is sought as specified in A. and B., below. Life licenses may be held by those who meet requirements as specified in C., below.

A. Entrance license.

1. Requirements must be met for each administrative area where licensure is sought. An entrance license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Have had three years of ~~classroom~~ teaching experience while holding licenses valid for the position or positions in which the experience was gained. 1) Elementary school principals must have at least three years of teaching experience/ at the elementary level. Secondary school principals must have at least three years of teaching experience/at the secondary level. Superintendents of schools / 2) must have at least three years of teaching experience/at the elementary or / 3) secondary level.

(see footnotes below)

b. Complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits, in the administrative area for which licensure is sought. Each program to be approved by the commissioner of education must:

(1) Be offered at a regionally accredited Minnesota graduate school.

(2) Include a field experience/ ~~as follows~~ Persons taking part in field experiences shall not replace required licensed principals or superintendents.

(a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal, or in an administrative placement with a licensed educational administrator appropriate for the elementary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

1) ~~in one or more grades, kindergarten through 6~~

2) ~~In one or more grades, 7 through 12~~ 3) ~~in one or more grades, kindergarten through 12~~

(b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(d) Persons who have gained licensure in one administrative area and who have completed 3 years of experience under that administrative license may qualify for licensure in another administrative area by completing the required teaching experience and the approved program for that area except that an administrative field experience may be waived.

c. Fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

d. Be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner of education a transcript of college or university work to be analyzed in order to determine comparability of program.

2. An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation.

3. An entrance license is the first license issued in any administrative licensure area and is valid for a term of two years and is not renewable except in the case of an applicant who is unable to gain one year of experience as an administrator during the term of the entrance license. In such a case, the entrance license may be allowed to expire and a one-year, nonrenewable entrance license may be issued at such time as the applicant secures a position.

B. Continuing license.

1. The first continuing license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Hold, or have held, an entrance license in the administrative area for which the continuing license is requested.

b. Provide evidence of at least one year of experience in the administrative area for which the continuing license is requested while holding an entrance license or a one-year, nonrenewable entrance license for that administrative area.

2. The second and subsequent continuing licenses may be issued to an applicant who has met/the following requirements during the term of the / ~~both of~~ continuing license which is expiring. An applicant must:

a. Provide evidence to the office of the commissioner of education of the completion of at least 125 clock hours of approved administrative continuing education.

b. Provide a record, to be on file in the central office of the employing school district or agency, of the completion of at least 75 hours of individual professional development activity related to school administration.

c. In the first five years following the effective date of this Chapter, clock hours of approved administrative continuing education and clock hours of individual professional development activity shall be required as follows:

(1) Twenty-five clock hours of approved administrative continuing education and fifteen clock hours of individual professional development activity for renewal of licenses expiring June 30, 1979.

(2) Fifty clock hours of approved administrative continuing education and thirty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1980.

(3) Seventy-five clock hours of approved administrative continuing education and forty-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1981.

(4) One hundred clock hours of approved administrative continuing education and sixty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1982.

(5) One hundred twenty-five clock hours of approved administrative continuing education and seventy-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1983.

d. In the first five years following the effective date of this Chapter, renewal units which are earned toward administrative relicensure may be allocated toward clock hours of administrative continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of administrative continuing education shall be granted. Provisions B.2.c. and B.2.d. of 5 MCAR § 1.0554 shall remain in effect until July 1, 1983, at which time provisions B.2.c. and B.2.d. shall be repealed without further action by the board of education.

Add after this

3. In the case of a continuing license which has been allowed to lapse:

a. An applicant must provide evidence that 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity as required in 2.a. and b., of this rule, a two-year, nonrenewable continuing license may be granted. Upon expiration of the two-year, nonrenewable continuing license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. and b., of this rule.

4. The term of each continuing license is five years. Renewal requirements must be met during the five-year term of each continuing license.

5. The expiration date for all areas of continuing licensure will be the expiration date established for the first continuing license issued to an applicant.

6. An applicant for a license under this section must also fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

C. Life license or permanent license. Any person holding a Minnesota life or permanent license in an administrative area need not hold an entrance or a continuing license in that administrative licensure area.

5 MCAR § 1.0555 Approval of programs which prepare school administrators for entrance licensure.

A. All programs which prepare applicants for entrance licenses in the licensure areas of superintendent of schools, elementary school principal, and secondary school principal must be approved by the commissioner of education.

B. All programs which prepare applicants for entrance licensure in administration shall be developed with the involvement of licensed administrators currently practicing in Minnesota school districts.

C. Each college or university developing programs to prepare school administrators for licensure shall designate an official of that institution to be responsible for:

1. Developing proposals for programs to prepare school administrators for licensure. Each licensure program must be described separately. A college or university may request approval for any, or all, of the following programs of preparation:

a. Superintendent of schools, specialist or doctoral degree;

b. Superintendent of schools, master's degree plus 45 quarter credits;

c. Elementary school principal, specialist or doctoral degree;

d. Elementary school principal, master's degree plus 45 quarter credits;

e. Secondary school principal, specialist or doctoral degree;

f. Secondary school principal, master's degree plus 45 quarter credits.

2. Providing evidence that licensed administrators practicing in Minnesota school districts have been involved in planning the program being forwarded for approval.

3. Forwarding program proposals to the commissioner of education and arranging for site visits for the study of administrative programs proposed for initial approval.

4. Maintaining approval status of administrative programs by communicating with the commissioner of education concerning changes in program status. The designated official shall forward program descriptions and arrange for on-site reviews at least once during each five-year period.

5. Recommending to the commissioner of education candidates who satisfactorily complete approved programs for entrance licensure.

D. Each administrative program proposal shall contain:

1. A description of planning activities.

2. A statement of program goals.

3. A description of the administrative roles and function for which the program is designed to prepare candidates.

4. A copy of information to be included in the college bulletin which sets forth all requirements for entrance licensure.

5. A complete description of the proposed program which includes:

a. Statements of expected learning outcomes including knowledge, skills, and understandings for each of the program areas including: school administration, supervision, curriculum, and instruction.

b. Descriptions of program components designed to develop specified learning outcomes which include a description of means to be used to achieve learning outcomes for each component.

c. Statements which relate expected learning outcomes to goals and to components of the program.

d. The means by which achievement of specified learning outcomes will be determined for each student.

6. Evidence that qualified faculty will be assigned to the program.

7. Evidence that resources, in addition to faculty, necessary to support the program have been allocated.

8. A plan for program evaluation which will enable the college or university to determine whether program goals have been achieved.

E. Programs will be approved for periods of five years. Six months before the end of the period for which approval of the program is granted, the college or university must forward a request for continued approval, a current program proposal as described in D., above, and arrange for a site visit to be administered by staff of the Minnesota department of education. Site visit teams shall be appointed by the commissioner of education and shall include licensed practicing administrators with representation from each administrative licensure area for which a program is to be studied. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of entrance license requirements.

5 MCAR § 1.0556 Approval of administrative continuing education programs.

A. All administrative continuing education programs for the licensure areas of superintendent of schools, elementary school principal, and secondary school principal, and the clock hours which may be earned in each program, must be approved by the commissioner of education.

1. If clock hours are to be earned, approval must be secured before participants are registered in an administrative continuing education program.

2. Admission to all approved administrative continuing education programs shall be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission.

3. The department of education shall disseminate lists of known approved administrative continuing education programs twice annually.

B. The initiator of an administrative continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector.

C. The program initiator is responsible for:

1. Developing proposals for administrative continuing education programs in areas of study which have been identified in cooperation with licensed administrators practicing in Minnesota school districts.

2. Forwarding continuing education program proposals to the commissioner of education for approval.

3. Maintaining communication with the commissioner of education concerning the status of all approved administrative continuing education programs offered.

4. Reporting to the commissioner of education the names of all individuals who complete an approved administrative continuing education program including the number of clock hours earned by each individual.

D. Each administrative continuing education program shall consist of at least three clock hours and each program proposal shall contain:

1. A description of planning activities including a list of names, addresses, and positions of those involved in planning.

2. A description of the client group, or groups, for whom the program is designed.

3. A statement of program goals which relates goals to client demands.

4. A statement concerning any prerequisite education or experience required for admission to the program.

5. A description of the proposed administrative continuing education program which includes:

a. Statements of expected learning outcomes.

b. Descriptions of program components designed to develop specified learning outcomes.

c. The means by which achievement of specified learning outcomes will be determined for each program participant.

6. Statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period.

7. Evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

E. Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of continuing education requirements.

5 MCAR § 1.0557 Suspension and revocation of licenses.

A. The license of a principal or superintendent may be revoked or suspended for any of the following causes:

1. Immoral character or conduct;

2. A breach of contract of employment without justifiable cause;

3. Overall gross inefficiency or willful neglect of duty;

4. Fraud or misrepresentation in obtaining a license.

B. The state board of education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed:

1. A written complaint which specifies the nature and character of the charges is filed with the state board of education by either the school board employing the superintendent or principal, or by the commissioner of education.

2. The commissioner of education, within 10 days after the filing of the complaint with the state board of education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address.

3. The superintendent or principal, within 20 days after the service of the copy of charges, files with the state board of education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived.

4. A hearing conducted in accordance with the rules of the office of the hearing examiner shall be held.

5 MCAR § 1.0558 Human relations requirement.

A. All applicants for licenses as superintendents or principals must complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license in one or more areas of school administration seeks to be licensed, or to have a license renewed, in another administrative area for which the person does not hold a life license. In addition, persons from outside Minnesota who wish to be licensed in an administrative area must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.

B. Human relations components of programs which lead to administrative licensure in education will be approved upon submission of evidence:

1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.

2. Showing that the human relations components are planned to develop the ability of applicants to:

a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and

b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism, and

c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and

d. Respect human diversity and personal rights.

3. Relating all of the areas enumerated in B.2. to specific competencies to be developed, and

4. Indicating means for assessment of competencies.

5 MCAR § 1.0559 The issuance and renewal of licenses.

A. All licenses to serve as superintendent and principal 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.

B. After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.

C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of twenty dollars ($20.00).

5 MCAR § 1.05599 In order to provide means for persons holding standard administrator licenses granted under prior rules of the state board of education to phase into the requirements of 5 MCAR § 1.0554, the following provisions of 5 MCAR § 1.05599 shall pertain until July 1, 1979, at which time 5 MCAR § 1.05599 shall be deleted without further action of the board of education.

A. Persons holding standard licenses for one of the administrative areas whose first license for this area was issued after September 1, 1967, shall complete the requirements of 5 MCAR § 1.0554, section A., by July 1, 1979, or on the next date when an applicant's license must be renewed if it falls after July 1, 1979.

B. Any person whose standard license as a school administrator lapsed after July 1, 1974, shall meet requirements of 5 MCAR § 1.0554.

Rules as Adopted

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

5 MCAR §1.0762 Fund accounting.

F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

~~The amount of general fund assets to be used to eliminate a negative unappropriated building construction fund balance shall not exceed the amount of such unappropriated fund balance reduced by the sum, if greater than zero, of~~

~~(a) The unappropriated fund balance in the capital expenditure fund, projected to the end of the current fiscal year, plus~~

~~(b) The under levies for capital expenditures in the five previous levies.~~

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

(a) The capital expenditure fund year-end unappropriated fund balance, plus

(b) The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Education

Office Memorandum

TO : Lee Sheehy
Special Ass't. Attorney General
G19K Administration Bldg.

DATE:

FROM : Lois Steinhaus
Lois Steinhaus
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval for rules governing financial accounting reporting requirements and issuance and renewal of licenses for school superintendents and principals

Enclosed is the complete record of the hearing.

Also enclosed are four copies of the rules as adopted and four copies of the order for hearing. In addition are three copies each of the following:

1. Proposed rule (2)
2. Notice of hearing
3. Affidavit of receipt of secretary of state's list
4. Certificate of delivery secretary of state's list
5. Affidavit of mailing
6. Statement of need and reasonableness (2)
7. Findings and Order adopting rules (2)
8. Certificate of board's authorizing resolution (2)
9. Excerpt from minutes of the July 10 board meeting regarding their adopting of the rules resolution
10. One copy of the mailing list

For your convenience, a copy is enclosed indicating the changes made from the proposed rule to the adopted rule.

Rules as Proposed

Chapter One: Classification for State Aids, Minimum Requirements for Elementary and Secondary Schools

EDU 8 ~~Annual audit.~~ Repealed.

~~A. An audit shall be made annually of all accounts of school districts and unorganized territory. Such audit shall be completed within one year following the year being audited.~~

~~B. The audit shall be performed by a member of the staff of the state auditor, or a certified public accountant, or a public accountant. A public accountant is defined as one who has for five years been engaged primarily in the business of public accounting.~~

~~C. The audit shall be performed in accordance with "Minimum Audit Procedures for Minnesota Municipalities" published by the Department of Public Examiners in 1960, including the 1964 Supplement and any subsequent revisions or supplements.~~

~~D. A copy of each audit shall be furnished the state board of education.~~

Rules as Proposed

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

5 MCAR §1.0762 Fund accounting.

F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The amount of general fund assets to be used to eliminate a negative unappropriated building construction fund balance shall not exceed the amount of such unappropriated fund balance reduced by the sum, if greater than zero, of

(a) The unappropriated fund balance in the capital expenditure fund, projected to the end of the current fiscal year, plus

(b) The under levies for capital expenditures in the five previous levies.

5 MCAR §1.0765 ~~Amendment~~ Repealed.

~~A.--The-requirements-of-this-chapter,-including-classifications-of-funds and-accounts,-are-subject-to-amendment-as-provided-in-this-section-unless otherwise-provided-in-statute.~~

~~B.--Any-proposals-by-the-state-board-for-revision-of-the-requirements-in this-chapter-must-be-published-in-the-state-register.--If-after-twenty-days there-is-no-petition-for-a-hearing-pursuant-to-the-requirements-of-Minn. Stat.-ch.-15,-such-revisions-shall-be-incorporated-into-this-chapter.--However, upon-receipt-of-a-petition-from-any-interested-person-upon-such-proposed revision,-the-state-board-shall-proceed-according-to-Minn.-Stat.-§15.0412.~~

Chapter Seventeen: Certificates, Administrators and Supervisors

EDU 330 School administrators. Repealed.

~~A. This regulation is effective July 1, 1974, for all applicants for entrance certificates for school administration. School administrators include all persons who function as, or who are classified as, school superintendents and assistant superintendents, elementary school principals and assistant principals, secondary school principals and assistant principals.~~

~~B. Certificates shall be issued separately for each of the following positions:~~

~~1. Superintendent of schools~~
~~2. Elementary school principal~~
~~3. Secondary school principal~~

~~C. All candidates for certification shall have satisfactorily completed a program in school administration appropriate for the certificate requested which is approved by the department of education and~~

~~1. which results in a specialist or higher degree, or~~

~~2. which results in the completion of a program consisting of a minimum of 45 quarter credits, or the equivalent, beyond a master's degree.~~

~~D. Evidence shall be provided to the state department of education by those responsible for the training programs to show that competency-based programs submitted for approval have been developed with appropriate participation from school administrators, teachers, school board members, and citizens. All applicants for administrative certifications recommended by those responsible for training programs shall have competencies in all of the following areas: school administration, supervision, curriculum, and instruction.~~

~~E. All candidates shall have completed three years of successful teaching experience on a certificate valid for the position in which the experience was obtained. For elementary principals, the experience must be at the elementary level. For secondary principals, the experience must be at the secondary level.~~

~~F. The issuance of the first continuing certificate is contingent upon:~~

~~1. The candidate's possession of an issued valid and appropriate administrative entrance certificate, and~~

~~2. One year of successful experience in the certificated administrative role during the time that the applicant holds an appropriate administrative entrance certificate.~~

~~G. Persons holding standard or provisional certificates for one of the administrative roles, whose first certificate for this role was issued prior to September 1, 1967, may be issued a continuing administrative certificate upon the next renewal.~~

~~H. The continuing certificate may be renewed according to general regulations of the state board of education pertaining to continuing education.~~

~~I. In order to provide means for persons holding standard administrator's certificates to phase into the requirements of EDU 330, sections A. through H., the following provisions of section I. shall pertain until July 1, 1979, at which time section I. shall be deleted from EDU 330 without further action of the board of education.~~

~~1. Persons holding standard certificates for one of the administrative roles whose first certificate for this role was issued after September 1, 1967, shall complete the requirements of EDU 330, sections A. through H., by July 1, 1979, or on the next date when an applicant's certificate must be renewed if it falls after July 1, 1979.~~

~~2. Any person whose standard certificate as a school administrator lapses after July 1, 1974, shall meet requirements of EDU 330, sections A. through H.~~

~~(EDU 1973; 1975)~~

Rules as Proposed

Chapter Twenty-Eight: Issuance and Renewal of ~~Continuing Certificates~~ Licenses for School Superintendents and Principals

(All new material)

5 MCAR § 1.0552 Definition and scope.

A. Definition of terms:

1. The term superintendent includes assistant superintendents; the terms elementary school principal and secondary school principal include assistant principals; and the term principal includes all elementary and secondary school principals and assistant principals.

2. Administrative licensure areas are the areas of superintendent of schools, elementary school principal, and secondary school principal.

3. Licensed administrator means a person holding an appropriate license for a position as superintendent, assistant superintendent, principal, or assistant principal.

4. The term clock hours means clock hours of actual instruction or supervised group activities in an approved Minnesota continuing education program. Hours devoted to individual professional development activity are in addition to specified clock hours and are not counted as clock hours.

5. The term initiator means the individual, agency, or institution that initiates and conducts administrative continuing education programs in accordance with 5 MCAR § 1.0556.

B. Persons holding positions as superintendents and principals must be licensed as follows:

1. Superintendents and assistant superintendents must hold Minnesota licenses as superintendents of schools.

2. Elementary school principals and assistant elementary school principals must hold Minnesota licenses as elementary school principals.

3. Secondary school principals and assistant secondary school principals must hold Minnesota licenses as secondary school principals.

5 MCAR § 1.0553 A school administration standards and licensure advisory task force shall be established which is advisory to the board of education.

A. The purposes of the task force are:

1. To review proposed rules pertaining to the preparation and licensure of school administrators and to provide written recommendations concerning such proposals to the board of education.

2. To work with licensed administrators practicing in Minnesota schools to identify needed areas of study for administrative continuing education programs.

3. To study and make recommendations for affirmative action in the preparation and employment of school administrators.

4. To review and recommend approval of continuing education programs for administrators to the commissioner of education. The task force may appoint subcommittees to meet this responsibility.

B. The task force shall meet at least three times during each school year.

1. The first meeting of each year will be called by the commissioner of education and will be held before October 31.

2. At the first meeting, a chairman, secretary, and any other officers deemed necessary by the members shall be elected from the voting members. Officers shall serve for one year.

C. The task force shall consist of eleven voting and two nonvoting members as follows:

1. Two elementary school principals;

2. Two secondary school principals;

3. Two school superintendents;

4. One teacher;

5. Two administrators or faculty members in education from colleges with approved school administration programs;

6. One member of a Minnesota school board;

7. One individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district;

8. Two members of the public;

9. Two nonvoting members from the department of education staff.

D. Task force members are appointed by the board of education for terms of two years. Members may not serve for more than two terms.

1. Membership terms begin with the first task force meeting of the school year.

2. Members shall serve until successors are appointed.

3. A vacancy during the term of a member shall be filled by the board of education.

4. The position of a member who leaves Minnesota or whose employment status changes to a licensure area different from that from which appointment was made shall be deemed vacant.

5. Members shall be qualified as follows:

a. All members shall be selected on the basis of experience, and knowledge of, and interest in, the preparation and licensure qualifications of school administrators.

b. Members who are teachers, principals, and superintendents must

(1) Be currently practicing in Minnesota in the licensure area that they represent;

(2) Hold a current Minnesota license valid for their present position.

5 MCAR § 1.0554 Types of licenses. Entrance licenses and continuing licenses may be issued for each administrative licensure area, and an applicant must meet requirements in each area where licensure is sought as specified in A. and B., below. Life licenses may be held by those who meet requirements as specified in C., below.

A. Entrance license.

1. Requirements must be met for each administrative area where licensure is sought. An entrance license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Have had three years of classroom teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years of teaching experience in one or more grades, kindergarten through 6. Secondary school principals must have at least three years of teaching experience in one or more grades, 7 through 12. Superintendents of schools must have at least three years of teaching experience in one or more grades, kindergarten through 12.

b. Complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits, in the administrative area for which licensure is sought. Each program to be approved by the commissioner of education must:

(1) Be offered at a regionally accredited Minnesota graduate school.

(2) Include a field experience as follows:

(a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.

(b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual.

(c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual.

(d) Persons who have gained licensure in one administrative area and who have completed 3 years of experience under that administrative license may qualify for licensure in another administrative area by completing the required teaching experience and the approved program for that area except that an administrative field experience may be waived.

c. Fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

d. Be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner of education a transcript of college or university work to be analyzed in order to determine comparability of program.

2. An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation.

3. An entrance license is the first license issued in any administrative licensure area and is valid for a term of two years and is not renewable except in the case of an applicant who is unable to gain one year of experience as an administrator during the term of the entrance license. In such a case, the entrance license may be allowed to expire and a one-year, nonrenewable entrance license may be issued at such time as the applicant secures a position.

B. Continuing license.

1. The first continuing license may be issued to an applicant who has met all of the following requirements. An applicant must:

a. Hold, or have held, an entrance license in the administrative area for which the continuing license is requested.

b. Provide evidence of at least one year of experience in the administrative area for which the continuing license is requested while holding an entrance license or a one-year, nonrenewable entrance license for that administrative area.

2. The second and subsequent continuing licenses may be issued to an applicant who has met both of the following requirements during the term of the continuing license which is expiring. An applicant must:

a. Provide evidence to the office of the commissioner of education of the completion of at least 125 clock hours of approved administrative continuing education.

b. Provide a record, to be on file in the central office of the employing school district or agency, of the completion of at least 75 hours of individual professional development activity related to school administration.

3. In the case of a continuing license which has been allowed to lapse:

a. An applicant must provide evidence that 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity as required in 2.a. and b., of this rule, a two-year, nonrenewable continuing license may be granted. Upon expiration of the two-year, nonrenewable continuing license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. and b., of this rule.

4. The term of each continuing license is five years. Renewal requirements must be met during the five-year term of each continuing license.

5. The expiration date for all areas of continuing licensure will be the expiration date established for the first continuing license issued to an applicant.

6. An applicant for a license under this section must also fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.

C. Life license or permanent license. Any person holding a Minnesota life or permanent license in an administrative area need not hold an entrance or a continuing license in that administrative licensure area.

5 MCAR § 1.0555 Approval of programs which prepare school administrators for entrance licensure.

A. All programs which prepare applicants for entrance licenses in the licensure areas of superintendent of schools, elementary school principal, and secondary school principal must be approved by the commissioner of education.

B. All programs which prepare applicants for entrance licensure in administration shall be developed with the involvement of licensed administrators currently practicing in Minnesota school districts.

C. Each college or university developing programs to prepare school administrators for licensure shall designate an official of that institution to be responsible for:

1. Developing proposals for programs to prepare school administrators for licensure. Each licensure program must be described separately. A college or university may request approval for any, or all, of the following programs of preparation:

a. Superintendent of schools, specialist or doctoral degree;

b. Superintendent of schools, master's degree plus 45 quarter credits;

c. Elementary school principal, specialist or doctoral degree;

d. Elementary school principal, master's degree plus 45 quarter credits;

e. Secondary school principal, specialist or doctoral degree;

f. Secondary school principal, master's degree plus 45 quarter credits.

2. Providing evidence that licensed administrators practicing in Minnesota school districts have been involved in planning the program being forwarded for approval.

3. Forwarding program proposals to the commissioner of education and arranging for site visits for the study of administrative programs proposed for initial approval.

4. Maintaining approval status of administrative programs by communicating with the commissioner of education concerning changes in program status. The designated official shall forward program descriptions and arrange for on-site reviews at least once during each five-year period.

5. Recommending to the commissioner of education candidates who satisfactorily complete approved programs for entrance licensure.

D. Each administrative program proposal shall contain:

1. A description of planning activities.

2. A statement of program goals.

3. A description of the administrative roles and function for which the program is designed to prepare candidates.

4. A copy of information to be included in the college bulletin which sets forth all requirements for entrance licensure.

5. A complete description of the proposed program which includes:

a. Statements of expected learning outcomes including knowledge, skills, and understandings for each of the program areas including: school administration, supervision, curriculum, and instruction.

b. Descriptions of program components designed to develop specified learning outcomes which include a description of means to be used to achieve learning outcomes for each component.

c. Statements which relate expected learning outcomes to goals and to components of the program.

d. The means by which achievement of specified learning outcomes will be determined for each student.

6. Evidence that qualified faculty will be assigned to the program.

7. Evidence that resources, in addition to faculty, necessary to support the program have been allocated.

8. A plan for program evaluation which will enable the college or university to determine whether program goals have been achieved.

E. Programs will be approved for periods of five years. Six months before the end of the period for which approval of the program is granted, the college or university must forward a request for continued approval, a current program proposal as described in D., above, and arrange for a site visit to be administered by staff of the Minnesota department of education. Site visit teams shall be appointed by the commissioner of education and shall include licensed practicing administrators with representation from each administrative licensure area for which a program is to be studied. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of entrance license requirements.

5 MCAR § 1.0556 Approval of administrative continuing education programs.

A. All administrative continuing education programs for the licensure areas of superintendent of schools, elementary school principal, and secondary school principal, and the clock hours which may be earned in each program, must be approved by the commissioner of education.

1. If clock hours are to be earned, approval must be secured before participants are registered in an administrative continuing education program.

2. Admission to all approved administrative continuing education programs shall be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission.

3. The department of education shall disseminate lists of known approved administrative continuing education programs twice annually.

B. The initiator of an administrative continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector.

C. The program initiator is responsible for:

1. Developing proposals for administrative continuing education programs in areas of study which have been identified in cooperation with licensed administrators practicing in Minnesota school districts.

2. Forwarding continuing education program proposals to the commissioner of education for approval.

3. Maintaining communication with the commissioner of education concerning the status of all approved administrative continuing education programs offered.

4. Reporting to the commissioner of education the names of all individuals who complete an approved administrative continuing education program including the number of clock hours earned by each individual.

D. Each administrative continuing education program shall consist of at least three clock hours and each program proposal shall contain:

1. A description of planning activities including a list of names, addresses, and positions of those involved in planning.

2. A description of the client group, or groups, for whom the program is designed.

3. A statement of program goals which relates goals to client demands.

4. A statement concerning any prerequisite education or experience required for admission to the program.

5. A description of the proposed administrative continuing education program which includes:

a. Statements of expected learning outcomes.

b. Descriptions of program components designed to develop specified learning outcomes.

c. The means by which achievement of specified learning outcomes will be determined for each program participant.

6. Statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period.

7. Evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

E. Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of continuing education requirements.

5 MCAR § 1.0557 Suspension and revocation of licenses.

A. The license of a principal or superintendent may be revoked or suspended for any of the following causes:

1. Immoral character or conduct;

2. A breach of contract of employment without justifiable cause;

3. Overall gross inefficiency or willful neglect of duty;

4. Fraud or misrepresentation in obtaining a license.

B. The state board of education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed:

1. A written complaint which specifies the nature and character of the charges is filed with the state board of education by either the school board employing the superintendent or principal, or by the commissioner of education.

2. The commissioner of education, within 10 days after the filing of the complaint with the state board of education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address.

3. The superintendent or principal, within 20 days after the service of the copy of charges, files with the state board of education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived.

4. A hearing conducted in accordance with the rules of the office of the hearing examiner shall be held.

5 MCAR § 1.0558 Human relations requirement.

A. All applicants for licenses as superintendents or principals must complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license in one or more areas of school administration seeks to be licensed, or to have a license renewed, in another administrative area for which the person does not hold a life license. In addition, persons from outside Minnesota who wish to be licensed in an administrative area must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.

B. Human relations components of programs which lead to administrative licensure in education will be approved upon submission of evidence:

1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.

2. Showing that the human relations components are planned to develop the ability of applicants to:

a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and

b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism and

c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and

d. Respect human diversity and personal rights.

3. Relating all of the areas enumerated in B.2. to specific competencies to be developed, and

4. Indicating means for assessment of competencies.

5 MCAR § 1.0559 The issuance and renewal of licenses.

A. All licenses to serve as superintendent and principal 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.

B. After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.

C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of twenty dollars ($20.00).

5 MCAR § 1.05599 In order to provide means for persons holding standard administrator licenses granted under prior rules of the state board of education to phase into the requirements of 5 MCAR § 1.0554, the following provisions of 5 MCAR § 1.05599 shall pertain until July 1, 1979, at which time 5 MCAR § 1.05599 shall be deleted without further action of the board of education.

A. Persons holding standard licenses for one of the administrative areas whose first license for this area was issued after September 1, 1967, shall complete the requirements of 5 MCAR § 1.0554, section A., by July 1, 1979, or on the next date when an applicant's license must be renewed if it falls after July 1, 1979.

B. Any person whose standard license as a school administrator lapsed after July 1, 1974, shall meet requirements of 5 MCAR § 1.0554.

In the Matter of the Proposed Adoption
of Rules of the State Board of Education
Governing Issuance and Renewal of Licenses
for School Superintendents and Principals;
and EDU 330

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General Michael J. Bradley, do hereby declare that I have examined the proposed rules 5 MCAR § 1.0552 through 1.0559 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.

Michael J. Bradley
Assistant Attorney General

Dated: July 21, 1978

7/20/78

EXCERPT FROM MINUTES OF STATE BOARD
OF EDUCATION MEETING - July 10, 1978

Action on Rules and Regulations from Public Hearing held March 28, 1978 - (a) UFARS and EDU - 8 - Ronald J. Laliberte, Assistant Commissioner for School Management Services, presented a Finding of Fact and Order Adopting Recommendation of Hearing Examiner and Rules and requested adoption.

Mr. Smerling moved approval. Motion was seconded by Ms. Myers and carried unanimously.

(b) Issuance and Renewal of Licenses for School Superintendents and Principals; and the Repeal of EDU 330 - Dr. Waddick and Dr. George Droubie, Manager, School Personnel Section, presented a Finding of Fact and Order Adopting Rules and requested adoption.

Dr. Johnson moved adoption. Motion was seconded by Ms. Myers and carried unanimously.

A copy of the Findings of Fact and Orders adopting Rules are on file with these Minutes.

The above is a true copy of the action taken by the State Board of Education.

Sylvia Myren

Sylvia Myren, Recording
and Secretary to the Commissioner

Luana Vadnais

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

STATEMENT OF NEED AND REASONABLENESS

Laws of 1977, Chapter 447, Article VII, Section 8 amended the UFARS Law to prohibit permanent transfers from being made from operating to nonoperating funds. In addition to improving fund accounting, this provision tends to prevent increases in operating debts or statutory operating debts by action of the local school district boards. This is significant because the provision of law which allows the school district to amortize statutory operating debt, Minn. Stat. §275.125, subd. 9a.

Pursuant to 5MCAR §1.0762, there are four operating funds. Of these all but the general fund is dedicated so that transfers from those funds cannot be made unless such transfer is for the purpose of the specific funds. Hence, the legislative prohibition really attaches to transfers from the general fund, inasmuch as transfers for liquidating debt could only be made from the general fund.

One exception in the Laws of 1977 provides that permanent transfers can be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. Since transfers are permitted from the general fund to other operating funds normally, this transfer was not considered; only transfers from the general fund to nonoperating funds in the case of discontinuing a fund were considered.

The trust and agency funds contain monies given to the school district for a particular purpose which qualifies as lawful expenditure of the school district. Since this is a lawful expenditure of the school district, it could be made from one of the other funds by decision of the school district. Hence, if the money in the trust and agency fund is inadequate to meet an expenditure desired of a local board, such board can appropriate the money from the appropriate fund, generally the General Fund. As a result, it is never necessary to have a negative unappropriated fund balance in the trust and agency fund.

In Minn. Stat., Ch. 475, there is a provision for making necessary levies for the debt redemption funds. As a result of this circumstance, it is never necessary to run a deficit in the debt redemption fund.

Since there is a dedicated levy for the capital expenditure funds, it is deemed that such funds can never be discontinued. It is an ongoing fund which may have either negative or positive unappropriated fund balances from time to time. Hence, it is concluded that the exception to the prohibition on transfers does not apply to transfers into the capital expenditure funds.

This leaves the building construction fund as the only nonoperating fund to which this provision may apply. In discussion with Legislators, it appears that this is the fund that they had in mind. As a result, the rule has been around transfers between the General Fund and the Building Construction Fund.

Since the Capital Expenditure Funds and the Building Construction Funds are both capital funds, capital expenditure monies may be used for building construction purposes. It is unreasonable and contrary to the dedication of monies to take money from the General Fund for building construction purposes when there are capital expenditure monies available which can be transferred. Hence, to liquidate a building construction fund, it is not unreasonable to require that any positive unappropriated fund balance in the Capital Expenditure Fund be used to liquidate a Building Construction Fund deficit before using General Funds assets.

It also appears contrary to the intent of this law to transfer general fund monies for building construction purposes when there is a lack of capital assets due to the voluntary action of the school district. Since levying the capital expenditure levy at a maximum would provide additional monies in the future, it is reasonable to credit those future revenues against the deficit in the building construction fund. The choice of five levies, which would imply five future levies to eliminate the deficit, was an arbitrary choice. This requirement would not restrict the ability of a district to eliminate a building construction fund deficit by use of general funds, only delay a portion of it. After one to five years, when five consecutive years of maximum capital expenditure levies had been made, the deficit in the building construction fund could be eliminated first from capital expenditure assets and then from general fund assets.

5MCAR §1.0765. The entire section is repealed. This is based on the repeal in Laws of 1977, Chapter 447, Article VII, Section 5 of all but the first sentence of subd. 2. When the UFARS Laws were originally passed, it was not clear whether rules could be devised or the accounting manual had to be coordinated into a rule. Since the latter was a possibility, an exception to Chapter 15 Administrative Procedures Act was made. However, rules were devised upon which accounting manual could be based and so the exemption to Chapter 15 was not needed and was repealed. This section of the rules indicated how the exemption to the rules was to be carried out and is no longer needed. Hence, this too was repealed.

EDU 8 is repealed in its entirety because it is a general provision which was replaced by the specific provisions of the UFARS rules contained in 5MCAR §§1.0760-1.0769. Uniformly, the UFARS requirement exceeds those of EDU 8 and are generally specified in greater detail.

EDU 8A. is essentially contained in 5MCAR §1.0764A.

EDU 8B. is essentially contained in 5MCAR §1.0764E.

EDU 8C. is essentially contained in 5MCAR §1.0764B.

EDU 8D. is essentially contained in 5MCAR §1.0764A.

Stan Tikkanen will be the presenter and resource person for the Department of Education.

Department of Education
Board of Education

In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Financial Accounting Reporting Requirements; and Issuance and Renewal of Licenses for School Superintendents and Principals; and the Repeal of EDU 8 and EDU 330

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matters will be held in the Capitol Square Building, Room 716, St. Paul, Minnesota on Tuesday, March 28, 1978, commencing at 9:00 a.m. for the financial accounting reporting requirements and repeal of EDU 8; and 10:00 a.m. for issuance and renewal of licenses for school superintendents and principals and repeal of EDU 330 and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written material may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Peter Erickson, Office of Hearing Examiner, 1745 University Avenue, Room 300, St. Paul, Minnesota 55104, telephone (612) 296-8118, before the hearing or after the hearing until the record is closed. The record will remain open for five or twenty working days after the public hearing ends, as ordered by the Hearing Examiner.

A copy of the proposed rules 5 MCAR §§ 1.0762, 1.0765 and EDU 8; and 5 MCAR §§ 1.0552-1.05599 and EDU 330 are attached hereto. Section 1.0762 reflects the 1977 legislative prohibition on transferring operating fund assets to non-operating funds. The repeal of section 1.0765 reflects legislative repeal of a special exemption to the administrative procedures act. The repeal of EDU 8 reflects the duplication of this generalized provision with the specifics since enacted in section 1.0764. One free copy may be obtained by writing to the Minnesota Department of Education, Research and Statistics Section, 736 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. The proposed rules, 5 MCAR §§ 1.0552-1.05599, bring together all requirements pertaining to the licensure of school superintendents and principals and include the following: establishment of an advisory committee; the kinds of licenses which may be issued and the requirements for each; requirements for the approval of programs; grounds for suspension and revocation of licenses, requirements for human relations training; and requirements for the issuance and renewal of licenses, including fees. EDU 330 is to be repealed since its contents are included in the proposed set of rules. One free copy may be obtained by writing to the Minnesota Department of Education, 610 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 121.11 (1976) and § 125.05. A statement of need explaining why the Board believes the proposed rules are necessary and reasonable, and a statement of evidence outlining the testimony to be introduced, shall be filed with the Hearing Examiner's office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

One additional page w/ signature & copy of stricken Rule 8 on orig

8-9-78

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education governing financial accounting reporting requirements and issuance and renewal of licenses for school administrators and repeal of the rules EDU 8 and EDU 330.

AFFIDAVIT OF MAILING

Harold E. Klecker, being first duly sworn, deposes and says:

That on the 23rd day of February, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, he 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.

Harold E Klecker

Subscribed and sworn to before me this 23rd day of February, 1978.

Luana Vadnais

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education governing the financial accounting reporting requirements, and issuance and renewal of licenses for school superintendents and principals; and repeal of rules EDU 8 and EDU 330.

CERTIFICATE OF DELIVERY
SECRETARY OF STATE LIST

I hereby certify that the attached 9 sheets (484 labels) constitute the complete list of persons, associations, and other interested groups who as of 8 o'clock AM, this 21st day of February, 1978, have requested pursuant to Minn. Stat. § 15.0412, subd. 4, (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

Joan Anderson Growe
By Cheri L. Mattson

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education governing the financial accounting reporting requirements, and issuance and renewal of licenses for school superintendents and principals; and the repeal of rules EDU 8 and EDU 330.

AFFIDAVIT OF RECEIPT OF SECRETARY OF STATE'S LIST

Lois Steinhaus, being duly sworn on oath deposes and says:

1) That She is an employee of the Department of Education of the State of Minnesota.

2) That on the 21 day of February, She 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.

3) That on the 21 day of February, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Lois Steinhaus

Subscribed and sworn to before me

this 21 day of February 1978

Luana Dubois

Notary Public

Ramsey County, Minnesota

My commission expires June 16, 1984.

LUANA DUBOIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary of the state board of education, a board duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the state board of education duly and properly called and held on the 13th day of February, 1978; that a quorum was present at said meeting; and that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the State Board of Education shall call a hearing for the purpose of informing the public concerning proposed rules of the board governing financial accounting reporting requirements, and repeal of EDU 8; and issuance and renewal of licenses for school superintendents and principals and repeal of EDU 330, and that the Commissioner or his Deputy is authorized to sign an order and notice of such hearing to be conducted under rules of the board.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of February, 1978.

Howard B. Casmey
Secretary, State Board of Education

Henry S. Tweten
Member, State Board of Education

OFFICIAL NOTICES

Department of Education

Notice of Intent to Solicit Outside Opinion Regarding Rules for the Licensure of Superintendents of Schools, Assistant Superintendents, Principals, and Assistant Principals

The Department of Education is drafting rules amending standards for entrance licensure and continuing licensure for superintendents of schools and assistant superintendents, elementary school principals and assistant elementary school principals, and secondary school principals and assistant secondary school principals. These rules are authorized by Minn. Stat. §§ 125.05, 121.07, and 121.11, subd. 12 (1976).

The Department invites interested persons or groups to provide information, comment, and advice on the subject, in writing or orally, to Patricia J. Goralski, Director, Education Professions Development, Minnesota Department of Education, 610 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

Ethical Practices Board

Notice of Meeting

2:00 p.m.
Thursday, April 14, 1977

Room 14
State Office Building

AGENDA

1. MINUTES (March 10, 1977)

2. REPORT OF CHAIRPERSON

3. REPORT OF LEGAL COUNSEL

4. POLICY QUESTIONS AND ADVISORY OPINIONS

5. EXECUTIVE DIRECTOR REPORT:

   a) Financial Report — Lundstrom

   b) Legislative Program

   c) Administrative Matters — May and June

   d) Status of Principal Campaign Committees — 1977 — Staff

6. OTHER BUSINESS

7. EXECUTIVE SESSION pursuant to Minn. Stat. § 10A.02, subd. 10.

State Planning Agency

Renewal of Designation as the State Health Planning and Development Agency

Notice is hereby given that the Minnesota State Planning Agency is applying for renewal of conditional designation as the State Health Planning and Development Agency pursuant to P.L. 93-641, the National Health Planning and Resources Development Act of 1974. The State Planning Agency has available for public examination and comment, its proposed State Administrative Program which will be submitted under Title 42, Code of Federal Regulations, Part 123, published for the designation and funding of state agencies.

Under provision of this Act, the agency proposes to administer the required state health planning and development functions according to its State Administrative Program. Special attention is given to the orderly assumption of activities necessary for full designation as the State Health Planning and Development Agency and for participation in Title XVI of the Act.

Oral and written comments on the proposed State Administrative Plan will be received at the April 20 meeting of the Minnesota Statewide Health Coordinating Council scheduled for 9:00 a.m. at the Sheraton Motor Inn in Bloomington. Written statements may also be submitted to the Minnesota State Planning Agency, State Health Planning and Development Agency, Room 101 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Comments must be received by April 20, 1977. For additional information, call the State Planning Agency at (612) 296-2407.

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education governing the financial accounting reporting requirements, and issuance and renewal of licenses for school superintendents and principals; and the repeal of rules EDU 8 and EDU 330.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-entitled rules be held in the Capitol Square Building, Room 716, St. Paul, Minnesota on Tuesday, March 28, commencing at 9:00 A.M. for the financial accounting requirements, and repeal of EDU 8, and 10:00 A.M. for the issuance and renewal of licenses for school superintendents and principals and repeal of EDU 330 and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

STATE OF MINNESOTA
BOARD OF EDUCATION

Secretary

Date: 2/1/78