

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File #5[illegible]7

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/6/79 Temporary Rule _____

Resubmitted and Received _____

DUE DATE 7/26/79

a. Returned to Agency w/o filing w/Secy of State 7/25
b. Approved _____ Date Sent Back to Agency _____

- -

All other juris. documents in A.G. Rules File No. 504

1. Rules as Adopted X
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 _____ ← No finding ?
12. Certificate of Board's Resolution Adopting Rules, where applicable _____ ← ?
13. Order Adopting _____ ← ?
14. Report of Chief Hearing Examiner X
    (i) Finding of No Substantial Change X
    (ii) Permission to Incorporate by Reference, where applicable NA
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.

ATTORNEY GENERAL

KENNETH L. PEATROSS
Executive Secretary
Minnesota Board of Teaching

July 25, 1979

LEE E. SHEEHY
Special Assistant
Attorney General

296-1288

In the Matter of the Proposed Adoption of 5 MCAR § 3.106
Relating to the Licensure of School Nurses

The above captioned rules have not been approved by this office or filed with the Secretary of State for the below enumerated reasons. After agency consideration of the matters discussed herein and appropriate action, if any, the rules may be resubmitted to this office.

The rules have not been approved for the following reasons:

1. While it is understood that the record in this matter before this office is somewhat confused because of the multiple submissions of various rules at various times, it does appear that certain required documents were not or have not been submitted to date. Specifically, I find no agency Findings of Fact and Conclusions or agency Order Adopting the Rules. The file does contain a document entitled Finding of Fact and Conclusion' signed by you. However, this document fails to meet the legal requirements for an agency Findings of Fact and Conclusion and Agency Order Adopting Rules. For examples of formats which will permit the agency to draft a legally sufficient Findings of Fact, Conclusions and an Order Adopting Rules, see Exhibits G-1 and G-2 of the Attorney General's Rules found in 1 MCAR AttyGen 301-306.

2. O.K. - in other file The certification of the Board's adoption of rules resolution does not appear legally sufficient. For a format to assist the agency in drafting a certification which is legally sufficient, see Exhibit H-2 to the Attorney General rules cited.

3. This office would like an elaboration from the Board's staff as to the meaning of the words "regionally accredited" found in 5 MCAR § 3.106 B. 1. If that phrase substantially limits the availability of licenses to persons outside our "region" a staff explanation of the need and reasonableness of this restriction should be provided.

Upon resubmittal to this office, please insure that the original of at least the Order Adopting Rules as adopted is submitted with the resubmittal.

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

LES/bw
cc: Donald J. Mueting
Duane Harves
Marshall Whitlock
Melvin Goldberg

MINNESOTA BOARD OF TEACHING
608 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, MINNESOTA 55101
(612) 296-2415

KENNETH L. PEATROSS
EXECUTIVE SECRETARY

EXECUTIVE COMMITTEE
JOSEPH MOREN, CHAIRMAN
JO MALMSTEN, VICE-CHAIRMAN
MARGERY HARRIS, SECRETARY
EDWARD HUDOBA, DIRECTOR
MARIE McNEFF, DIRECTOR
KATHRYN RAYBURN, DIRECTOR

August 24, 1979

TO : Lee Sheehy
Special Assistant Attorney General

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

K Peatross

SUBJECT: In the matter of the proposed adoption of 5 MCAR § 3.106 relating to the licensure of School Nurses

This is in response to your correspondence of July 25, 1979, with respect to the proposed adoption of 5 MCAR § 3.106. Enclosed please find the complete hearing record of the Board of Teaching public hearing of May 20, 1978. Included therein, as requested in your correspondence, is a duplicate of the Order Adopting Rules together with a revised Finding of Fact and Conclusion.

With respect to the inquiry concerning the words "regionally accredited" found in 5 MCAR § 3.106 B.1., this is to advise you that the United States is divided into six regions for the purpose of the accreditation of colleges and universities within each region. Each region establishes standards which serve as the criteria for the accreditation of colleges and universities within that region. The criteria of regional accreditation specified in 5 MCAR § 3.106 B.1. is not limited to this region of the country. It is one measure of quality assurance which Minnesota will utilize in determining the essential equivalence of colleges and universities in other regions of the United States and therefore, does not limit the availability of licensure to only those persons prepared in the North Central region of which Minnesota is a member.

KLP/nad

Enclosures

AN EQUAL OPPORTUNITY EMPLOYER

DUPLICATE

Original of this Order filed with other portions of these rules filed earlier

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Teachers of Industrial Arts, School Nurse, The Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure, The Approval of Teacher Licensure Programs in Minnesota Which Are Approved to Prepare Teachers

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 20th day of May, 1978, at 9:00 a.m. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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

NOW THEREFORE, IT IS ORDERED that the existing rule identified as 5 MCAR § 3.106 School Nurse is hereby repealed and the rules identified as 5 MCAR § 3.073 Teachers of Industrial Arts, 5 MCAR § 3.106 School Nurse, 5 MCAR § 3.140 The Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure, 5 MCAR § 3.141

ORDER ADOPTING RULES

The Approval of Teacher Licensure Programs in Minnesota Institutions Which Are Approved to Prepare Teachers, are adopted or amended this 18th day of October, 1978, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Kathryn C. Rayburn

Kathryn C. Rayburn, Chairman

Joseph J. Moren

Joseph J. Moren, Vice Chairman

STATE OF MINNESOTA
BOARD OF TEACHING

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION

I, Margery H. Harris, do hereby certify that I am secretary of the Board of Teaching, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board on October 18, 1978, that a quorum was present at said meeting; 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 in support of the adoption or amendment of rules presented for hearing by the Board of Teaching at the public hearing on May 20, 1978, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Erickson dated June 20, 1978, with the exception that in support of the adoption or amendment of 5 MCAR § 3.106 the Board adopts separate Findings of Fact and Conclusions and authorizes Kenneth Peatross, Executive Secretary, to sign the separate Findings of Fact and Conclusions hereby adopted by the Board,
>
> And, that the rules relating to Teachers of Industrial Arts, School Nurse, The Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure, The Approval of Teacher Licensure Programs in Minnesota Which Are Approved to Prepare Teachers be and they hereby are approved and adopted, pursuant to authority vested in us by M.S. § 125.185, and that Kathryn Rayburn, Chairman of the Board of Teaching, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of October, 1978.

Margery H. Harris
Secretary

ATTEST:

Joseph J. Moreu
Vice Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed repeal and adoption of the rule of the Board of Teaching governing School Nurse

FINDING OF FACT AND CONCLUSION

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 May 20, 1978, in Room 83 of the State Office Building, St. Paul, Minnesota.

Based upon the recommendations and proceedings herein, the Board of Teaching hereby adopts the Findings of Fact of the Hearing Examiner with the exception of Finding 8.A. Page 7 of the Report of the Hearing Examiner and hereby adopts the following Finding of Fact in lieu thereof:

FINDING OF FACT

5 MCAR § 3.106 School Nurse provision G.3.b. shall read:

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education, and

a minimum of 12 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology (not including the approved human relations program)

The Board finds that Educational psychology is a necessary and appropriate field of study as part of the preparation program leading to the licensure of school nurses.

The hearing record shows that confusion exists as to whether human relations (required of all persons recommended for licensure) is a part of educational psychology. To eliminate this confusion, the Board finds that the amended language of 5 MCAR § 3.106 as above cited is both reasonable and necessary, and reflects the intent of the Board in the promulgation of the provisions of 5 MCAR § 3.106.

CONCLUSION

The Board of Teaching concludes that the need for and reasonableness of the proposed amendment to 5 MCAR § 3.106 G.3.b. have been demonstrated by an affirmative presentation of facts. The Board further concludes that the appropriateness of the amendment is established as set forth in the finding as above cited.

STATE OF MINNESOTA
BOARD OF TEACHING

Kenneth L Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

AFFIDAVIT OF
HOWARD B. CASMEY

Howard B. Casmey, being first duly sworn on oath, deposes and says that:

1. He is the Minnesota Commissioner of Education and the Executive Officer and Secretary of the Minnesota Board of Education and he held this position on May 14, 1979.

2. On May 14, 1979, the Minnesota Board of Education approved the proposal of the Minnesota Board of Teaching to adopt and repeal the rule entitled:

5 MCAR § 3.106

(Copy attached I).

FURTHER AFFIANT SAYETH NOT.

Howard B. Casmey
HOWARD B. CASMEY

Subscribed and sworn to before me
this 25 day of June, 1979.

Luana Vadnais
Notary Public

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

APPROVED AS TO FORM AND LEGALITY
AUG. 31 1979 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 31 1979
Joan Anderson Growe
Secretary of State
12:05 P.M.

COPY I

MINNESOTA BOARD OF TEACHING
ADOPTED RULE

~~5 MCAR § 3.106 School nurse.~~

~~The board of teaching will issue licenses as school nurse to applicants who meet the requirements of this section, § 3.106 A. or § 3.106 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.~~

~~A. Professional license (for public health nurses).~~

~~1. A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university, and~~

~~c. Licensed as a public health nurse pursuant to Minn. Stat. § 145.10.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~B. Professional license (for registered nurses who hold a baccalaureate degree).~~

~~1. A professional license as a school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~b. A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:~~

~~Curriculum~~
~~Education of exceptional children~~
~~Educational psychology~~
~~School health instruction or school health program.~~

~~C. The five year professional license may be renewed according to general rules of the board of teaching pertaining to continuing education.~~

5 MCAR § 3.106 School nurse. (All new material.)

The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota board of nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.

A health service nurse holding a vocational license according to the state plan for vocational education and practicing at the post-secondary level is exempt from the provisions of this rule.

A. The board of teaching shall grant licenses as school nurse to applicants who meet the requirements of § 3.106 which follow. All persons employed as nurses by school districts shall hold a valid Minnesota license as a school nurse.

B. A license as school nurse, valid for two years, shall be granted to an applicant who provides evidence to the director of teacher licensure that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and

2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and

3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education

C. Issuance of the first five-year license.

1. An applicant holding a valid two-year license as a school nurse shall be granted a five-year license after one year of successful experience.

D. The five-year continuing license shall be renewed according to rules of the board of teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1981.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, shall be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and

2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1981.

3. The first five-year license shall be issued:

a. After one year of successful experience while holding the two-year license, and

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education, and

a minimum of 12 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology (not including the approved human relations program)

c. Completion of a human relations program approved by the board of teaching.

4. The first five-year license shall be issued to applicants who have completed a., b., and c., above. If an applicant has been unable to complete requirements set forth in b. and c., above, during the period of the initial two-year license, not more than one additional two-year license shall be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license shall be renewed according to rules of the board of teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse current registration as a registered nurse must be maintained at all times. Lapse of such registration shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall be in effect until July 1, 1983, when section G. shall be deleted from § 3.106 without further action by the board of teaching and all applicants shall, from that date forward, qualify for licensure as school nurse under § 3.106 A., B., C., D., and E.

MINNESOTA BOARD OF TEACHING
608 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, MINNESOTA 55101
(612) 296-2415

KENNETH L. PEATROSS
EXECUTIVE SECRETARY

EXECUTIVE COMMITTEE
JOSEPH MOREN, CHAIRMAN
JO MALMSTEN, VICE-CHAIRMAN
MARGERY HARRIS, SECRETARY
EDWARD HUDOBA, DIRECTOR
MARIE McNEFF, DIRECTOR
KATHRYN RAYBURN, DIRECTOR

July 5, 1979

Mr. Lee Sheehy
Special Assistant Attorney General
Room G-19K
Administration Building
St. Paul, Minnesota 55155

Dear Mr. Sheehy:

Pursuant to the rules of the Office of the Attorney General, I hereby submit for final approval by the Office of the Attorney General the last remaining rule heard at public hearing on May 20, 1978, which has been adopted by the Minnesota Board of Teaching and approved by the Minnesota Board of Education.

The rule submitted for final approval is attached to the Affidavit of Howard B. Casmey. The complete hearing record is also enclosed pursuant to the requirements of the Office of the Attorney General.

Sincerely,

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

KLP/nad

Enclosures

cc: Donald J. Mueting
Special Assistant Attorney General

AN EQUAL OPPORTUNITY EMPLOYER

AFFIDAVIT OF
HOWARD B. CASMEY

Howard B. Casmey, being first duly sworn on oath, deposes and says that:

1. He is the Minnesota Commissioner of Education and the Executive Officer and Secretary of the Minnesota Board of Education and he held this position on May 14, 1979.

2. On May 14, 1979, the Minnesota Board of Education approved the proposal of the Minnesota Board of Teaching to adopt and repeal the rule entitled:

5 MCAR § 3.106

(Copy attached I).

FURTHER AFFIANT SAYETH NOT.

Howard B. Casmey
HOWARD B. CASMEY

Subscribed and sworn to before me
this 25 day of June, 1979.

Luana Vadnais
Notary Public

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

COPY I

MINNESOTA BOARD OF TEACHING
ADOPTED RULE

~~5 MCAR § 3.106 School nurse.~~

~~The board of teaching will issue licenses as school nurse to applicants who meet the requirements of this section, § 3.106 A. or § 3.106 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.~~

~~A. Professional license (for public health nurses).~~

~~1. A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university, and~~

~~c. Licensed as a public health nurse pursuant to Minn. Stat. § 145.19.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~B. Professional license (for registered nurses who hold a baccalaureate degree).~~

~~1. A professional license as a school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~b.--A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:~~

~~Curriculum~~
~~Education of exceptional children~~
~~Educational psychology~~
~~School health instruction or school health program.~~

~~C.--The five year professional license may be renewed according to general rules of the board of teaching pertaining to continuing education.~~

5 MCAR § 3.106 School nurse. (All new material.)

The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota board of nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.

A health service nurse holding a vocational license according to the state plan for vocational education and practicing at the post-secondary level is exempt from the provisions of this rule.

A. The board of teaching shall grant licenses as school nurse to applicants who meet the requirements of § 3.106 which follow. All persons employed as nurses by school districts shall hold a valid Minnesota license as a school nurse.

B. A license as school nurse, valid for two years, shall be granted to an applicant who provides evidence to the director of teacher licensure that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and

2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and

3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education

C. Issuance of the first five-year license.

1. An applicant holding a valid two-year license as a school nurse shall be granted a five-year license after one year of successful experience.

D. The five-year continuing license shall be renewed according to rules of the board of teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1981.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, shall be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and

2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1981.

3. The first five-year license shall be issued:

a. After one year of successful experience while holding the two-year license, and

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education, and

a minimum of 12 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology (not including the approved human relations program)

c. Completion of a human relations program approved by the board of teaching.

4. The first five-year license shall be issued to applicants who have completed a., b., and c., above. If an applicant has been unable to complete requirements set forth in b. and c., above, during the period of the initial two-year license, not more than one additional two-year license shall be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license shall be renewed according to rules of the board of teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse current registration as a registered nurse must be maintained at all times. Lapse of such registration shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall be in effect until July 1, 1983, when section G. shall be deleted from § 3.106 without further action by the board of teaching and all applicants shall, from that date forward, qualify for licensure as school nurse under § 3.106 A., B., C., D., and E.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

June 26, 1979

Mt. Kenneth L. Peatross
Executive Secretary
Minnesota Board of Teaching
607 Capitol Square Building
St. Paul, MN 55101

Re: BT-78-003-PE

Dear Mr. Peatross:

Enclosed is the complete hearing record on the above-referenced matter which you submitted to us for review on the issue of substantial change. Also enclosed is the Report of the Chief Hearing Examiner on the rule governing the licensure of school nurses (5 MCAR § 3.106).

Yours very truly,

DUANE R. HARVES
Chief Hearing Examiner

sh
Enc.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE BOARD OF TEACHING

IN THE MATTER OF THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF RULES OF THE BOARD OF TEACHING GOVERNING TEACHERS OF INDUSTRIAL EDUCATION, SCHOOL NURSE, COACHES OF INTERSCHOLASTIC SPORTS IN THE ELEMENTARY AND SECONDARY SCHOOLS, THE APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE, THE APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS WHICH ARE APPROVED TO PREPARE TEACHERS.)

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on May 20, 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 Board of Teaching on June 20, 1978; and

WHEREAS, the Board of Teaching has now determined to adopt the rule governing the licensure of school nurses, pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Board of Teaching has submitted said rule 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 rule is not substantially different from that proposed at the public hearing and that the Board of Teaching has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board of Teaching has the responsiblity of submitting the complete hearing record and the rule as adopted by the Board to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 26th day
of June, 1979.

DUANE R. HARVES
Chief Hearing Examiner

Proposed

2. Persons trained in another state in a regionally accredited institution may receive an entrance license and are subject to the existing requirements for moving from an entrance to a continuing license. (§ 3.001). These persons shall also have their pre-service training program reviewed by the state department of education and complete recommended work, if any is necessary, to make their training consistent with that described above before a continuing license may be granted. It is recommended that this review is made early in the entrance license period.

~~E.~~ F. Renewal of continuing (five-year) license. The continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

~~F.~~ G. This provision is effective July 1, 1979, for all applicants for entrance licenses.

~~5 MCAR § 3.106 School nurse.~~

~~The board of teaching will issue licenses as school nurse to applicants who meet the requirements of this section, § 3.106 A. or § 3.106 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.~~

~~A. Professional license (for public health nurses).~~

~~1. A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university, and~~

~~c. Licensed as a public health nurse pursuant to Minn. Stat. § 145.10.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~B. Professional license (for registered nurses who hold a baccalaureate degree).~~

~~1. A professional license as a school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

~~a. Current registration to practice as a licensed registered nurse in Minnesota, and~~

~~b. A baccalaureate degree from a regionally accredited college or university.~~

~~2. Renewal of two year license.~~

~~a. May be renewed for five years after one year of successful experience.~~

~~b. A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:~~

~~Curriculum~~
~~Education of exceptional children~~
~~Educational psychology~~
~~School health instruction or school health program.~~

~~C. The five year professional license may be renewed according to general rules of the board of teaching pertaining to continuing education.~~

5 MCAR § 3.106 School nurse. (All new material.)

The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota board of nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.

A health service nurse holding a vocational license according to the state plan for vocational education and practicing at the post-secondary level is exempt from the provisions of this rule.

A. The board of teaching may grant licenses as school nurse to applicants who meet the requirements of § 3.106 which follow. All persons employed as nurses by school districts shall hold a valid Minnesota license as a school nurse.

B. A license as school nurse, valid for two years, may be granted to an applicant who provides evidence to the director of teacher licensure that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and

2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and

3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education

C. Issuance of the first five-year license.

1. An applicant holding a valid two-year license as a school nurse may be granted a five-year license after one year of successful experience.

D. The five-year continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that

requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1980.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and

2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1980.

3. The first five-year license may be issued:

a. After one year of successful experience while holding the two-year license, and

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education, and

a minimum of 21 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology

4. The first five-year license may be issued to applicants who have completed a. and b., above. If an applicant has been unable to complete requirements set forth in b., above, during the period of the initial two-year license, not more than one additional two-year license may be granted during which time re-

quirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse, current registration as a registered nurse, or certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or certification shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall pertain until July 1, 1982, when section G. shall be deleted from § 3.106 without further action by the board of teaching and all applicants shall, from that date forward, quality for licensure as school nurse under § 3.106 A., B., C., D., and E.

~~5 MCAR § 3.108 Public school athletic coaches~~

~~A. A teacher in a secondary school who is head coach in any of the following areas: football, basketball, track, hockey, wrestling, baseball, shall be licensed either through professional preparation in the physical education major or minor program, or through a special coaching requirement in physical education.~~

~~1. The special coaching requirement is acceptable when the approved preparing institution certifies to the commissioner of education that such person has completed, in addition to his regular teacher education program, not less than nine quarter hours in courses of which principles of physical education is required, and the remaining courses selected from at least two of the following four areas:~~

~~Administration of athletics~~
~~First aid and prevention and care of athletic injuries~~
~~Human science~~
~~Coaching and athletic techniques.~~