

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File #602
Joannie

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 5/30 DUE DATE 6/19

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State 6/19
b. Approved 6/19 Date Sent Back to Agency 6/19

---

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 ✓ 11.10.79.
   Sufficiency ✓
6. Secretary of State's List ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted but see HE rpt. page 2
    At least 30 days prior to hearing ✓ 10.8.79
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓ incorporated in #14
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓ adopts HE findings of Fact.
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
20. Petition by Public, where applicable N/A

AD AM 1300 (Rev. 1/78) Our File: 602

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : KENNETH L. PEATROSS
Executive Secretary
Minnesota Board of Teaching

DATE: June 19, 1980

Attn: CLAYTON ROBINSON

FROM : Joanne E. Hinderaker JEH
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Rules as Approved In the Matter of the Proposed Adoption, Amendment, or repeal of Rules of the Board of Teaching Governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, etc.

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.

JEH:mb

Enclosure
cc: Duane Harves
Susan Robertsn

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

ORDER FOR HEARING

The Board of Teaching deems it necessary to consider adoption, amendment, or repeal of the proposed rules captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Sections 125.05 subd. 1 and 125.185 subd. 4.

NOW, THEREFORE, IT IS ORDERED on this 8th day of September, 1979, that a public hearing on the proposed rules captioned above be held in the State Office Building Auditorium, 435 Park Street, St. Paul, Minnesota 55155, on Saturday, November 10, 1979, commencing at 9:00 a.m. and continuing until all representatives of associations and other interested groups or persons have had an opportunity to be heard.

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

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

STATE OF MINNESOTA
BOARD OF TEACHING

BY Kenneth L Peatross
Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

BT 2

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

The Board of Teaching deems it necessary to consider adoption, amendment, or repeal of the proposed rules captioned above pursuant to the authority vested in the Board by Minnesota Statutes, Sections 125.05 subd. 1 and 125.185 subd. 4.

The public hearing on the proposed rules captioned above will be held on Saturday, November 10, 1979, commencing at 9:00 a.m.

It is estimated that the public hearing will continue until 4:00 p.m. on the date cited above and that approximately 200 persons will be in attendance.

STATE OF MINNESOTA
BOARD OF TEACHING

BY Kenneth L Peatross
Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

BT 3

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

June 18, 1980

TO : Joanne Hinderaker
Special Assistant Attorney General

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

BY : Judith A. Wain, Supervisor
Preservice/Inservice Education

SUBJECT: Minnesota Board of Teaching Adopted Rule 5 MCAR § 3.102
School Counselors, Secondary

Attached please find corrected copies of page 3 of the above cited adopted rule. A typographical error in provision A.2.e. was made in reference to the hours of accumulated work experience. The attached copies reflect the correct number of hours of accumulated work experience as 2000 hours, rather than the 200 hours which appeared in the rules as originally sent to your office.

Thank you for bringing this matter to our attention.

JAW/nao

Attachments

RECEIVED
JUN 18 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

AN EQUAL OPPORTUNITY EMPLOYER

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

May 30, 1980

Ms. Joanne Hinderaker
Special Assistant Attorney General
G-25
Administration Building
St. Paul, Minnesota 55155

RE: In the matter of the proposed adoption
of 5 MCAR §§ 3.102, 3.103, 3.114

Dear Ms. Hinderaker:

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 above cited rules heard at public hearing on November 10, 1979, which have been adopted by the Minnesota Board of Teaching and approved by the Minnesota Board of Education. The rules submitted for final approval are attached to the Affidavit of Howard B. Casmey, Commissioner of Education.

The rules have been amended by the Board of Teaching in compliance with the recommendations of the Office of Hearing Examiners contained in the Report of Hearing Examiner Peter C. Erickson, dated January 18, 1980.

This is further to advise you that the above cited rules are the only rules heard at public hearing on November 10, 1979, which have been adopted by the Board of Teaching. The Board has withdrawn from further consideration all of the other rules heard at the November 10, 1979, public hearing.

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

Enclosures
cc: Clayton Robinson, Special Assistant Attorney General
Duane Harves, Chief Hearing Examiner

AN EQUAL OPPORTUNITY EMPLOYER

HE copy

5 MCAR 3.102 School counselors, secondary.

A. All candidates recommended for licensure as a school counselor, secondary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.

1. Qualifications for licensure.

a. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the Minnesota board of teaching.

b. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.

c. Hold a valid Minnesota secondary classroom teaching license.

d. Have completed one year of secondary classroom teaching experience. Candidates holding a valid Minnesota secondary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the secondary school level. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

see HE rpt p. 7

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

2. Alternative qualifications for licensure. (Experimental program.)

a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the association for the accreditation of colleges and secondary schools.

b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the Minnesota board of teaching.

c. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.

d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the Minnesota board of teaching which includes the completion of course work and experiences in curriculum, school organization and philosophy of education and experiences in a secondary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor

preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the Minnesota board of teaching containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with adolescents and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

(1) Ability to differentiate feelings

(2) Recognition of strengths and limitations

(3) Awareness of alternatives and their implications

(4) Ability to make decisions and value choices and accept responsibility for them

(5) Skill in open interpersonal communication including non-verbal behavior

(6) Acquisition of coping skills.

d. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and

personal growth.

e. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.

f. The understanding of cultural differences.

2. Consulting.

a. The knowledge of a variety of consultation models and their application in practice in secondary schools.

b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of secondary students.

c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to educational and career planning, academic achievement, personal-social development, and total school progress.

d. The knowledge and ability to make referrals to community agencies and utilize businesses, educational institutions, and other helping professionals.

e. The knowledge and ability to utilize results of evaluative studies including follow-up as a consultant in program development and/or revision at the secondary level.

f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum and employability skills training in the classroom.

g. The knowledge and ability to design, initiate, and conduct in-service training programs for staff personnel relative to development of adolescents.

3. Developmental-career guidance.

a. The understanding of the basic principles of child and adolescent growth and development, including physical, emotional, cognitive, ego, moral, career, and social.

b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.

c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

d. The knowledge and ability to assist students, individually and/or in groups, in exploring educational and occupational information in view of their aptitudes, interests, and personal-social needs in choosing career and avocational goals.

e. The knowledge of educational, occupational, and employment trends for purposes of assisting students in program planning and selection.

f. The ability to assist in the coordination of educational and job placement for students, graduates, and school leavers.

4. Evaluation and assessment.

a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in the cognitive, affective, psychological, and social aspects of adolescents.

b. The knowledge of, and the ability to use, a variety of evaluation procedures including follow-up studies for individual and institutional decision-making.

c. The ability to assist students and parents to use information derived from educational measurement including career and vocational assessment services in planning and decision making.

d. The knowledge and ability to identify and assess secondary student developmental needs.

5. Guidance program development, coordination, and management.

a. The knowledge and ability to formulate guidance and counseling program goals and priorities.

b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.

c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.

d. The knowledge of organizational theory relating to change and humanization of social systems.

e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.

f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

C. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid entrance license as a secondary school counselor, and

2. One year of experience as a secondary school counselor.

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

E. All persons holding a license as a secondary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the board of teaching.

F. All programs for preparation of school counselors shall be submitted for approval to the Minnesota board of teaching and shall include a description of the procedures by which persons who hold elementary school counselor entrance, continuing, or life licensure and wish to be licensed as a secondary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter

hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Applicants shall be recommended for licensure as a secondary school counselor according to provision F. of this rule.

G. An institution applying to the board of teaching for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § 3.141 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.

H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:

1. A definite time limit for the experiment not to exceed five (5) academic years and twenty-five (25) students admitted to the program;

2. Clearly defined selection criteria for students admitted to the program;

3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and

4. A plan for submitting the experimental results to the board of teaching.

I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

J. This rule is effective July 1, 1982, for all applicants for entrance licenses.

5 MCAR § 3.103 School counselors, elementary.

A. All candidates recommended for licensure as a school counselor, elementary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.

1. Qualifications for licensure.

a. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the Minnesota board of teaching.

b. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.

c. Hold a valid Minnesota elementary classroom teaching license.

d. Have completed one year of elementary classroom teaching experience. Candidates holding a valid Minnesota elementary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the elementary school level. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

2. Alternative qualifications for licensure. (Experimental program.)

a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the association for the accreditation of colleges and secondary schools.

b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the Minnesota board of teaching.

c. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.

d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the Minnesota board of teaching which includes the completion of course work and experiences in curriculum, school organization and philosophy of education and experiences in an elementary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall

be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the Minnesota board of teaching containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with children and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

(1) Ability to differentiate feelings

(2) Recognition of strengths and limitations

(3) Awareness of alternatives and their implications

(4) Ability to make decisions and value choices and accept responsibility for them

(5) Skill in open interpersonal communication including non-verbal behavior

(6) Acquisition of coping skills.

d. The knowledge and ability to use play media for guidance and assessment.

e. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.

f. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.

g. The understanding of cultural differences.

2. Consulting.

a. The knowledge of a variety of consultation models and their application in practice in elementary schools.

b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of elementary students.

c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to personal-social development, total school progress, academic achievement, and educational planning and career awareness.

d. The knowledge and ability to make referrals to community agencies, utilize businesses, educational institutions, and other helping professionals.

e. The knowledge and ability to utilize results of evaluative studies as a consultant in program development and/or revision at the elementary level.

f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum in the classroom.

g. The knowledge and ability to design, initiate, and conduct in-service training programs for staff personnel relative to development of children.

3. Developmental-career guidance.

a. The understanding of the basic principles of child development, including physical, emotional, cognitive, ego, moral, career, and social.

b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.

c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

d. The knowledge and ability to assist students in personal-social needs and career awareness.

4. Evaluation and assessment.

a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in cognitive, affective, and psychomotor domains of children.

b. The knowledge of, and the ability to use, a variety of evaluation procedures for individual and institutional decision making.

c. The ability to assist students and parents to use information derived from educational measurement in planning and decision making.

d. The knowledge and ability to identify and assess developmental needs of children.

5. Guidance program development, coordination, and management.

a. The knowledge and ability to formulate guidance and counseling program goals and priorities.

b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.

c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.

d. The knowledge of organizational theory relating to change and humanization of social systems.

e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.

f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

C. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid entrance license as an elementary school counselor, and

2. One year of experience as an elementary school counselor.

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

E. All persons holding a license as an elementary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the board of teaching.

F. All programs for preparation of school counselors shall be submitted for approval to the Minnesota board of teaching and shall include a description of the procedures by which persons who hold secondary school counselor entrance, continuing, or life licensure and wish to be licensed as an elementary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Applicants shall be recommended for licensure as an elementary school counselor according to provision F. of this rule.

G. An institution applying to the board of teaching for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § 3.141 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.

H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:

1. A definite time limit for the experiment not to exceed five (5) academic years and twenty-five (25) students admitted to the program;

2. Clearly defined selection criteria for students admitted to the program;

3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and

4. A plan for submitting the experimental results to the board of teaching.

I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

J. This rule is effective July 1, 1982, for all applicants for entrance licenses.

5 MCAR § 3.114 Counselors in middle schools.

A. A school counselor in a middle school shall hold a valid Minnesota elementary school counselor license or secondary school counselor license. In addition, except as provided in B. of this rule, a school counselor in a middle school shall complete a preparation program, approved by the board of teaching, leading to the licensure of middle school counselors.

1. A school counselor holding a valid Minnesota elementary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:

a. Philosophy and organization of the middle school

b. Adolescent psychology

c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § 3.102

d. Counseling practicum with adolescents

2. A school counselor holding a valid Minnesota secondary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:

a. Philosophy and organization of the middle school

b. Pre-adolescent psychology

c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § 3.103

d. Counseling practicum with pre-adolescents

B. Provisions of this rule shall not be interpreted to prevent a school counselor from counseling in a middle school at those grade levels for which valid Minnesota school counselor licensure is held or to require such counselor to secure additional licensure to continue to counsel at those grade levels in a middle school for which valid Minnesota school counselor licensure is held.

C. Minnesota colleges and universities approved to prepare school counselors and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school counselors submitted for approval have been developed with participation from elementary and secondary counselors,

middle school administrators, students, and interested citizens. Such programs shall also include:

1. A statement of philosophy which sets forth the view of the institution with respect to the middle school.

2. An enumeration of the specific knowledge, skills, and understandings to be developed in the proposed program.

3. A description of program components which includes statements specifically relating individual components of the program to the philosophy and outcomes enumerated under 1. and 2., above.

4. A plan for assessing learning outcomes for individual candidates for licensure.

D. All approved programs leading to middle school counselor licensure shall include a description of the way in which practicing counselors may have their school counseling experience and school counselor preparation in those areas enumerated in A., above, evaluated and credited by an institution maintaining an approved program leading to middle school counseling licensure. Such evaluation may include previous school counseling experience and/or previous school counselor preparation.

E. Applicants holding a valid Minnesota elementary or secondary school counselor entrance license shall be issued an entrance middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.

F. Applicants holding a valid Minnesota elementary or secondary school counselor continuing or life license shall be issued a continuing middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.

G. The first and subsequent continuing middle school counseling licenses shall be issued to applicants who have completed the requirements of A.1. or 2. of this rule and who meet the requirements of the board of teaching for the issuance of

the first and/or subsequent Minnesota elementary or secondary school counselor continuing licenses.

H. Until July 1, 1983, any person licensed by the Minnesota board of teaching as a school counselor for any of the grade levels in a middle school where the person is assigned as a school counselor is granted authority to counsel at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

I. Except for provision H., all provisions of this rule shall become effective July 1, 1983.

APPROVED AS TO FORM AND LEGALITY

JUN 19 1980 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joanne Hindeland

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 19 1980
Joan Anderson Growe
Secretary of State
10:27 AM

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 10th day of November, 1979, at 9:00 a.m. in the auditorium, Room 83, of the State Office Building, 435 Park Street, St. Paul, Minnesota 55155, after proper notice required by M.S. 1978, 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 rule and the reasonableness thereof.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 5 MCAR § 3.102 School Counselors, Secondary; 5 MCAR § 3.103 School Counselors, Elementary; 5 MCAR § 3.114 Counselors in Middle Schools are adopted this 21st day of March, 1980, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Margery H Harris
Margery Harris, Chairman

Marie O. McNeff
Marie McNeff, Vice Chairman

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik , being first duly sworn, deposes and says that on the 21st day of January , 1980 , at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of Hearing Examiner, BT-80-002-PE upon the Board of Teaching by handing to and leaving the same with Ken Peatross, Executive Secretary

Eileen A. Gaiovnik

Subscribed and sworn to before me
this 21st day of January , 1980 .

Susan C. Wojcik

SUSAN C. WOJCIK
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires April 26, 1986

BT-80-002-PE

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 Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coacnes of Interscholastic Sports.

REPORT OF THE 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 Saturday, November 10, 1979 in Room 83 of the State Office Building, St. Paul, Minnesota.

Donald Mueting, Special Assistant Attorney General, appeared as counsel on behalf of the Board of Teaching. William Gardner, Joseph Moren and Lowell Gillett, members of the Board of Teaching, testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested groups or persons had had an opportunity to be heard concerning the adoption of the proposed rules. Pursuant to Minn. Stat. § 15.0412, the Chief Hearing Examiner granted an extension through January 18, 1980, for the completion of this Report.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Board of Teaching shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. 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 (1978) within ten calendar days. The Board of Teaching will 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 September 6, 1979, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the nearing and estimated length of the Agency's presentation.

2. On October 8, 1979, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 543.

3. On October 9, 1979,, 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 October 16, 1979, the Board filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) The names of Board personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

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 November 30, 1979 for the receipt of written comments and statements, the period having been extended by order of tne Hearing Examiner to 20 calendar days following the hearing.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 125.05, subd. 1, and 125.185, subd. 4.

A. 5 MCAR § 3.060 Rules Governing Secondary School and 5 MCAR § 3.001 Rules Governing Requirements for the Issuance and Renewal of all Licenses.

not subm. #2 for #6 approval

7. The Board of Teaching contends that the need to repeal 5 MCAR § 3.060 A.1., A.2., A.3., B. and C. and amend 5 MCAR § 3.001 is:

Because the provisions cited above in 5 MCAR § 3.060 are more appropriately addressed in the rule governing Requirements for the Issuance and Renewal of all Licenses and are not specific to the secondary school rule, and

Because the provisions relating to teachers prepared in states other than Minnesota have been addressed in 5 MCAR § 3.142, and

Because steadily declining student enrollments have caused school districts to experience difficulty in assignment and utilization of currently employed staff, more flexibility in staff assignment is necessary, and

Because the proposed amendents to 5 MCAR § 3.001 will provide a means whereby school districts can more effectively assign current staff whose licenses to teach would provide needed flexibility in staffing curricular programs to meet student needs, and

Because the proposed amendments provide flexiblity to school districts in assignment of staff by permitting persons who hold licenses to teach based upon the completion of an approved college minor to teach full-time in grades 7-9 of a secondary school and full-time in grades 7-9 of a middle school, and

Because the proposed amendments authorize by rule the scope of teaching assignment for persons teaching in grades 10-12 and grades 7-9 of secondary scnools and grades 5-9 of middle schools who hold licensure based upon completion of an approved college minor, and

Because certain licensure rules of the Board of Teaching provide for the issuance of licenses to teach based upon the completion of an approved college minor, and

Because licensure programs based upon the completion of an approved college minor authorized in certain licensure rules provide adequate and appropriate preparation for teaching in grades 7-9, and

Because the proposed amendments provide for consistency of teaching assignment in grades7-9 for persons who hold licensure based upon the completion of an approved college minor whether a school district is organized to include a middle school or a junior high within a secondary school, and

Because the proposed amendments provide a system for persons to renew lapsed licenses to teach which were issued on the basis of completion of an approved college minor.

8. Doctor Gregory Waddick, Assistant Commissioner, Department of Education, testified that the Department's "support of 5 MCAR § 3.001 is a qualified support and is sufficiently qualified as to suggest that perhaps the rule should be referred back to the Board of Teaching for additional consideration of its implications and impact." (Tr. p. 22)

9. Many written comments were received which opposed full-time teaching in a teacher's minor. There were two grounds for the opposition. First, many persons stated that the level of education required for a college minor is not adequate for full-time teaching in that area. The following are representative comments:

I have been a principal at the senior high (grades 10 - 12) level before being a principal at Northfield Juior High School, and I do see that the junior high should be less content oriented than senior high. However, to assume that having a mminor in a particular discipline qualifies one to teach at the junior high level (but not at the senior high level) is, in my opinion, an insult to the intelligence level of junior high students. I believe that teachers should be student-centered, but this attribute without a firm background in one's area will lead to a mediocre learning experience by junior high students.

I am chair of a Minnesota Council of Teachers of English task-force which has proposed redrafting of licensure requirements for English/Lanugage Arts teachers in Minnesota. Our efforts have involved both a survey of teacher opinions and a careful examination and adaptation of recommendations about licensure requirements made by the National Council of Teachers of English. Our survey of 1200 (appaox 25%) of Minnesota's secondary English teachers was responded to by slightly over 50% (624) of those receiving questionnaires. The respondents clearly indicated that they felt Jr. High teachers need even stronger backgrounds in methods of teaching writing, methods of diagnosing and assessing writing skills, methods of diagnosing and assessing reading skills, methods of teaching usage, spelling and punctuation, and methods of teaching literature. Such skills are seldom taught in the courses generally required of students minoring in English. In fact, in many institutions it has been possible for students to minor in English with as few as 18 semester or 24 quarter hours in English, and minors are typically not required to take course work in English grammar, the History of the English Language, advanced writing, the teaching of composition, the teaching of reading or adolescent literature. In other words, those teachers wishing to teach junior high English on their English minors ought to be required to do <u>more</u> retraining than those teaching senior high English.

The second ground for opposition is that licensure in a minor area would be detrimental to the order of lay-offs when school districts must let teachers go because of declining enrollment. The Association of Metropolitan School Districts (AMSD) stated:

Minnesota law, M.S. 125.125, Subd. 6b, specifies that "Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district." The key words are "in fields in which they are licensed." If the present proposal is approved, a teacher with minor preparation in a given subject would be placed on the same footing as a teacher with a major in that subject area. The person with the minor if senior, would therefore be able to displace, or "bump", the teacher with a major when staff reduction occurs. Seniority would thus be elevated to the highest principle, reducing the importance of licensure. AMSD believes that such a system, everything else being equal, will lead to a decline in the quality of teaching in grades 7 -9 and in middle schools. To argue otherwise is to argue that education and training make no difference in teacher quality.

10. J. Dennis O'Brien, Esq., on behalf of the AMSD, commented:

The Statement of Need presented by Mr. Peatross, the Executive Secretary of the Board of Teaching, merely outlines the major developments which occurred in the promulgation of the proposed rules. No facts are presented. No impact studies or survey results are documented. Instead, only opinions of the Board or general theoretical observations of Mr. Peatross are presented in the form of ten "Because" paragraphs. For example, the third "because" paragraph, refers to steadily declining student enrollments which "have caused school districts to experience difficulty in assignment and utilization of currently employed staff," requiring more flexibility in staff assignment. Statement of Need at page 1. However, AMSD and the superintendent of the Robbinsdale Independent School District No. 281, presented facts to show that it is precisely on those districts most devastated by declining enrollments that the patent unreasonableness of the rules is demonstrated. The Board of Teaching presents no facts to demonstrate that the proposed rules would aid those districts with declining enrollments. This particular paragraph in the Statement of Need (as do all ten paragraphs) merely demonstrates an opinion of the Board of Teaching which can in no way be seen to meet the standard of factual substantiation necessary to support administrative rule changes in the State of Minnesota.

11. The MFT commented as follows:

In regard to 5 MCAR 3.060 and 3.061 on Minors to Majors: As chairman of the Minnesota Federation of Teachers Education Policies Committee, I am writing to support this proposed rule. Our committee is made up of teachers from around the state and after studying this proposed rule carefullly, they voted to support 5 MCAR 3.060 and 3.061. This rule will provide much needed versatility to teachers in this difficult time of declining enrollment. It hopefully would end the current trend toward part time educators and encourage the maintenance of high educational standards.

12. The Examiner finds that the need for and reasonabaleness of the repeal of 5 MCAR § 3.060 A.1., B. and C. has been demonstrated by the Board of Teaching. The Examiner finds that the need for and reasonableness of the new provisions for full-time teaching in minor areas has not been demonstrated by an affirmative presentation of facts. In light of the public testimony opposing full-time teacning in a minor and the implications of rule implementation (example comments in Finding 9 above), the reasonableness of and need for the rule has not been shown.

B. 5 MCAR § 3.102 Rules Governing School Counselors, Secondary; 5 MCAR § 3.103 Rules Governing School Counselors, Elementary; 5 MCAR § 3.114 Rules Governing Counselors in Middle Schools.

13. The Board contends that the need to repeal current counselor rules and adopt new rules is:

Because the last rules for secondary school counselors were developed in 1958 to be implemented in 1963. This is a long time ago and many societal changes have made the earlier preparation program ineffective and obsolete, and

Because by their own initiative counselor preparation institutions have made many revisions in their preparation programs to update counseling skills in dealing with more recent problems that counselors meet, and

Because although the previous elementary counselor preparation rule is more recent, members of the task force felt that the preparation program should be very similar at both levels, allowing only for different techniques to be used at the different age levels as needed. Permission was requested from the Minnesota Board of Teaching and granted to work on these two rules simultaneously. An attempt was made to create a K-12 rule but this created too long a preparation program to be practical. This created a need to keep two rules but to find a method whereby counselors prepared at one of these levels would have available a definite designated program to move to the other level, and

Because there are population shifts, this rule is specifically designed to help counselors shift from one level to another, and

Because the scope of counseling services has increased over the years. An increasing number of students come from troubled and broken homes. In addition students are involved at earlier ages with drug, alcohol and sex problems. The counselor has been forced to become more actively involved with the total family. The task force considered the many publics the counselor must serve. The counselor is designated to help students, parents, teachers, administrators and persons in referral services in the community. The idea of working with all these significant others is to enhance and insure that the student has every opportunity to succeed. This rule is specifically designed to train a counselor who will be competent in these areas, and

Because persons completing an approved program in school guidance and counseling who were initially prepared in fields other than teaching can develop the necessary skills to serve as a secondary school counselor or an elementary school counselor upon completion of an internship in guidance and counseling which includes course work and experiences in education, and

Because the proposed rules are accompanied by very specific extensive guidelines to help the colleges implement the new rules. It is understood that institutions may use somewhat different techniques in the preparation program, but they must insure that the graduate of the program has developed skills specified in the proposed rule, and

Because this will assure more consistency of competencies than we have at the present time, and

Because the existing rules simply stated that the counselor in preparation be prepared in a certain area. This often resulted in having a course by that name meet the requirement, and

Because school counseling was very new in 1963, and the number of professionals in the field was small, and

Because since that time counseling has grown and come into the fore and much has been learned about the preparation the counselor needs from experiences over these years, and

Because the proposed rules, when adopted, will assure that a counselor prepared under the provisions of the rules and licensed will be able to render adequate counseling services and better meet tne needs of students and other publics served, and

Because it is also expected that the new preparation program will serve as an incentive for counselors now in the field who were prepared many years ago to return to school to take new courses that will be offered to update their skills.

Because no rule presently exists for the licensure of counselors at the middle school level, and

Because there are a growing number of middle schools in the State of Minnesota which are no longer secondary schools, but which rather are a combination of elementary and secondary levels, requiring separate licensure for counselors, and

Because the needs of the students at the middle school level will be best served by a system of licensure which requires preparation by the counselor in areas which recognize the unique learning requirements of students at that age and level of development, and

Because a license, granted only to holders of elementary school counseling or secondary school counseling licensure, which provides a guarantee of those skills and understandings that are not inherent in the preparation required for previous licensure can best insure that counselors possess the qualifications necessary to counsel in the combined levels of the middle school, and

Because the proposed rule provides a mechanism whereby persons completing the middle school counselor licensure program can complete some of the necessary program components which lead to licensure as either a secondary school counselor or an elementary school counselor, and

Because, until such time as counselors may be able to conform with the rule establishing the requirements for licensure at the middle school level, authority must be established for the practice of counseling at levels other than those provided under existing licensure rules in order for such schools to continue in operation, and

Because the proposed rule, when adopted, will assure that a middle school counselor prepared under the provisions of the rule and licensed will be able to render adequate counseling services in the middle school and better meet the needs of middle school students.

14. Dr. Waddick, testifying on behalf of the Department of Education, stated that the Department supports proposed 5 MCAR §§ 3.102 and 3.103, including the option for alternate preparation. He stated support for 5 MCAR § 3.114 but questioned the need for ten additional quarter hours for middle school counselors.

15. Much oral testimony was given and many written comments were submitted voicing both support and opposition to the major changes in the new counselor rules, those changes being: (a) increasing the teaching requirement from one to two years; (b) increasing the credit requirement for secondary counselors from 45 to 54 credits; (c) provisions for an alternate, non-teaching route to counseling licensure; and (d) separate middle school counselor licensure which requires an added ten quarter hours of training.

Ms. Elvera Springer, Chairperson of the Counselor Licensure Task Force, commented as follows regarding the increase from one to two years of teaching experience:

Counselors, up to this point in Minnesota, have first had to be teachers. Ever since the state first established requirements, one year of teaching met requirement. The task force unanimously continued this requirement for trainees who go on to be counselors. In a very brief discussion, the Board of Teaching, without any previous discussion of this item with the task force, the Board of Teaching changed this to a two year teaching requirement. This does not seem to be necessary. There is no research that I am aware of that proves that more years of teaching improves counseling skills. Candidates for counseling already have at least four years invested in a Bachelor's Degree, a requirement of one year's work experience, one year of teaching and one year or more needed to earn the Master's Degree in Counseling and Guidance. It seems unreasonable to add another year before one can really get into one's chosen profession. I think you are really adding a hardship to the teacher. Students in high schools planning their futures are sometimes interested in becoming counselors. When they ask what they have to do to enter the field we have to tell them they must first become a teacher in some area. They do not have a real interest in any specific teaching area. In fact, on today's market, they probably would not even consider it being discouraged because of declining enrollments and decreased number of teaching entry jobs.

Based upon these comments, and similar responses of several other persons and groups, the Examiner finds that the need for and reasonableness of increasing the teaching requirement has not been demonstrated by the Board. No evidence was presented to show that an extra year of teaching experience would make for a better, more effective counselor.

Complied with - page 1 page 8

Ms. Springer supported the increased credit requirement for secondary counselors as follows:

In developing the training program you have before you, the task force spent much time listing all the things counselors are asked to do; we listened to the programs available now and possibly in the future as presented by all Minnesota counselor educators. After grouping and re-grouping counseling tasks, we decided they could be divided in five areas. These are:

1. Counseling
2. Consulting
3. Providing Developmental - Career Guidance
4. Evaluation and Assessment
5. Guidance Program Development, Coordination, and Management.

Descriptions of these terms are worked out in detail, to guide the colleges as they helped counselors develop these competencies. Them, an approximate total of credits needed to accomplish this training was assigned to each area. This resulted in the 54 qtr. hr. minimum credit requirement for each program. This is the present requirement for elementary counselors. In Minnesota now, most counselor training institutions are already requiring this amount of training. They have been aware for some time of the many areas of competence needed by counselors in today's society. Counselors have been involed in many additional situations because of drug problems and difficulties that come as a result of family breakdown. The credit requirement established was not an arbitrary number but came as a result of long study by the members of the task force. It was accepted unanimously by them and there has been no criticism of this part of the rule that has been brought to my attention.

The Examiner finds that the need for and reasonableness of the increased credit requirement has been demonstrated. Several persons did comment, however, that the added credits would incur extra cost and time for counselor preparation.

Regarding the alternate route to licensure, many practicing counselors and counselor associations commented in opposition to the new provisions. Ms. Marcy Gobell, Professional Standards Chairperson of the Minnesota School Counselors Association Board, testified as follows:

> Counselors, to be most effective in fulfilling the tasks prescribed for them in the school environment, need the knowledge and experience that is gained through the actual act of teaching a group of children continually throughout the school year, of having been there in terms of planning and implementing curriculum in a classroom setting. Counselors gain credibility as part of the educational team because they are able to relate to the problems classroom teachers encounter. They understand the difference between dealing with problem students in a classroom situation as opposed to dealing with the same students on a one-to-one basis.

Many other persons voiced similar concerns.

John Auger, Mankato State University instuctor in the counselor education program, testified that he has had contact with 175 students who have graduated from MSU's Program and gone on into secondary school counseling. He stated that he has found "no relationship between counseling effectiveness. . . and the number of years, if any, that that person has taught." Ms. Springer commented in support of the alternate route as follows:

> [An] area that has caused differences of opinion was the proposed alternative method of training counselors. These trainees would earn a Bachelor's Degree, would earn a Master's Degree in Guidance and Counseling, including a school practicum, and then be required to have a one year internship in a school. The requirements of this internship are very specific and stringent. The intern must spend one quarter in a classroom handling units on student self-development, career guidance and such related topics. The intern would be required to complete course work and experience in curriculum, school organization and philosophy of education. With this the intern would have had experiences very similar to a student teacher. Supervision of the intern would be by the college doing the training and the experienced counselor supervisor in the school under a written agreement. During this entire year, the trainee would also be observed, of course, by teachers and administrators in the school. It should be possible for them to observe how well the trainee performs counseling functions and relates to students and teachers. If it appears the person would not become a desirable and competent counselor, the intern should be moved out of the program and would not be licensed as a counselor. This person would be subject to much more observation than the teacher who leaves, gets a Master's Degree and is then licensed.

* * *

> Additionally, we have many such programs that are operating very satisfacatorily. There is the Wisconsin research on their intern program. Since 1958, about 400 individuals have been trained in this program. The elementary counseling program has been greatly expanded through their program. According to Dr. Erpenbach, Wisconsin Department of Education, Supervisor, many of these interns nave assumed leadership roles in their schools. About 1 in 5 to 1 in 6 of their counselors have been trained this way. The remainder still come through the teaching route. Very likely this type of ratio will continue. I have seen the papers of some of these Wisconsin interns and others trained in other states. When I was hiring they would have been excellent additions to a counseling staff with good backgrounds and different experience backgrounds, but they could not qualify in Minnesota because they had no teaching experience.
>
> We also have the New Orleans study done by Dr. Fred Vogel in 1976 showing the National trend that more and more states are

removing the teacher training and teaching experience requirement. According to him in a telephone conversation the other day (Nov. 8, 1979) they are repeating the study. All but a few responses are in and he reports the trend continues in this direction.

The Examiner finds that the non-teaching route to counselor licensure has been shown to be a viable alternative which is both needed and reasonable. Despite the adverse comments of counselors and counselor associations, the Examiner concludes that the adequacy of non-teacher counselors has been demonstrated. There is no reason to disallow the occupation of counseling to persons trained as professionals according to the proposed rule prescription.

The Board testified in support of the middle school licensure as follows:

". . . the need to adopt proposed 5 MCAR 3.114, rules governing counselors in middle schools, arises because no rule presently exists for the licensure of counselors at the middle school level. There are a growing number of middle schools in the State of Minnesota which are no longer secondary schools, which, rather, are a combination of elementary and secondary levels requiring separate licensure for counselors. The practice, rather than the rule, exists related to counseling in the middle schools in areas and levels outside that provided in licensure rule.

The needs of the students at the middle school level will be best served by a system of licensure which requires preparation by the counselor in areas which recognize unique learning requirements of students at the age and level of development. A license granted only to holders of elementary school counseling or secondary school counseling licensure which provides a guarantee of those skills and understandings that are not inherent in the preparation required for previous licensure can best insure that counselors possess the qualifications necessary to counsel in the combined levels of the middle school.

The proposed rule provides a mechanism whereby persons completing the middle school counselor licensure program can complete some of the necessary program components which lead to licensure as either a secondary school counselor or an elementary school counselor. Until such time as counselors may be able to conform with the rule establishing the requirements for a licensure at the middle school level, authority must be established for the practice of counseling at levels other than those provided under existing licensure rules in order for such schools to continue in operation.

The proposed rule, when adopted, will assure that a middle school counselor prepared under the provisions of the rule and licensed will be able to render adequate counseling services in middle school and better meet the needs of the middle school students.

The Examiner finds that the need for and reasonableness of the middle school licensure rule has been demonstrated. However, the effect of this rule should be examined prior to July 1, 1983 (the effective date of the rule) to insure that the added preparation required of middle school counselors will not result in middle schools having to go without counselors.

16. Except as stated above in Finding 15, the Examiner finds that the need for and reasonableness of the repeal of present 5 MCAR §§ 3.102 and 3.103 and the adoption of new 5 MCAR §§ 3.102 3.103 and 3.114 has been demonstrated by the Board.

Not submitted for AG approval

C 5 MCAR § 3.108 Rule Governing Coaches of Interscholastic Sports in Grades 5-12.

17. Different versions of the above-cited rule were proposed and heard by the undersigned Hearing Examiner on December 11, 1976 and May 20, 1978. In reports issued on February 4, 1977 and June 20, 1978, this Examiner found the previously proposed rules governing coaches of interscholastic sports not to be reasonable basically because implementation of the rule would result in the elimination of many public school athletic programs due to the added cost of hiring licensed coaches and the unavailability of those educationally prepared coaches. See BT-77-001-PE (2-4-77), and BT-78-003-PE (6-20-78). Those Reports contained recommendations for changes in the proposed rules to alleviate the above-mentioned ground for unreasonableness. The Board of Teaching, in proposing the rule now under consideration, has responded to the recommendations for change and incorporated many, if not all, into the rule now being proposed.

18. The Board contends that the present rule, 5 MCAR § 3.108, is deficient because: (a) it does not insure that licensed coaches will be prepared in each of the essential areas of knowledge; (b) it is not clear what is meant by "head coach" in the rule; (c) the rule only covers six specified boys' (no girls) interscholastic sports; and (d) the rule only covers coaches in secondary schools.

The Board stated that the rule now proposed is based upon the belief that:

> --coaches must be competent to prevent avoidable injury and to provide appropriate emergency care in the case of injury;
>
> --coaches require an understanding of anatomical structure and physiological functions, particularly as these relate to conditioning and performance;
>
> --coaches need to understand and be able to teach proper skills and techniques which are applicable to the sport that is coached. These skills and techniques not only result in better performance--which is the goal of every instructional program--but are directly related to the prevention of injury;
>
> --coaches must have a thorough understanding of the emotional and physical stresses involved in athletic practice and competition, and of the impact of these stresses on the emotional and physical well-being of the participants;
>
> --finally, just as in other areas of teaching, coaches need to have a practicum experience under qualifiead supervision as a part of their preparation program in order to provide the opportunity to apply the competencies developed in the classroom in a practical setting.

The proposed rule applies to all head coaches, regardless of the age, grade level or sex of the participants. It does not apply to assistant coaches. Coach is defined as a teacher who ". . . supervises the practice and competition of interscholastic sports at grade levels 5-12." Interscholastic sport is defined as a sport in which there is practice on a regular basis and scheduled competition against athletic teams of another school both within and outside the school district.

The Board contends that:

The rule includes four additional provisions which have been carefully designed to address the concerns expressed by school boards and school administrators relative to staffing the programs which their schools provide.

First, individual school districts or combinations of districts may develop and submit to the Board for approval, programs of preparation which meet the program approval and licensure requirements. Persons who successfully complete these approved programs may be recommended for licensure in the same manner as persons completing approved college programs.

Second, the rule includes a grandparenting provision. Any coach who can demonstrate that he or she has completed three athletic seasons of coaching and is prepared in the areas of first aid and the care and prevention of athletic injuries may qualify for licensure under this provision.

Third, the rule permits a local school district which can demonstrate that it is unable to obtain a licensed coach to request that a provisional license good for one year be granted with an extension for one additional year possible. This provision requires only that the provisionally licensed coach be a licensed teacher and be enrolled in an approved program leading to coaching licensure.

Fourth, the normal approach in licensure rules is to specify minimum levels of preparation. This rule is a departure. It specifies exactly twelve credits. This limitation is for the sole purpose of assuring that coaches can achieve the most fundamental educational requirements with a modest expenditure of effort and money.

In summary, it is the contention of the Board that by excluding assistant coaches, by providing the mechanism for the development of school district programs, by incorporating provisions for grandparenting and for provisional licensure, and by specifically limiting the preparation requirements, the concern for staffing, a concern that the Board acknowledges as valid, has been realistically addressed.

19. Dr. Waddick testified on behalf of the Department of Education regarding the proposed rule as follows:

Presenting testimony on this proposed coaching rule, as the Departmental representative, is a difficult and, to some extent, an embarrassing responsibility.

The Board of Teaching has labored diligently for several years to fashion a rule for coaching licensure which it felt would be adequate and appropriate to the protection of the health, welfare, and safety of Minnesota students. During that interval it has come to at least one public hearing with such a proposed rule that was subsequently rejected and has, in turn, attempted to revise the rule to make it more responsive and flexible. In tnis process, it has consulted with the State Board of Education and with Department of Education staff and it has, in many respects, accepted the advice and requests of those parties. However, it is my responsibility today to oppose the adoption of 5 MCAR § 3.108 as being a rule which, while well intentioned, appears to be impractical in terms of its actual perceived consequences.

Extensive numbers of correspondences have been received by the Minnesota Commissioner of Education as well as members of the State Board of Education, all but one of which have opposed the proposed rule as being potentially devastating in terms of the availability of individuals who would be licensable, or who would want to be licensable, or who would make the effort to become licensable under the proposeed provisions of the rule. The consequence of this situation, we are told, is that the availability of athletic offerings for both males and females

would decline dramatially. These correspondences have routinely reflected appreciation for the Board of Teaching's recent accommodations to the licensure standards for assistant coaches but state that the necessity of licensing coaches earlier than the grade 10 through 12 level is impractical and that only the head varsity coaches should be licensed. We recognize that there is a certain flaw in this argument inasmuch as if licensure is to protect the health, welfare, and safety of Minnesota students, surely accidents are as likely to occur prior to grade 10 as they are in the grade 10 through 12 interval. However, once again pragmatic consideration seems to dictate that if coaches are to be licensed at all, the only area in which licensure standards can be imposed without causing severe disruption to the availability of athletic opportunities is at the grade level 10 through 12 for coaches of varsity sports.

It would be my recommendation that varsity sports be further delimited to include those in which the risk of injury is the highest and require licensure for only those sports. My recommendation for inclusion in such a list might consist of football, basketball, baseball, wrestling, hockey, soccer and gymnastics.

In closing, the Department of Education reluctantly feels that it must oppose the adoption of 5 MCAR § 3.108 and recommends that the rule be referred back to the Board of Teaching for reconsideration.

Again, we wish to note the good intentions of the Board of Teaching in connection with this rule but also to observe that members of the Board of Teaching do not commonly occupy themselves in tne employment of athletic coaches, nor do members of the Department of Education, for that matter, and consequently the practical impact of the proposed rule could not be fully seen until it was displayed for public reaction, which, considering the volatility of that reaction, requires us to conclude that certain provisons of the proposed rule are, in fact, excessive. We hope that we may work with the Board of Teaching one more time to promulgate a reasonable rule in connection with coaching, or if, in fact, that is impossible, to conclude that coaching is not teaching and, therefore, does not require licensure. That course of action, in my estimation, would be unfortunate.

20. Much testimony was taken at hearing and several hundred written comments were submitted regarding the interscholastic coaches rule. The overwhelming tenor of this public input was opposition to the proposed rule for tne following reasons:

(a) requiring licensed coaches for all interschool athletic competition in all sports below grade 10 (down through grade 5) is unreasonable;

(b) because some schools must rely on non-teachers for coaches, it is unreasonble to require that all coaches be licensed teachers;

(c) because more senior teacher-coaches retire from coaching activities and the influx of younger teachers into many school systems who would assume coaching duties is minimal due to declining enrollments, there would be no teacher-coaches;

(d) much of the non-licensed coaching staff would not acquire the training needed to be licensed;

(e) because of the greater number of sports being offered and the increase in girls' athletics, finding licensed coaches through grade 5 would not be possible.

21. For the reasons stated above in Finding 20, the Examiner finds that proposed 5 MCAR § 3.108 has not been shown to be reasonable. The Examiner

sees the factors of: (a) declining school enrollment resulting in the reduction or elimination of younger, less senior teachers; and (b) the greater number of sport offerings for both sexes, as having the greatest impact on the reasonableness of the rules. As was stated in the two previous Reports cited above in Finding 17, an acceptable balance between the preparedness of coaches and the possible elimination of athletic opportunities must be achieved. Several comments received suggested that almost all interscholastic sports (as defined in the proposed rule) below grade 10 would be eliminated.

There are several obvious modifications which could be made to the proposed rule which would detract from the manifested intentions of the Board of Teaching but result in a more acceptable rule. Those might be: (a) only requiring a head athletic program coach to be licensed in each boys' and girls' sport; (b) elimination of licensure below grade 10; (c) allowing non-teachers to be licensed coaches; (d) requiring only a school-sponsored emergency first aid course for current coaches to be grandfathered in; or (e) redefining what is meant by coach, interscholastic sport and/or assistant coach.

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

CONCLUSIONS

1. The Board of Teaching gave due, timely and adequate legal notice of the hearing.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), 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 Board has documented its statutory authority to promulgate the proposed rules.

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

5. The Board has demonstrated the need for and reasonableness of the proposed rules, with the exceptions noted in Findings Nos. 12, 15 and 21 by an affirmative presentation of facts.

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

RECOMMENDATION

That the Board of Teaching adopt those proposed rules which have been found to be both needed and reasonable herein.

Dated this 15 day of January, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes, Section 15.0412 subd. 4 (1978), in the above entitled matter in the State Office Building Auditorium, 435 Park Street, St. Paul, Minnesota 55155, on Saturday, November 10, 1979, commencing at 9:00 a.m. and continuing until all representatives of associations or other interested persons have had an opportunity to be heard concerning the adoption, amendment, or repeal of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for five (5) days after the public hearing ends or for a longer period not to exceed twenty (20) calendar days if ordered by the hearing examiner at the hearing. Written materials should be mailed to:

Jon L. Lunde
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-6910

The Board proposes to adopt, amend, or repeal rules governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports. The authority of the Board to promulgate the proposed rules is found in Minnesota Statutes, Sections 125.05 subd. 1 and 125.185 subd. 4. A copy of the proposed rules is attached hereto.

NOTICE IS HEREBY GIVEN that twenty-five (25) days prior to the hearing, a statement of need and reasonableness will be available for review at the Office of the Board of Teaching and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the Board of Teaching at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge at this address: Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104.

Minnesota Statutes, Section 10A.01, subd. 11 (1978), defines a lobbyist as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Lobbyist does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(c) Individual in the course of selling goods or services to be paid for by public funds;

(d) News media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in Section 500.24, subd. 1, who does not spend over $250, excluding travel expenses, in any year in communicating with public officials.

Pursuant to Minnesota Statutes, Section 10A.03 (1978), lobbyists must register with the State Ethical Practices Board as a lobbyist within five (5) days of the commencement of such activities by the individual.

Any questions regarding lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155 (612) 296-1720.

Public comment will be accepted after presentation of each of the proposed rules.

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

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

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

NOTICE IS HEREBY GIVEN that any person may request notification of the date on which the report of the hearing examiner will be available, after which date the Board of Teaching may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record

has been submitted or resubmitted to the Attorney General by the Board of Teaching. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner in the case of the report of the hearing examiner, or to the Board of Teaching in the case of the Board of Teaching submission or resubmission to the Attorney General.

STATE OF MINNESOTA
BOARD OF TEACHING

BY Kenneth L. Peatross
Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

AFFIDAVIT OF MAILING

Nancy A. Dippel, being first duly sworn, deposes and says:

That on the 9th day of October, 1979, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States Mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Nancy A. Dippel
NANCY A. DIPPEL

Subscribed and sworn to before me
this 9 day of October, 1979.

Luana Vadnais
NOTARY PUBLIC

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

BT 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

AFFIDAVIT

Nancy A. Dippel, being first duly sworn on oath deposes and says:

1. That she is the secretary for the Board of Teaching of the State of Minnesota.

2. That on the 28th day of September, 1979, she went to the Office of the Secretary of State 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 (1978).

3. That on the 28th day of September, 1979, in response to the above request, the Secretary of State provided her with a list of 330 labels and 2 pages of names and addresses which constitutes the complete list of persons, associations, and other interested groups who as of 9:55 o'clock a.m. on the 28th day of September, 1979, had requested that their names be placed on the file for the purposes set out in paragraph 2 above.

FURTHER AFFIANT SAYETH NOT.

Nancy A. Dippel
Nancy A. Dippel

Subscribed and sworn to before me
this 28 day of September, 1979.

Luana Vadnais
Notary Public

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

BT 5

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

CERTIFICATE

I hereby certify that the attached 2 sheets 330 labels constitute the complete list of persons, associations, and other interested groups who as of 9:55 o'clock A.m., this 28th day of September, 1979, have requested pursuant to Minn. Stat. § 15.0412 (1978) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearings on proposed rules on the subject captioned above.

SECRETARY OF STATE

By Kathy Hyelin

Joan Anderson Growe

BT 6

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Joseph J. Moren, do hereby certify that I am the Chairman of the Minnesota Board of Teaching, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 20th day of July, 1979, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of July, 1979.

Joseph J. Moren
Chairman, Minnesota Board of Teaching

Marie O. McNeff
Attest by one other officer

BT 1

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

STATEMENT OF NEED

Some of the above captioned rules are amendments to existing rules and others are new rules of the Board of Teaching. The last time any of the above captioned rules were amended was 1978.

THE NEED TO REPEAL 5 MCAR § 3.060 A.1., A.2., A.3., B., AND C. SECONDARY SCHOOL AND THE NEED TO AMEND 5 MCAR § 3.001 REQUIREMENTS FOR THE ISSUANCE AND RENEWAL OF ALL LICENSES ARISES:

Because the provisions cited above in 5 MCAR § 3.060 are more appropriately addressed in the rule governing Requirements for the Issuance and Renewal of all Licenses, and are not specific to the Secondary School rule, and

Because the provisions relating to Teachers Prepared in States Other than Minnesota have been addressed in 5 MCAR § 3.142, and

Because steadily declining student enrollments have caused school districts to experience difficulty in assignment and utilization of currently employed staff, more flexibility in staff assignment is necessary, and

Because the proposed amendments to 5 MCAR § 3.001 will provide a means whereby school districts can more effectively assign current staff whose licenses to teach would provide needed flexibility in staffing curricular programs to meet student needs, and

Because the proposed amendments provide flexibility to school districts in

BT 8

assignment of staff by permitting persons who hold licenses to teach based upon the completion of an approved college minor to teach full-time in grades 7-9 of a secondary school and full-time in grades 7-9 of a middle school, and

Because the proposed amendments authorize by rule the scope of teaching assignment for persons teaching in grades 10-12 and grades 7-9 of secondary schools and grades 5-9 of middle schools who hold licensure based upon completion of an approved college minor, and

Because certain licensure rules of the Board of Teaching provide for the issuance of licenses to teach based upon the completion of an approved college minor, and

Because licensure programs based upon the completion of an approved college minor authorized in certain licensure rules provide adequate and appropriate preparation for teaching in grades 7-9, and

Because the proposed amendments provide for consistency of teaching assignment in grades 7-9 for persons who hold licensure based upon the completion of an approved college minor whether a school district is organized to include a middle school or a junior high within a secondary school, and

Because the proposed amendments provide a system for persons to renew lapsed licenses to teach which were issued on the basis of completion of an approved college minor.

THE NEED TO REPEAL 5 MCAR § 3.102 RULES GOVERNING COUNSELORS, SECONDARY SCHOOLS AND 5 MCAR § 3.103 RULES GOVERNING COUNSELORS, ELEMENTARY SCHOOLS AND ADOPT PROPOSED 5 MCAR § 3.102 RULES GOVERNING SCHOOL COUNSELORS, SECONDARY AND 5 MCAR § 3.103 RULES GOVERNING SCHOOL COUNSELORS, ELEMENTARY ARISES:

Because the last rules for secondary school counselors were developed in 1958 to be implemented in 1963. This is a long time ago and many societal changes have made the earlier preparation program ineffective and obsolete, and

Because by their own initiative counselor preparation institutions have made many revisions in their preparation programs to update counseling skills in dealing with more recent problems that counselors meet, and

Because although the previous elementary counselor preparation rule is more recent, members of the task force felt that the preparation program should be very similar at both levels, allowing only for different techniques to be used at the different age levels as needed. Permission was requested from the Minnesota Board of Teaching and granted to work on these two rules simultaneously. An attempt was made to create a K-12 rule but this created too long a preparation program to be practical. This created a need to keep two rules but to find a method whereby counselors prepared at one of these levels would have available a definite designated program to move to the other level, and

Because there are population shifts, this rule is specifically designed to help counselors shift from one level to another, and

Because the scope of counseling services has increased over the years. An increasing number of students come from troubled and broken homes. In addition students are involved at earlier ages with drug, alcohol and sex problems. The counselor has been forced to become more actively involved with the total family. The task force considered the many publics the counselor must serve. The counselor is designated to help students, parents, teachers, administrators and persons in referral services in the community. The idea of working with all these significant others is to enhance and insure that the student has every opportunity to succeed. This rule is specifically designed to train a counselor who will be competent in these areas, and

Because persons completing an approved program in school guidance and counseling who were initially prepared in fields other than teaching can develop the necessary skills to serve as a secondary school counselor or an elementary school counselor upon

completion of an internship in guidance and counseling which includes course work and experiences in education, and

Because the proposed rules are accompanied by very specific and extensive guidelines to help the colleges implement the new rules. It is understood that institutions may use somewhat different techniques in the preparation program, but they must insure that the graduate of the program has developed skills specified in the proposed rule, and

Because this will assure more consistency of competencies than we have at the present time, and

Because the existing rules simply stated that the counselor in preparation be prepared in a certain area. This often resulted in having a course by that name meet the requirement, and

Because school counseling was very new in 1963, and the number of professionals in the field was small, and

Because since that time counseling has grown and come into the fore and much has been learned about the preparation the counselor needs from experiences over these years, and

Because the proposed rules when adopted will assure that a counselor prepared under the provisions of the rules and licensed will be able to render adequate counseling services and better meet the needs of students and other publics served, and

Because it is also expected that the new preparation program will serve as an incentive for counselors now in the field who were prepared many years ago to return to school to take new courses that will be offered to update their skills.

THE NEED TO ADOPT PROPOSED 5 MCAR § 3.114 RULES GOVERNING COUNSELORS IN MIDDLE SCHOOLS ARISES:

Because no rule presently exists for the licensure of counselors at the middle school level, and

Because there are a growing number of middle schools in the State of Minnesota which are no longer secondary schools, but which rather are a combination of elementary and secondary levels, requiring separate licensure for counselors, and

Because the practice rather than the rule exists related to counseling in the middle schools in areas and levels outside that provided in licensure rule, and

Because the needs of the students at the middle school level will be best served by a system of licensure which requires preparation by the counselor in areas which recognize the unique learning requirements of students at that age and level of development, and

Because a license, granted only to holders of elementary school counseling or secondary school counseling licensure, which provides a guarantee of those skills and understandings that are not inherent in the preparation required for previous licensure can best insure that counselors possess the qualifications necessary to counsel in the combined levels of the middle school, and

Because the proposed rule provides a mechanism whereby persons completing the middle school counselor licensure program can complete some of the necessary program components which lead to licensure as either a secondary school counselor or an elementary school counselor, and

Because, until such time as counselors may be able to conform with the rule establishing the requirements for licensure at the middle school level, authority must be established for the practice of counseling at levels other than those provided under existing licensure rules in order for such schools to continue in operation, and

Because the proposed rule when adopted will assure that a middle school counselor prepared under the provisions of the rule and licensed will be able to render adequate counseling services in the middle school and better meet the needs of middle school students.

THE NEED TO REPEAL 5 MCAR § 3.108 RULES GOVERNING PUBLIC SCHOOL ATHLETIC COACHES AND ADOPT PROPOSED 5 MCAR § 3.108 RULES GOVERNING COACHES OF INTERSCHOLASTIC SPORTS IN GRADES 5-12 ARISES BECAUSE THE EXISTING RULE IS SERIOUSLY DEFICIENT IN A NUMBER SIGNIFICANT WAYS:

1. It does not insure that licensed coaches will be prepared in each of the areas of knowledge which are essential to the preparation of coaches. For example, first aid and care and prevention of athletic injuries are treated as elective subjects, but are not required. It is clear that subjects such as these are of such overriding importance that they should be required of every coach.

2. The rule covers only "head" coaches, and the term "head coach," as used in the rule is not defined and could be interpreted to mean only that person who coaches the highest level of varsity competition. Each coach who is directly responsible for an athletic team needs to be fully prepared as a coach.

3. The rule covers only six specified boys interscholastic sports. It does not require licensure for coaches of so-called minor sports, such as gymnastics, nor does it require licensure to coach any of the sports offered for girls. Coaches of minor sports need equivalent preparation to coaches of major sports, and girls deserve the same protection as boys.

4. The rule covers only coaches in secondary schools and is not required for coaches of elementary school programs. Elementary age children have the same or greater need for a qualified coach as do participants in the secondary schools.

By contrast the proposed rule is both necessary and reasonable, and it corrects these basic deficiencies.

The Board of Teaching believes that all coaches must be first and foremost, teachers. Coaching is teaching. The programs of interscholastic athletics are an integral part of the total school program and every athletic program should be so designed as to be of educational as well as recreational value. All teachers who are charged with the responsibility of coaching, that is, to conduct, manage, direct, and supervise practices and competitive events, should be fully qualified as a coach of interscholastic sports. The Board believes that it is absolutely essential that coaches at all levels of competition, and for both boys' and girls' programs meet the licensure requirements which are described in the proposed rule.

It should be noted that the major components of the preparation program are focused directly, or have immediate application, on the physical and emotional well-being of students. The program which has been developed is based on the belief that:

--coaches must be competent to prevent avoidable injury and to provide appropriate emergency care in the case of injury;

--coaches require an understanding of anatomical structure and physiological functions, particularly as these relate to conditioning and performance;

--coaches need to understand and be able to teach proper skills and techniques which are applicable to the sport that is coached. These skills and techniques not only result in better performance -- which is the goal of every instructional program -- but are directly related to the prevention of injury;

--coaches must have a thorough understanding of the emotional and physical stresses involved in athletic practice and competition, and of the impact of these stresses on the emotional and physical well-being of the participants;

--finally, just as in other areas of teaching, coaches need to have a practicum experience under qualified supervision as a part of their preparation program in order to provide the opportunity to apply the competencies developed in the classroom in a practical setting.

The proposed rule applies to all head coaches, regardless of the age, grade level, or sex of the participants. As will be noted later, it does not apply to assistant coaches. Their licensure should be encouraged, but not required. The Board believes that all head coaches should complete a carefully structured program of preparation.

It is generally recognized that students in the advanced levels of competition typically found at the junior and senior levels of the high school are, by the very nature of their greater size and maturity, more capable of causing injury in competitive athletics. It is less well recognized, but perhaps more important, that young people in the elementary and junior high schools are at a very vulnerable age, both physically and emotionally. Physically, they experience periods of rapid growth with temporary maladjustments and weaknesses. For example, at this age, bone growth is more rapid than muscle development so that the normal protection of covering muscles and supporting tendons is reduced. As a result, they are particularly susceptible to injuries of the bones and joints. All coaches require a thorough understanding of the physical limitations of young and growing bodies, of the impact of prolonged exertion on performance, and the susceptibility to injury.

These young people are also experiencing the emotional stress, which in our society, is so characteristic of the adolescent. These stresses are frequently exaggerated by the public attention, community pride, and parental aspirations which are associated with athletic programs. None of these is bad in themselves, but their obvious impact, sometimes in extreme form, points to the need for well-prepared coaches who have both the knowledge of and sensitivity to physical and emotional needs of students.

The proposed rule applies only to head coaches. As was stated earlier, it does not require licensure for assistant coaches at any level. Ideally, the Board believes

that assistant coaches should also be prepared, at least in the areas of first aid and in the care and prevention of athletic injuries. However, the decision not to require licensure for assistant coaches is based on several factors. First, the rule specifies that all practices and games shall be conducted under the "direct on-site supervision" of the licensed coach. Therefore, a properly prepared person will always be in charge. We believe that this provides the necessary protection for the participants. The Board recognizes that there has been a vast increase in school athletic programs and in participation, particularly for girls. This fact, together with declining enrollments and associated declines in school revenues, has created problems for staffing the programs of interscholastic athletics. The Board believes that by excluding assistant coaches from the licensure requirement, the vast majority of the staffing problems will have been eliminated. But it must also be recognized that there is no licensure rule that would eliminate all staffing problems.

The rule developed by the Board includes four additional provisions which have been carefully designed to address the concerns expressed by school boards and school administrators relative to staffing the programs which their schools provide.

First, individual school districts or combinations of districts may develop and submit to the Board for approval, programs of preparation which meet the program approval and licensure requirements. Persons who successfully complete these approved programs may be recommended for licensure in the same manner as persons completing approved college programs.

Second, the rule includes a grandparenting provision. Any coach who can demonstrate that he or she has completed three athletic seasons of coaching and is prepared in the areas of first aid and the care and prevention of athletic injuries may qualify for licensure under this provision.

Third, the rule permits a local school district which can demonstrate that it is

unable to obtain a licensed coach to request that a provisional license good for one year be granted with an extension for one additional year possible. This provision requires only that the provisionally licensed coach be a licensed teacher and be enrolled in an approved program leading to coaching licensure.

Fourth, the normal approach in licensure rules is to specify minimum levels of preparation. This rule is a departure. It specifies exactly twelve credits. This limitation is for the sole purpose of assuring that coaches can achieve the most fundamental educational requirements with a modest expenditure of effort and money.

In summary, it is the contention of the Board that by excluding assistant coaches, by providing the mechanism for the development of school district programs, by incorporating provisions for grandparenting and for provisional licensure, and by specifically limiting the preparation requirements, the concern for staffing, a concern that the Board acknowledges as valid, has been realistically addressed.

One of the major concerns of the Board in developing a licensure rule has been its commitment to the safety and welfare of the boys and girls who participate in interscholastic sports. The state has a clear obligation to provide minimum standards for the licensure of coaches. These minimum standards are for the benefit of the young people who participate in the programs. To cite a parallel, there is currently a shortage of industrial arts teachers, yet no board and no school superintendent is likely to propose that unprepared persons can be charged with the responsibility for industrial arts education, with the potential that exists for severe injury through incorrect or unsupervised use of machine tools. To do so would be to invite a lawsuit in the event of injury, with what would appear to be an obvious case of negligence. So too with interscholastic athletics.

Neither this rule nor any other is a cure-all. There can be no claim that every coach prepared under this rule will avoid excesses; there can be no claim

that a coach will never make a mistake in judgment or be negligent. The rule does provide, with the exceptions indicated, that teachers charged with the responsibility for coaching a group of young student athletes will have successfully completed a program of preparation specifically designed to provide the minimum levels of competence which the Board believes are essential for the welfare of the participants.

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 10/9/79

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON L. LUNDE
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment or repeal of rules of the Board of Teaching governing Elementary School Counselors, Secondary School Counselors, Counselors in Middle Schools, Requirements for the Issuance and Renewal of all Licenses, Secondary School, Coaches of Interscholastic Sports

STATEMENT OF EVIDENCE

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

5 MCAR § 3.060 RULES GOVERNING SECONDARY SCHOOL AND 5 MCAR § 3.001 RULES GOVERNING REQUIREMENTS FOR THE ISSUANCE AND RENEWAL OF ALL LICENSES:

William Gardner, Member
Minnesota Board of Teaching
St. Louis Park, Minnesota

William Gardner will establish that the repeal of certain provisions of the rule governing Secondary School is justified and reasonable in order to provide clarification in rule by amending 5 MCAR § 3.001 to include certain repealed provisions from 5 MCAR § 3.060 which are more appropriate to be set forth for applicants for licensure in rules governing Requirements for the Issuance and Renewal of all Licenses. Other provisions proposed for repeal are set forth in 5 MCAR § 3.142 rules governing the licensure of Teachers Prepared in States Other than Minnesota. The proposed amendments to 5 MCAR § 3.001 will clarify obsolete language previously contained in 5 MCAR § 3.060.

William Gardner will establish that the proposed amendments to 5 MCAR § 3.001 are reasonable. He will contend that the proposed amendments will:

--Provide flexibility to school districts in staffing curricular programs to meet student needs.

--Provide the means whereby persons licensed based upon the completion of an approved college minor may teach full-time in grades 7-9 of a secondary school and full-time in grades 7-9 of a middle school.

BT 9

--Provide a system for persons to renew lapsed licenses to teach which were issued on the basis of the completion of an approved college minor.

William Gardner will demonstrate that approved college minors offered by approved Minnesota teacher preparation institutions provide adequate and appropriate knowledge, skills, and understandings to enable teachers to teach effectively in grades 7-9.

5 MCAR § 3.102 RULES GOVERNING SCHOOL COUNSELORS, SECONDARY; 5 MCAR § 3.103 RULES GOVERNING SCHOOL COUNSELORS, ELEMENTARY; 5 MCAR § 3.114 RULES GOVERNING COUNSELORS IN MIDDLE SCHOOLS.

Joseph Moren, Chairman
Minnesota Board of Teaching
Hibbing, Minnesota

Joseph Moren will demonstrate that the proposed rules address in a reasonable manner the licensure standards for school counselors which will assure effective counselor service to students in Minnesota schools at the elementary school, secondary school and middle school levels.

Joseph Moren will contend that the proposed rules:

--Set forth knowledge, skills and understandings which will enable school counselors to effectively help students to succeed in accomplishing educational goals and objectives.

--Provide a means whereby persons who were initially prepared in fields other than teaching can develop the necessary skills to effectively function as a school counselor.

--Establish standards for the endorsement of elementary and secondary counselor licenses for middle school counseling which will assure qualified and competent licensed counselors for Minnesota middle schools which are established to serve the educational and developmental needs of preadolescent students in Minnesota school districts.

5 MCAR § 3.108 RULES GOVERNING COACHES OF INTERSCHOLASTIC SPORTS IN GRADES 5-12.

Lowell Gillett
Dean, Graduate Studies
St. Cloud State University
St. Cloud, Minnesota

Lowell Gillett will establish that the repeal of the existing rule governing Public School Athletic Coaches and the adoption of the proposed rule governing Coaches of Interscholastic Sports in Grades 5-12 are justified and reasonable in terms of licensure standards for coaches of interscholastic sports in Minnesota school districts.

Lowell Gillett will contend that interscholastic sports are an integral part of the instructional program of Minnesota school districts. He will further

contend, therefore, that minimum standards of licensure must be established in order to assure parents and students that licensed coaches are competent and qualified to perform coaching tasks while insuring the health, safety and well-being of Minnesota school students.

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 10/3/79

STATE OF MINNESOTA

BOARD OF TEACHING

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION

I, Karsten Braaten, do hereby certify that I am Secretary of the Board of Teaching, a board duly authorized under 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 March 21, 1980, 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 of 5 MCAR § 3.102 School Counselors, Secondary; 5 MCAR § 3.103 School Counselors, Elementary; 5 MCAR § 3.114 Counselors in Middle Schools, presented for hearing by the Board of Teaching at the public hearing on November 10, 1979, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Erickson dated January 18, 1980,
>
> And, that the rules relating to School Counselors, Secondary; School Counselors, Elementary; Counselors in Middle Schools be and are hereby approved and adopted, pursuant to the authority vested in us by M.S. 125.185, and Margery Harris, Chairman of the Board of Teaching, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of March, 1980.

Karsten Braaten
Secretary

ATTEST:

Marie O. McNeff
Vice Chairman

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 12, 1980.

2. On May 12, 1980, the Minnesota Board of Education approved the proposals of the Minnesota Board of Teaching to adopt, amend, or repeal the rules entitled:

5 MCAR § 3.102

5 MCAR § 3.103

5 MCAR § 3.114

(Copy attached I).

FURTHER AFFIANT SAYETH NOT.

Howard B. Casmey

HOWARD B. CASMEY

Subscribed and sworn to before me

this 15 day of May, 1980.

Luana Vadnais

NOTARY PUBLIC

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

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

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

Donald J. Mueting
SPECIAL ASSISTANT ATTORNEY GENERAL

Dated: 3-24-80

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 ELEMENTARY SCHOOL COUNSELORS, SECONDARY SCHOOL COUNSELORS, COUNSELORS IN MIDDLE SCHOOLS, REQUIREMENTS FOR THE ISSUANCE AND RENEWAL OF ALL LICENSES, SECONDARY SCHOOL, COACHES OF INTERSCHOLASTIC SPORTS.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on November 10, 1979, 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 the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Board of Teaching (hereinafter "Board") on January 18, 1980; and

WHEREAS, the Board has chosen, at this time, to adopt only the rules identified as 5 MCAR § 3.102 School Counselors, Secondary; 5 MCAR § 3.103 School Counselors, Elementary; and 5 MCAR § 3.114 Counselors in Middle Schools; and

WHEREAS, the Board has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.110; 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 Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the Board has the responsibility of submitting the complete hearing record and the rules 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 22nd day of May, 1980.

DUANE R. HARVES
Chief Hearing Examiner