

Minnesota Attorney General: Administrative Rules Proceedings

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ADMIN 1060 (Rev. 1-78)
SF-00006-01

Our File: 620

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

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

DATE: 8/12/80

FROM : H. THEODORE GRINDAL HTG
Special Assistant
Attorney General

PHONE: 297-3471

SUBJECT: Rules as Approved In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

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.

HTG/bw
Encl.
cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 19th day of April, 1980, at 9:00 a.m. in the Capitol Square Building, Conference Room 716, 550 Cedar Street, St. Paul, Minnesota 55101, 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 § 3.090 Special Classes, Handicapped Children, E. Crippled Children, G. Special Learning Disabilities-Learning Disabled and Special Learning Disabilities-Emotionally Disturbed are adopted this 20th day of June, 1980, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Margery H Harris
Margery Harris, Chairman

Marie McNeff
Marie McNeff, Vice Chairman

AFFIDAVIT OF
JOHN M. MAAS

John M. Maas, being first duly sworn on oath, deposes and says that:

1. He is the Minnesota Deputy Commissioner of Education and he held this position on July 14, 1980.

2. He is familiar with the materials presented to the Minnesota Board of Education who approved the proposals of the Minnesota Board of Teaching to adopt, amend, or repeal the rules entitled:

5 MCAR § 3.090

3. He has examined the minutes of the July 14, 1980, meeting which attest to the above approval.

(Copy attached I).

FURTHER AFFIANT SAYETH NOT.

John M. Maas
JOHN M. MAAS

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

Betty L. King
NOTARY PUBLIC

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

HG COPY

Minnesota Board of Teaching

Adopted Rules

5 MCAR § 3.090 Special classes, handicapped children.

E. Crippled children.

1. Regular license. Completion of requirements under 1.a. or ~~2.~~1.b. will qualify an applicant for a license.

~~1.~~a. Graduation from an accredited college or university on completion of a four-year course with a major in elementary or secondary education and an approved minor in the field of teaching crippled children. Practice teaching in a class for crippled children will be required.

~~2.~~b. The qualifications for a teacher's license valid for the elementary or secondary schools and an approved minor or ~~its equivalence~~ the equivalent in the teaching of crippled children and two years of successful teaching experience.

2. Provisional license. Completion of requirements under 2.a. and 2.b. will qualify an applicant for a provisional license.

a. Possession of a valid elementary or secondary school classroom teaching license; and

b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota board of teaching according to the provisions of 5 MCAR § 3.140 and 5 MCAR § 3.141 for teaching crippled children.

3. The provisional license will be valid for two years after which full licensure as specified under 1., above, will be required.

4. Provisions E.2., E.3., and E.4. of this rule shall remain in effect until July 1, 1985, at which time these provisions shall be repealed without further action by the board of teaching.

G. Special learning disabilities (S.L.D.) licenses indicating qualification to serve in the S.L.D. area are differentiated as S.L.D. (emotionally disturbed and

socially maladjusted) or S.L.D. (learning disabled). The following are the requirements for licensure in these two areas - S.L.D. (emotionally disturbed and socially maladjusted) and S.L.D. (learning disabled).

1. Minimum requirements for licensure, valid for two years:

a. Possession of a valid elementary or secondary school classroom teaching license.

b. Completion of a college training program approved by the state ~~department of education~~ board of teaching with appropriate emphasis in emotionally disturbed and socially maladjusted or learning disabled, involving no less than 30 quarter credits in the area.

2. Renewal. Renewal of the S.L.D. (emotionally disturbed and socially maladjusted) and S.L.D. (learning disabled) licenses ~~are~~ is contingent upon the completion of a minimum of one year of successful teaching in an S.L.D. program while holding a valid S.L.D. license § 3.090 G.1.

3. Provisional license. Completion of requirements under 3.a. and 3.b. will qualify an applicant for a provisional license in S.L.D. (emotionally disturbed and socially maladjusted) or S.L.D. (learning disabled).

a. Possession of a valid elementary or secondary school classroom teaching license; and

b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota board of teaching according to the provisions of 5 MCAR § 3.140 and 5 MCAR § 3.141 in S.L.D. (emotionally disturbed and socially maladjusted) or S.L.D. (learning disabled).

4. The provisional license will be valid for two years after which full licensure as specified under 1., above, will be required.

5. Provisions G.3., G.4., and G.5. of this rule shall remain in effect until July 1, 1985, at which time these provisions shall be repealed without further action by the board of teaching.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 12 1980
2:20 PM
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
AUG 06 1980 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Jerry S. Anderson

Our File #620

Permanent Rule_____

Temporary Rule_____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/30 DUE DATE 8/19

Resubmitted and Received_____

a. Returned to Agency w/o Filing w/Secretary of State_____
b. Approved_____ Date Sent Back to Agency_____

- -

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 ✓ 3.19.80 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 ✓ 3.19.80.
10. Publication in State Register ✓ copy not submitted but see HE #2 At least 30 days prior to hearing ✓ 3.17.80
11. Statements of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓ incorporated in #15 - Order Adopting
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
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 ✓ copy not submitted but see HE #5
20. Petition by Public, where applicable N/A

BT-80-009-HC

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

SUSAN WOJCIK, being first duly sworn, deposes and says that on the 22nd day of May, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of the Hearing Examiner

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat. § 16.54 (1974), a true and correct copy thereof on all persons at the addresses shown on the attached mailing list.

Susan Wojcik

Subscribed and sworn to before me this
22nd day of May, 1980.

Eileen A. Gaiovnik

EILEEN A. GAIOVNIK
Notary Public, Ramsey Co. Mn.
MY COMMISION EXPIRES
December 14, 1980

Mr. Kenneth J. Peatross
Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
Saint Paul, Minnesota 55101

BT-80-009-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF TEACHING

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped).

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Hearing Examiners, on April 19, 1980, at 9:00 a.m. in the Capitol Square Building, Saint Paul, Minnesota.

Michael Bradley, Assistant Attorney General, represented the Board of Teaching (the Board). The Board panel consisted of the following members of the Board of Teaching: Margery Harris, Chairman; Kenneth L. Peatross, Executive Secretary; Karsten Braaten, Secretary, Sauk Rapids, Minnesota; Kathryn Rayburn, Member, Rochester, Minnesota; Ken Ames, Member, St. Cloud State University; Joseph Moren, Member, Hibbing, Minnesota; Jo Malmsten, Public Member, Shorewood, Minnesota; Phyllis Fredlund, Member, Granite Falls, Minnesota; Nancy Orr, Member; Sally Wolf, Member, St. Cloud, Minnesota; Raleigh Huizinga, Member; and Delores Windingstad, Member, Dawson, Minnesota.

Twelve persons attended the hearing and signed the Hearing Register. Ten persons spoke at the hearing. The hearing continued until all interested persons had an opportunity to participate and file written comments following the hearing.

The record includes a transcript of 62 pages, 10 Board exhibits, and two Commission exhibits and public comments.

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 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

Procedural Requirements

1. On February 13, 1980, 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 Certificate of Board's Authorizing Resolution.
(e) A Statement of the Number of Persons expected to attend the hearing, and the Estimated Length of Time to conduct the hearing.

2. On March 17, 1980, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1491.

3. On March 19, 1980, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On March 25, 1980, the Board filed the following documents:

(a) The Order for Hearing.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing 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 Statement of Evidence.

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

5. On October 1, 1979, the Board published in the State Register at 4 S.R. 532, a Notice Seeking Outside Opinion relative to licensure of special education teachers, pursuant to Minn. Stat. § 15.0412, subd. 6. The Board received no responses.

6. The record remained open through April 25, 1980, for the receipt of written comments and statements. Eight post-hearing comments were received, including two comments from the Board.

Statutory Authority

7. The Board has the statutory authority to promulgate the proposed rules pursuant to Minn. Stat. §§ 125.05, subd. 1 and 125.185, subd. 4.

8. Pursuant to Minn. Stat. § 125.185, subd. 5, a representative of the Commissioner of Education appeared at the hearing and spoke in support of the proposed rule amendments and their lack of any adverse cost implications.

Need and Reasonableness

9. The proposed rule amendments to 5 MCAR § 3.090 E. and G. provide criteria for the issuance of provisional licenses of teachers (of special learning disabilities-SLD) in the areas of teaching the physically handicapped, learning disabled or emotionally disturbed. Because of the continuing growth experienced in the area of special education in Minnesota, there are currently 290 special education variances in the state. The primary reason for these variances is the lack of staff licensed in the areas of special learning disabilities. Although training programs for teachers' preparation

in special education are sufficient except in the field of emotional disturbance, the proposed rule provisions for provisional licenses will allow the school districts to employ more teachers in the particular areas while the teachers are completing their total program. The utilization of provisionally licensed teachers in the special education areas will assure that handicapped students received the needed instructions and services particularly in remote areas of the state. See, Board's Statement of Need and Reasonableness which includes the justification for the reasonableness of the proposed rule provisions.

The Commissioner of Education has granted variances to school districts for teachers who have not completed the certification requirements that are needed to serve students in special education programs. The proposed rule provisions providing for provisional licenses will decrease the necessity for granting such variances.

10. Proposed rule provisions Sections 3.090 E.2.b. and G.3.b. include the phrase "in a program approved by the Minnesota Board of Teaching". (Emphasis added by the Hearing Examiner.) This program is part of particular programs approved by the Board under existing rules, 5 MCAR § 3.140, entitled "The approval of Minnesota institutions to prepare persons for teacher licensure" and 5 MCAR § 3.141, entitled "The approval of teacher licensure programs in Minnesota institutions which are approved to prepare teachers". At the hearing, the Board agreed to cross-referencing proposed rule provisions to the appropriate existing rules relative to programs approved by the Board. The Hearing Examiner finds the cross-references to existing rules needed and reasonable for clarity in the proposed rules.

cross-referencing inserted

11. All comments made at the hearing and received prior to and after the hearing were generally supportive of the proposed rules. The Superintendent of Public Schools for School District No. 911 stated that there are not enough licensed teachers of learning disabled students to meet the demand. As of March 1, 1980, Regions 5 and 7 had 11 vacancies and 15 variances for teachers of learning disabled students. A representative of the Special Education Regional Consultant, East Metropolitan Directors of Special Education and Special Education Personnel Development Committee reviewed, at the hearing, a copy of a recent survey of vacancies and variances in special education for Minnesota schools, which indicated 208 variances in learning disabilities and 14 variances in emotional disturbances. The Director of Special Education at Benton-Stearns Special Education Cooperative, St. Cloud, Minnesota, stated that certain outstate regions under the Governor's Planning Regions currently have 147 variances and approximately 70 vacancies in the area of learning disabilities. Furthermore, there are seven vacancies and five variances in the area of emotional disturbance. Furthermore, by written post-hearing comment, a Special Education Regional Consultant from the East Central Minnesota Special Education Regional Office supported the proposed rule changes regarding provisional licenses because of the shortage of teachers for such positions or extreme difficulty in recruiting qualified personnel. Furthermore, in his letter, he reviewed a survey of position vacancies in Governor's Planning Regions 5 and 7 for the 1979-80 school year.

12. The President and representative for the Upper Midwest Branch of Orton Society, Inc. commented in support of the proposed rule provisions. The representative, however, recommended that preparation programs and requirements for special education teachers include learning experiences in the multi-sensory, structured phonetic approach to learning, such as the Orton-Gillingham approach. Other systems were cited including names of federal projects and commercial enterprises. By post-hearing comment, the Board rejected the Orton representative's recommendations to specify such approaches in the licensure rules as inappropriate since they are not specific curricular methods. The Hearing Examiner concurs with the Board's conclusions.

13. Representatives from Parents Advocacy Coalition for Educational Rights (PACER) Center, Inc. and the Minnesota Association for Children with Learning Disabilities (MACLD) endorsed the proposed rule provisions, but commented on concerns related to programs for handicapped children. They suggested that fully certified teachers in the respective programs supervise the provisionally licensed staff in the assessment and/or individual education plan (IEP), development process, annual review and team staffing. These concerns, the Hearing Examiner finds, relate to existing State Board of Education rules, Ch. 7, 5 MCAR § 1.0122. The State Board of Education is responsible for the enforcement of the special education requirements. The Assistant Commissioner of Education responded to the concerns of MACLD and PACER. The Assistant Commissioner set forth in his letter adequate facts to indicate that qualified personnel would be involved in all segments of special education programs when provisionally licensed staff are employed. Furthermore, the Department of Education's Office of Monitoring does monitor the supervision requirements of 5 MCAR § 1.0122. See, Minnesota State Department of Education, Minn. Rule Ch. 7, p. 52, no. 113.

14. MACLD and PACER commented that the proposed rule provisions relative to the 15 quarter hours of "course work" should include a specific enumeration of course work and learning experiences. Their concerns are that the proposed rules do not guarantee that SLD teachers will have adequate background in course work specific to learning disabilities within the 15-hour requirements. The representative of the Board of Education and the Secretary of the Board of Teaching commented that the proposed standards for the provisional license require that persons complete the 15 quarter hours in a program approved and monitored by the Board of Teaching. The Hearing Examiner finds that existing rules for the approval of preparation programs provide adequate assurance of appropriate preparations for completion of the special education requirements.

15. PACER and a representative from the Minnesota School Boards Association (MSBA) questioned whether the two-year period was sufficient time to fully certify the number of teachers needing a practicum. At the hearing, members of the Board panel commented that it would not be unduly burdensome for a full-time employed person to complete the course work in that two-year period. Major courses offered in the area of special education are available in the late afternoon or early evening, at least in the metropolitan area.

16. The representative from the MSBA suggested that the Division of Special Education retain the authority to grant variances for emergency situations. By post-hearing comment, the Assistant Commissioner of Education

commented that if a district clearly demonstrates the unavailability of licensed staff, the Commissioner will grant a variance under the "personnel variance system". See, Minn. Stat. § 124.15, subd. 3 (1978).

11. The Hearing Examiner finds that the proposed rule provisions are both needed and reasonable based on the Board's Statement of Need and Reasonableness and public comments.

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

CONCLUSIONS

1. The Board of Teaching gave proper notice of the promulgation of the proposed rule provisions.

2. The Board of Teaching has statutory authority, as cited, to take the action proposed, to wit, the promulgation of, deletions and amendments of the proposed rules.

3. The Board of Teaching has fulfilled all relevant substantive and procedural requirements of law or rule.

4. The Board of Teaching has demonstrated the need for and the reasonableness of the proposed deletions and amendments by an affirmative presentation of facts in the record.

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

RECOMMENDATION

It is recommended that the proposed deletions and amendments be adopted by the Board of Teaching with modifications as recommended by the Hearing Examiner.

Dated: May 22, 1980.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

Boards Bd. #4
4-14-80
MRW

Board of Teaching

Rule as Proposed

5 MCAR § 3.090 Special classes, handicapped children.

E. Crippled children.

1. Regular license. Completion of requirements under 1.a. or ~~2.~~1.b. will qualify an applicant for a license.

~~1.~~a. Graduation from an accredited college or university on completion of a four-year course with a major in elementary or secondary education and an approved minor in the field of teaching crippled children. Practice teaching in a class for crippled children will be required.

~~2.~~b. The qualifications for a teacher's license valid for the elementary or secondary schools and an approved minor or ~~its equivalence~~ the equivalent in the teaching of crippled children and two years of successful teaching experience.

2. Provisional license. Completion of requirements under 2.a. and 2.b. will qualify an applicant for a provisional license.

a. Possession of a valid elementary or secondary school classroom teaching license; and,

b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota board of teaching for teaching crippled children.

3. The provisional license will be valid for two years after which full licensure as specified under 1., above, will be required.

4. Provisions E.2., E.3., and E.4. of this rule shall remain in effect until July 1, 1985, at which time these provisions shall be repealed without further action by the board of teaching.

G. Special learning disabilities (S.L.D.) licenses indicating qualification to serve in the S.L.D. area are differentiated as S.L.D. (emotionally disturbed and

socially maladjusted) or S.L.D. (learning disabled). The following are the requirements for licensure in these two areas - S.L.D. (emotionally disturbed and socially maladjusted) and S.L.D. (learning disabled).

1. Minimum requirements for licensure, valid for two years:

a. Possession of a valid elementary or secondary school classroom teaching license.

b. Completion of a college training program approved by the state ~~department of education~~ board of teaching with appropriate emphasis in emotionally disturbed and socially maladjusted or learning disabled, involving no less than 30 quarter credits in the area.

2. Renewal. Renewal of the S.L.D. (emotionally disturbed and socially maladjusted) and S.L.D. (learning disabled) licenses ~~are~~ is contingent upon the completion of a minimum of one year of successful teaching in an S.L.D. program while holding a valid S.L.D. license § 3.090 G.1.

3. Provisional license. Completion of requirements under 3.a. and 3.b. will qualify an applicant for a provisional license in S.L.D. (emotionally disturbed and socially maladjusted) or S.L.D. (learning disabled).

a. Possession of a valid elementary or secondary school classroom teaching license; and,

b. Completion of 15 quarter hours of course work or the equivalent in a program approved by the Minnesota board of teaching in S.L.D. (emotionally disturbed and socially maladjusted) or S.L.D. (learning disabled).

4. The provisional license will be valid for two years after which full licensure as specified under 1., above, will be required.

5. Provisions G.3., G.4., and G.5. of this rule shall remain in effect until July 1, 1985, at which time these provisions shall be repealed without further action by the board of teaching.

Board's Exh. #6
4-19-90
mlw

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

STATEMENT OF NEED

Minn. Stat. § 120.17, State Board of Education Rules 5 MCAR §§ 1.0120-1.0129, and Public Law 94-142 The Education of All Handicapped Children Act have placed a mandatory responsibility on all school districts in the United States to provide a Free Appropriate Public Education to all school age children and youth who are handicapped. The public schools of Minnesota have accepted this challenge and have significantly increased their efforts to identify, locate, evaluate and serve handicapped children and youth.

Minn. Stat. § 120.03 defines handicapped children to include: deaf, hard of hearing, blind, partially seeing, crippled, defective speech, mentally retarded, emotionally disturbed, learning disability, or special behavior problems.

State Board of Education Rule 5 MCAR § 1.0122 B. 1 provides that teachers of handicapped children shall hold special class licenses. While school districts in Minnesota have had some difficulty employing teachers of the hearing impaired, visually impaired and mentally retarded, provisional licenses currently exist in those areas. Therefore, teachers are able to be employed in these areas while they are completing their special education preparation. Such provisional licenses, however, are not currently available in the areas of teaching the physically handicapped, learning disabled or emotionally disturbed.

THE NEED TO AMEND 5 MCAR § 3.090 E. AND G. SPECIAL CLASSES, HANDICAPPED CHILDREN - CRIPPLED CHILDREN AND SPECIAL LEARNING DISABILITIES - EMOTIONALLY DISTURBED AND LEARNING DISABLED ARISES BECAUSE:

1. The public schools of Minnesota are initiating and expanding programs for handicapped children and youth. During 1978-79, in excess of 150 million dollars of local, state and federal resources were expended for special education programs. Because the Minnesota special education finance system is basically a personnel finance model, most of these dollars are utilized to employ staff to deliver those programs. Because of the continued growth in special education programs, appropriate staff in the areas of learning disabilities, emotional problems and physically impaired are extremely difficult to recruit and employ.

2. Minnesota is not the only state experiencing continued growth in special education. Most other states around the country also show growth in these programs. As a result, a highly competitive atmosphere for special education teachers exists throughout the United States. Because this need is nationwide, Minnesota public schools have been unable to employ all of the needed licensed staff to meet the needs of certain youngsters with handicaps who require special education instruction and related services.

3. In September, 1979, Minnesota directors of special education were surveyed to determine the number of unfilled positions throughout the state. That survey identified 290 special education vacancies in the state. The reason cited most frequently for not being able to hire was a lack of licensed personnel making application even though the position was well advertised and adequate time to recruit existed. The positions most difficult to fill were learning disabilities and emotionally disturbed. No areas of the state reported that appropriately licensed special education staff were readily available in these disability areas.

4. During 1978-79, 5,305 full-time equivalent teachers were employed in special education. Of that number, 540 were not fully licensed in special education. Because

the school district demonstrated that it was unable to hire an appropriately licensed person for these positions, the Commissioner of Education did not withhold state aid from the district for the utilization of inappropriately licensed staff. The district was given a time line by the Commissioner for the employment of an appropriately licensed teacher. This process is referred to as the "personnel variance system". While this process permits state or federal aid to flow to school districts, teachers are left without a special education license until their preparation program is completed. Almost all of the 540 teachers who were not fully licensed were teachers of the learning disabled or emotionally disturbed.

5. Until July, 1979, Minnesota's teacher preparation capability in the area of severe emotional problems were limited to the University of Minnesota-Minneapolis, the College of St. Thomas and Mankato State University. As a result, teachers outside of the metropolitan area had minimal opportunities to receive preparation in this area. As a result of funding made available through the Minnesota Department of Education, ED programs have been expanded from the University of Minnesota-Minneapolis to the University of Minnesota-Duluth and Winona State University. A grant to the College of St. Thomas resulted in a satellite program being conducted in Willmar and Marshall. The grant to Moorhead State University resulted in bringing that program to the final stages of development. While significant progress in the development of programs in this area has been made, these teachers, because no provisional license is available, will be unable to assist in meeting the needs of ED students until they complete the total program.

6. Currently, preparation programs for teachers of the physically handicapped are on "slow cycles". In other words, courses are offered one time every year or two. Preparation in physically handicapped is offered at the University of Minnesota-Minneapolis, St. Cloud State University and a newly approved program at the College of St. Thomas. However, the St. Cloud State University program is not operational.

Although very few teachers of the physically handicapped are needed, it would increase the supply if a provisional license were available.

7. The field of learning disabilities is the most rapidly growing field of special education. Currently, eight teacher preparation institutions offer programs in this field. These programs are fairly well distributed throughout the state. The Department of Education does not anticipate additional programs being developed nor does it believe additional programs need to be developed. The problem is therefore, not the lack of preparation programs, but rather problems experienced by individual teachers completing these programs because of the high number of potential special education teachers enrolled.

CONCLUSIONS

1. An expansion of the teacher preparation programs for teachers of students with severe emotional problems will begin to solve the personnel shortage in this area. However, a provisional license is needed so that public schools will be better able to employ staff during the period when teachers are completing their program.

2. The current number of teacher preparation programs in the area of learning disabilities is adequate. However, a provisional license should be developed so that public schools will better be able to employ staff during the period when teachers are completing their program.

3. Because the University of Minnesota program for teachers of the physically handicapped is on a "slow cycle" and because the demand for this specialist is low, expansion of that program is not needed. However, a provisional license is needed so that public schools will be better able to employ staff during the period when teachers are completing their program.

4. Each of the proposed provisional licenses requires that the teacher hold a valid regular elementary or secondary teaching license. Therefore, these persons have completed a preparation program which qualifies them to be teachers. Most of the

teachers currently employed under a "personnel variance" have had teaching experience. All but a few Minnesota school districts employ a fully licensed special education director and most employ "lead teachers" or supervisors of learning disabilities programs. In order to receive a provisional license, the applicant must have completed 15 quarter hours in an approved program. This is one half of the credits required by rule for licensure in LD and ED. Therefore, sufficient controls exist to guard against inappropriate actions on the part of persons with a provisional license.

5. In order to meet the requirements placed on Minnesota school districts, additional staff are needed. The expansion of teacher preparation programs in the field of emotionally disturbed will assist dramatically in meeting the need in the future. In the areas of learning disabilities and physically handicapped, the preparation programs are sufficient in number, but are unable to provide the complete program to the teachers currently enrolled without some delay. The most reasonable way to deal with this problem is to develop a provisional license in these areas. This will enable schools to deliver the needed programs, will provide sufficient time for teachers to complete the second half of their program and will assure that handicapped students receive the needed instruction and services to which they are entitled by law.

THE NEED TO AMEND 5 MCAR § 3.090 G.1.b. ARISES BECAUSE:

The authority to approve college teacher preparation programs has been vested by Minn. Stat. § 125.185 in the State Board of Teaching.

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 3/25/80

Board Exh. #10
4-14-80
MRW

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

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 witness to testify:

5 MCAR § 3.090 RULES GOVERNING THE LICENSURE OF TEACHERS OF SPECIAL CLASSES, HANDICAPPED CHILDREN E. CRIPPLED CHILDREN, G. SPECIAL LEARNING DISABILITIES-LEARNING DISABLED AND SPECIAL LEARNING DISABILITIES-EMOTIONALLY DISTURBED:

Raleigh Huizinga, Member
Minnesota Board of Teaching
Wayzata, Minnesota

Raleigh Huizinga will establish that the proposed amendments to rules governing the licensure of teachers of physically handicapped, learning disabled and emotionally disturbed are justified and reasonable.

He will testify that Minnesota Statutes, Federal Law and rules of the State Board of Education mandate that all Minnesota school districts provide appropriate public education to all school age children and youth who are handicapped.

He will establish that there is continuing growth in the demand for special education programs in Minnesota school districts and that appropriately prepared staff in the areas of learning disabilities, emotional problems and physically impaired are extremely difficult to recruit and employ.

He will testify that standards for provisional licensure are currently established by rule for all areas of special education with the exceptions of physically impaired, learning disabled and emotionally disturbed.

He will further testify that the proposed standards for provisional licensure in the areas of physically impaired, learning disabled and emotionally disturbed establish the criteria for such licensure as the completion of one-half of the approved preparation program required for full licensure thereby assuring that

persons so licensed have completed the basic requirements for preparation in the areas of physically impaired, learning disabled and emotionally disturbed.

In addition, he will testify that the proposed provisional licenses are valid for two years and are non-renewable thereby establishing that the provisional license is intended to provide a more adequate supply of potential staff for school districts and serve as a vehicle for persons to move on a time line to obtain full licensure.

Raleigh Huizinga will establish justification for the proposed amendments contending that there is currently an urgent and compelling shortage of persons licensed in the areas of physically impaired, learning disabled and emotionally disturbed and that currently there is an existing void in criteria for the issuance of provisional licensure in these areas.

The Board of Teaching will cite the following statutes, laws and agency rules:

1. M.S. § 120.17
2. M.S. § 120.03
3. M.S. § 125.185
4. P.L. 94-142
5. 5 MCAR §§ 1.0120-1.0129

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 3/25/80

Boards Exh. #8
4-19-80
MRW

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

AFFIDAVIT OF MAILING

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

That on the 19th day of March, 1980, 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. Orr
Nancy A. Orr

Subscribed and sworn to before me this
19 day of March, 1980.

Luana Vadnais
Notary Public

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
My Comm. Expires June 19, 1984

Boards Exh. #1
4-19-80
MRW

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

AFFIDAVIT

Nancy A. Orr, 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 18th day of March, 1980, 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 18th day of March, 1980, in response to the above request, the Secretary of State provided her with a list of 347 labels and 2 pages of names and addresses which constitutes the complete list of persons, associations, and other interested groups who as of 9:00 o'clock a.m. on the 18th day of March, 1980, had requested that their names be placed on file for the purposes set out in paragraph 2 above.

FURTHER AFFIANT SAYETH NOT.

Nancy A. Orr

Subscribed and sworn to before me this 18 day of March, 1980.

Notary Public

Boards Exh. #5
4-14-80
MRW

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

CERTIFICATE

I hereby certify that the attached 8 sheets 347 labels constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock A .m., this 18th day of March, 1980, 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 Joan Anderson Growe

Joanne M. Rest

Board's Exh. #1
4-14-80
MRW

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Margery R. Harris, 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 18th day of January, 1980, 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: Special Learning Disabilities - Learning Disabled, Special Learning Disabilities - Emotionally Disturbed, Crippled Children (Physically Handicapped), 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 18th day of January, 1980.

Margery H Harris
Chairman, Minnesota Board of Teaching

Karsten O. Braaten
Attest by one other officer

Board's Exh. #3
4-14-80
MRW

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

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 Capitol Square Building, Conference Room 716 A&B, 550 Cedar Street, St. Paul, Minnesota 55101, on Saturday, April 19, 1980, 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:

Harry Seymour Crump
Office of Hearing Examiners
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8111

The Board proposes to adopt, amend, or repeal rules governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped). 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 (Supp. 1979), 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 his own 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 his own 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 while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

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

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

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) 296-5615.

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 re-submission to the Attorney General.

STATE OF MINNESOTA
BOARD OF TEACHING

BY Kenneth L Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Boards Exh. # 2
4-19-80
MRC

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption, amendment, or repeal of rules of the Board of Teaching governing the licensure of Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped)

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 12th day of February, 1980, that a public hearing on the proposed rules captioned above be held in the Capitol Square Building, Conference Room 716 A&B, 550 Cedar Street, St. Paul, Minnesota 55101, on Saturday, April 19, 1980, 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

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 June 20, 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 § 3.090 Special Classes, Handicapped Children, E. Crippled Children, G. Special Learning Disabilities-Learning Disabled and Special Learning Disabilities-Emotionally Disturbed, presented for hearing by the Board of Teaching at the public hearing on April 19, 1980, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Crump dated May 22, 1980,
>
> And, that the rules relating to Teachers of Special Learning Disabilities-Learning Disabled, Special Learning Disabilities-Emotionally Disturbed, Crippled Children (Physically Handicapped) 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 20th day of June, 1980.

Karsten Braaten
Secretary

ATTEST:

Vice Chairman

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General Michael J. Bradley, do hereby declare that I have examined the proposed rules 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.

Michael J. Bradley
ASSISTANT ATTORNEY GENERAL

Dated: 7-16-82

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF TEACHING

IN THE MATTER OF THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF RULES OF THE BOARD OF TEACHING GOVERNING THE LICENSURE OF TEACHERS OF SPECIAL LEARNING DISABILITIES-LEARNING DISABLED, SPECIAL LEARNING DISABILITIES-EMOTIONALLY DISTURBED, CRIPPLED CHILDREN (PHYSICALLY HANDICAPPED).	ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on April 19, 1980, before Harry Seymour Crump, 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 May 22, 1980; and

WHEREAS, the Board has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4; 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 29th day
of July, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

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

KENNETH L. PEATROSS
EXECUTIVE SECRETARY

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

July 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
amendments to 5 MCAR § 3.090 E. G.

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 April 19, 1980. The rules 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 John M. Maas, Deputy 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 Harry Seymour Crump, dated May 22, 1980.

The complete hearing record is also enclosed pursuant to the requirements of the Office of the Attorney General.

Sincerely,

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING
KLP/nao
Enclosures
cc: Michael J. Bradley
Assistant Attorney General
Duane R. Harves
Chief Hearing Examiner