

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 739

10/22 NORR requested to rec'd Aff of Mlg. + Notice of submission to AG. rec'd 10/27

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10/7
DATE FOR REVIEW 10/19
DATE DUE 10/27

Adopted w/a hearing X
Adopted w/o a hearing _____
Temporary rule _____

Approved 10/27 Disapproved _____ Returned to Agency 10/28

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 10/14/81
disapproved 10/12

- -

___✓___ Rule as Adopted

___✓___ Rule as Proposed

___✓___ Order Adopting 9.18.81 Date and 2/5/81

___✓___ Notice of Intent to Solicit Outside Opinion 9/14/79

___✓___ Order for rulemaking
6.6.81 Date of Hearing

___✓___ Certificate of Board's Authorizing Resolution

___✓___ Notice of rulemaking
_____✓_____ Sufficiency

___✓___ Affidavit of Mailing Notice or rulemaking
4.29.81 At least 30 days prior to hearing/~~adoption~~.

___✓___ Mailing list Certificate

___✓___ Publication in State Register
4.29.81 At least 30/~~20~~ days prior to hearing/~~adoption~~

___✓___ Hearing Examiner's Report

___NA___ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

___✓___ Agency's Findings of Fact not submitted but see letter of transmittal - F of F of HE are "adopted"

___N/A___ LCRAR Report or agency Affidavit

___✓___ Certificate of Board's Resolution Adopting Rules

___N/A___ Order Approving Incorporation by Reference

___✓___ Statement of Need and Reasonableness

___N/A___ Petition for Adoption of a Rule

___✓___ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

___✓___ Certificate of Compliance w/Rulemaking Procedures

___✓___ Affidavit of Mailing Notice of Submission to Attorney General

___✓___ Notice of Submission to the Attorney General

Board of Teaching

Adopted Rules Governing Licensure Requirements for Elementary School Teachers; Special Education: Core Skill Areas; Special Education: Early Childhood; and Developmental/Adapted Physical Education; Repeal of Rules Governing Elementary School Classroom Teachers; Amendments to Rules Governing Teachers in Middle Schools

Rules as Adopted

5 MCAR S 3.050 Elementary schools. [~~Proposed for repeal~~ Repealed effective July 1, 1985.]

5 MCAR S ~~3.050~~ 3.0501 Elementary school classroom teachers, grades 1-6.

A. All candidates recommended for licensure as elementary school classroom teachers (grades 1-6) shall hold a baccalaureate degree and shall have satisfactorily completed a program leading to the licensure of elementary school classroom teachers which has been approved by the Minnesota Board of Teaching.

B. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a general/liberal studies

component consisting of at least one third of the baccalaureate degree requirement of the institution. The general/liberal studies component shall be designed to provide candidates recommended for licensure as ~~an~~ elementary school classroom ~~teacher~~ teachers (grades 1-6) with knowledge, skills, and understandings within each of the following categories of this component:

1. Symbolics of information, which must include three areas within this category such as, but not limited to, composition, public speaking, languages, linguistics, history and structure of the English language, logic, and mathematics. The area of mathematics is required of all candidates recommended for licensure as elementary school classroom teachers.

2. Humanities, which must include three areas within this category such as, but not limited to, music, art, theatre, literature, and philosophy.

3. Natural and social sciences, which must include four areas within the category of natural and social sciences. At least one area of natural science such as, but not limited to, life science, earth science, and physical science is required of all candidates recommended for licensure as elementary school classroom teachers. At least one area of social science such as, but not limited to, anthropology, economics, geography, history, political science, psychology, sociology, and interdisciplinary studies is required of all candidates recommended for licensure as elementary school classroom teachers.

C. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in all of the following: foundational studies, organization and management of instruction, content and methods, pre-student teaching and student teaching experiences, and the profession of

teaching.

1. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching, ~~and~~. It includes all of the following:

a. The study of child growth and development from early childhood through early adolescence, including typical and atypical patterns of development.

b. The study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students as influenced by various cultures and family life styles.

c. The study of education and the school as an institution in the context of a changing pluralistic society.

2. Organization and management of instruction. This category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all students within a classroom, ~~and~~. It includes all of the following:

a. Development of differentiated instructional strategies and techniques, and the application of these strategies and techniques to unique learning styles, differing physical, emotional, mental capabilities; and differing environments and cultures.

b. Skills to assess, diagnose, prescribe, evaluate, and report individual student achievement.

c. Organizational, management, and communication skills and strategies to facilitate individual and group learning, including development of positive self-concepts and group dynamics.

d. Selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media.

e. Development of skills to integrate elementary curriculum areas.

f. Implementation of instruction within school organizational patterns including the recognition of

differentiated roles, responsibilities, and tasks of school personnel.

g. Implementation of techniques to evaluate the curriculum and instructional strategies utilized.

h. First aid training.

3. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of K-6 curriculum; and of skills necessary to teach in the elementary schools, including provision for individual differences of students, in all of the following curriculum areas:

a. Art: to promote artistic development through knowing about, responding to, and producing art.

b. Communication skills.

(1) Language arts: to provide for the development and integration of listening, speaking, handwriting, spelling, language usage, and creative and practical writing.

(2) Literature: to provide for the development of reading interests and appreciation of literature through exposure to types of children's literature and modes of presentation, including storytelling.

(3) Reading: to provide for the development of pre and basic reading skills and the diagnosis and correction of reading difficulties.

(4) Application of language arts and reading to elementary curriculum areas.

c. Health: to promote attitudes and habits necessary to safe and healthful living.

d. Mathematics: to provide for the development of basic arithmetic operations, problem-solving skills, measurement techniques, including the metric system, geometric concepts, and computing devices.

e. Music: to sing, play, and conduct simple rhythm patterns and melodies; develop creative patterns for dancing and movement; provide for playing, making, and utilizing musical instruments; and ~~beginning~~ begin exposure to musical heritage.

f. Physical education: to provide experiences that

promote physical and motor growth and development; team, individual, and life long physical activities.

g. Science: to develop processes of scientific inquiry for topics within school science curricula.

h. Social studies: to develop processes of gathering, organizing, reporting, and interpreting social science data.

i. Interdisciplinary studies: emerging topics of an interdisciplinary nature which may include, but are not limited to, environmental education, career education, family life education, and death education.

4. Pre-student teaching and student teaching experiences. This category consists of cooperative experiences between teacher preparation institutions and classroom teachers in a school setting in grades 1-3 and in grades 4-6 in which theory and practice are combined~~, and~~. It includes all of the following:

a. A series of formal observations of teaching and directed instructional experiences in an elementary school, prior to student teaching, which shall begin early in the professional education component.

b. Student teaching, which shall consist of full school day experiences for one academic quarter or the equivalent thereof in an elementary school in which the student teacher assumes responsibility for the management of the classroom and the implementation of the complete program for all students within a classroom for a minimum of one week. Full school day experience is defined as a normal load for a teacher in the school in which the student teaching takes place.

5. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

a. A minimum level of proficiency in the written English language.

b. Skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of

the community in order to meet the individual needs of students.

c. Skills to evaluate self and peer teaching performance.

d. Responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession.

e. Legal rights of students, parents, administrators, school boards, and teachers.

f. Essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee.

g. Purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

D. An institution applying to the Board of Teaching for approval of its elementary school classroom teacher preparation program (grades 1-6) shall meet the provisions of 5 MCAR S 3.141. In addition, institutions are also authorized to submit for approval elementary school classroom teacher preparation programs (grades K-6) provided such programs meet the provisions of this rule and the provisions of 5 MCAR S 3.051, Kindergarten.

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

1. Possession by the applicant of a previously issued valid and appropriate entrance license, and

2. One year of elementary school teaching experience during the time that the applicant holds an appropriate entrance license.

F. The continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education/relicensure.

G. This rule is effective July 1, 1985, for all applicants for entrance licenses.

5 MCAR S 3.0901 Special education: core skill areas.

A. All candidates recommended for licensure in areas or fields which require completion of core skill area requirements

in special education shall satisfactorily complete the core skill area licensure requirements enumerated in provision B. of this rule as part of the preparation program approved by the Minnesota Board of Teaching.

B. Core skill area requirements in special education shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations.

a. Understanding of human growth and development, which shall include:

(1) Typical and atypical development;

(2) Stages from conception to death;

(3) Affective, language, cognitive, and sensorimotor areas; and

(4) Factors influencing development, including physiological, social, physical environment, and psychological.

b. Understanding of learning and teaching theories.

c. Knowledge of construction, interpretation, application and limitation of standardized and nonstandardized assessment procedures.

d. Knowledge of handicapping conditions and their educational implications.

2. Curriculum and instruction.

a. Understanding of curriculum design and instructional strategies.

b. Understanding of adapting curriculum and instructional strategies to meet individual learning styles.

3. Special education instructional systems.

a. Knowledge of program delivery systems, including all levels of service.

b. Understanding of individual and group management strategies.

c. Understanding of effective use of school and outside resources in creating a positive learning environment.

d. Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's

program.

e. Understanding of the child study/team planning process.

f. Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individual educational plan.

4. Communication/consultation.

a. Knowledge of institutional and administrative factors which facilitate or impede delivery of services.

b. Ability to effectively communicate the needs and rights of handicapped persons.

c. Ability to use interpersonal skills when working with parents, professionals, paraprofessionals, agencies, students and other persons or groups.

d. Understanding the roles and organizational structures of regular and special education and the part they play in providing total service for the student.

e. Ability to serve in a consultative capacity with individuals and groups, including parents and students.

5. Organizational, historical, and legal factors.

a. Knowledge of state and federal laws, rules, and regulations relating to regular and special education.

b. Understanding of due process and data privacy requirements.

c. Knowledge of historical and philosophical background of the education of handicapped persons and knowledge of attitudes toward handicapped persons.

d. Understanding of how to identify and access resources relevant to handicapped persons.

6. Abilities basic to all special education preparation.

a. Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.

b. Ability to function as a member of a team in designing appropriate educational programs for handicapped students.

c. Ability to apply team designed strategies in an educational setting.

d. Ability to design and apply instructional strategies in an educational setting.

e. Ability to identify and use non-school resources relevant to handicapped persons.

f. Ability to assess results of instruction.

C. An institution applying to the Minnesota Board of Teaching for approval of preparation programs which require inclusion of core skill area requirements enumerated in this rule shall demonstrate how provision B. of this rule is incorporated in each preparation program.

D. This rule is effective July 1, 1985, for all applicants for licensure in areas or fields which require completion of core skill area requirements in special education.

5 MCAR S 3.0902 Special education: early childhood.

A. All candidates recommended for licensure to teach special education: early childhood ~~(ages birth-kindergarten)~~ shall:

1. Hold a baccalaureate degree, and

2. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR S 3.0901, and

3. Satisfactorily complete a special education: early childhood preparation program ~~(ages birth-kindergarten)~~, approved by the Minnesota Board of Teaching, consisting of at least 54 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of special education: early childhood ~~(ages birth-kindergarten)~~ shall provide candidates recommended for licensure with knowledge, skills, and understandings, distributed equally between instructional strategies for teaching children with normal development and children with handicapping conditions, in all of the following:

1. Typical and atypical development of infants, toddlers, and pre-primary children which includes integration and relationship of the following:

a. Understanding of the development of sensorimotor

skills and associated disorders and delays, including self-help skills.

b. Understanding of early language development and associated disorders and delays, including knowledge of alternative forms of communication.

c. Understanding of cognitive development and associated disorders and delays.

d. Understanding of social and emotional development and associated disorders and delays.

2. Understanding of specific handicapping conditions and their developmental and educational implications for infants, toddlers, and pre-primary children.

3. Measurement procedures appropriate for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Ability to observe and analyze the total learning environment of the child.

b. Ability to utilize a variety of screening instruments or methods and knowledge of their limits.

c. Ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments.

d. Understanding of diagnostic strategies appropriate for children with handicapping conditions.

e. Ability to use interview techniques to gain and maintain information from parents, other family members, teachers, and other significant care-givers.

4. Organization and management of instruction, consisting of planning, implementing, and evaluating educational programs for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions in one-to-one and group situations, which shall include:

a. Ability to program effectively for the following developmental areas:

(1) Sensorimotor,

(2) Language,

(3) Cognitive,

(4) Social/emotional,

(5) Creative expression.

b. Ability to individualize educational programming.

c. Ability to select, evaluate, adapt, and develop curriculum, materials, and technology.

d. Ability to work with children in a variety of settings, including classrooms, community programs, and home-based programs.

e. Ability to involve the public and private agency personnel in the instructional program through referrals, continuing communication, preparation of reports, and development of interagency coordination and cooperation.

f. Ability to supervise nonlicensed personnel in the delivery of educational programs.

g. Ability to design and implement educational environments consistent with the concept of the least restrictive alternative.

5. Family-child-school relations for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Understanding the implications of children in family dynamics.

b. Understanding the role of parents as primary informal teachers of their children.

6. Pre-practicum and practicum experiences with infants, toddlers, and pre-primary children, in a setting in which theory and practice are combined, which shall include:

a. A series of formal observations of teaching and directed instructional experiences, prior to a practicum experience.

b. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with normal development and their parents.

c. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences

with children with handicapping conditions and their parents.

Upon completion of pre-practicum and practicum experiences, candidates recommended for licensure shall have had such experiences with ~~normal development~~ normally developing and handicapped infants, toddlers, and pre-primary children with a variety of disorders and served through a variety of program models, such as home-based or pre-school class.

C. An institution applying to the Board of Teaching for approval of its special education: early childhood teacher preparation program shall meet the provisions of 5 MCAR S 3.141. All approved programs leading to the licensure of teachers of special education: early childhood shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of special education: early childhood. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure.

1. Effective January 1, 1982, a provisional two-year nonrenewable license shall be issued to an applicant who holds a valid entrance, continuing, or life license and provides evidence of completion of at least one year of teaching experience in a special education: early education program, as verified by the employing school official.

~~D. Provisional licensure.~~ 2. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of special education: early childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two

years. Successive two-year renewals of provisional licensure in special education: early childhood shall be issued to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2. and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of special education: early childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. ~~This rule is effective July 1, 1985, for all applicants for licensure to teach Special Education: Early Childhood.~~ The provisions of D.1. of this rule shall remain in effect until July 1, 1985, at which time provision D.1. shall be repealed without further action by the Minnesota Board of Teaching. Effective July 1, 1985, all applicants for teacher licensure to teach special education: early childhood must meet the provisions of this rule.

5 MCAR S 3.0909 Developmental/adapted physical education.

A. All candidates recommended for licensure to teach developmental/adapted physical education (grades prekindergarten-12) shall:

1. Hold a baccalaureate degree, and

2. Hold a valid license as a teacher of physical education, grades K-12, and

3. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR S 3.0901, and

4. Satisfactorily complete a developmental/adapted physical education teacher preparation program, approved by the Minnesota Board of Teaching, consisting of at least 27 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of developmental/adapted physical education (grades

prekindergarten-12) shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations of developmental/adapted physical education, consisting of the sciences of biology, anatomy, and/or human physiology, which shall include:

a. Understanding of sequences of motor development from early childhood through adolescence, including typical and atypical patterns of development.

b. Understanding of physically handicapping conditions which interfere with motor function.

c. Understanding of physical rehabilitation as applied to physical education programs for handicapped and special needs students.

2. Organization and management of instruction, consisting of planning, implementing, and evaluating physical education instruction for handicapped and special needs students (grades prekindergarten-12), which shall include:

a. Understanding of scope, sequence, and implementation of developmental/adapted physical education curriculum.

b. Ability to identify, assess, and evaluate physical and motor development of handicapped and special needs students.

c. Ability to develop, adapt, select, and utilize a variety of instructional resources to implement a developmental/adapted physical education curriculum.

d. Knowledge of the application of research to developmental/adapted physical education curriculum.

e. Ability to adapt physical education activities and curriculum for handicapped and special needs students.

f. Ability to select and adapt facilities and equipment for handicapped and special needs students.

g. Ability to supervise nonlicensed personnel in the delivery of developmental/adapted physical education programs for handicapped and special needs students.

h. Teaching experiences with handicapped and special

needs students, including students in regular physical education classes and students in self-contained special education classes, and experiences in two or more of the handicapped categories set forth in ~~M.S.~~ Minn. Stat. S 120.03.

C. An institution applying to the Board of Teaching for approval of its developmental/adapted physical education preparation program (grades prekindergarten-12) shall meet the provisions of 5 MCAR S 3.141. All approved programs leading to the licensure of teachers of developmental/adapted physical education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of developmental/adapted physical education. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who meets the requirements of A.1. and A.2., above, and who has completed a minimum of 15 quarter hours or the equivalent selected from B.1. and B.2., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of developmental/adapted physical education. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years, after which full licensure as specified in A., above, shall be required. Provisional licensure shall remain in effect until July 1, 1990, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach developmental/adapted physical education

(grades prekindergarten-12).

5 MCAR S 3.054 Teachers in middle schools.

A. All candidates recommended for licensure as teachers in middle schools shall:

1. Hold a baccalaureate degree, and

2. Hold a valid Minnesota license as an elementary or secondary classroom teacher, and

3. Except as provided in B. of this rule, satisfactorily complete a preparation program, approved by the Board of Teaching, leading to the licensure of middle school teachers, as follows:

a. A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) Philosophy and organization of the middle school;

(2) Adolescent psychology;

(3) Interdisciplinary planning;

(4) Special learning and behavior problems;

(5) Teaching experience with adolescents; and

(6) A minimum of 12 quarter hours or the equivalent of course work in a single academic licensure field.

b. A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) Philosophy and organization of the middle school;

(2) Pre-adolescent psychology;

(3) Developmental reading;

(4) Interdisciplinary planning;

(5) Remedial reading;

(6) Special learning and behavior problems; and

(7) Teaching experience with pre-adolescents.

B. Provisions of this rule shall not be interpreted to

prevent a teacher from teaching in a middle school at those grade levels for which valid Minnesota classroom teaching licensure is held or to require such teacher to secure additional licensure to continue to teach at those grade levels in a middle school for which valid Minnesota classroom teaching licensure is held.

C. Minnesota colleges and universities approved to prepare teachers and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school teachers submitted for approval have been developed with participation from elementary and secondary teachers, 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. Nothing in this rule shall prohibit Minnesota colleges and universities which offer approved programs leading to the licensure of teachers in middle schools from collaborating with local school districts to develop jointly the program of instruction enumerated in A.1. and A.2., above, which will meet the needs of local school districts. Such programs must meet the requirements of the approved middle school licensure program offered by the college or university. Recommendation of candidates for licensure who complete such programs shall be the responsibility of the college or university through which the program was developed.

E. All approved programs leading to middle school teacher licensure shall include a description of the way in which

practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A., above, evaluated and credited by an institution maintaining an approved program leading to middle school teacher licensure. Such evaluation shall include previous teaching experience and/or previous teacher preparation.

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

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

H. The first and subsequent continuing middle school teaching 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 classroom continuing teaching licenses.

I. Persons holding a valid Minnesota secondary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subjects or fields in which secondary school licensure is held.

J. Persons holding a valid Minnesota elementary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subject or field in which the requirement of A.3.a.(6) of this rule has been completed.

K. Persons holding a valid Minnesota secondary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any

middle school those subjects or fields in which valid Minnesota secondary classroom teaching licensure is held.

L. Persons ~~held~~ holding a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

M. From July 1, 1978, until July 1, 1983, any person licensed by the Minnesota Board of Teaching for any of the grade levels in a middle school where the person is assigned to teach is granted authority to teach areas and subjects specified by the duly issued licenses at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

N. Except for provisions K., L., and M., all provisions of this rule shall become effective July 1, 1983.

RD90
October 15, 1981

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Board of Teaching

Rule Numbers: 5 MCAR SS 3.050, 3.051, 3.054, 3.0901, 3.0902, and 3.0909

Rule Title: Adopted Rules Governing Licensure Requirements for Elementary School Teachers; Special Education: Core Skill Areas; Special Education: Early Childhood; and Developmental/Adapted Physical Education; Repeal of Rules Governing Elementary School Classroom Reachers; Amendments to Rules Governing Teachers in Middle Schools

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference:

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
October 27 19 81
WARREN SPANNAUS, ATTORNEY GENERAL
BY Ed A. Marshall
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 27 1981
Joan Anderson Growe
Secretary of State
3:45PM

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

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

DATE: October 27, 1981

ATTN : Sheila Fishman
Special Assistant Attorney General

FROM : Ted A. Martinez
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: In the Matter of the Proposed Adoption and Amendment of Rules of the Board of Teaching Governing the Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/ Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

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. Please 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 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 to the rules in the approved set.

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

TAM/cae
Enc.

cc: Kathy Burek
Duane Harves

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550 CEDAR STREET
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MARGERY HARRIS, SECRETARY
EDWARD HUDOBA, DIRECTOR
MARIE McNEFF, DIRECTOR
KATHRYN RAYBURN, DIRECTOR

Copy Mayer - 641-8227

October 6, 1981

Mr. Jerry Anderson, Special Assistant
Attorney General
G-25 Administration Building
St. Paul, Minnesota 55155

RE: In the matter of the proposed adoption and amendment of rules of the Board of Teaching governing the licensure requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/ Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

Dear Mr. Anderson:

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 of the Board of heard at public hearing on June 6, 1981. The rules were adopted by the Minnesota Board of Teaching on September 18, 1981.

The rules as adopted by the Board of Teaching are in accord with the recommendations of the Office of Administrative Hearings set forth in the Report of the Hearing Examiner dated July 29, 1981.

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: Sheila S. Fishman, Special Assistant
Attorney General
Duane R. Harves, Chief Hearing Examiner

RECEIVED
OCT 7 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

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
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MARGERY HARRIS, SECRETARY
EDWARD HUDOBA, DIRECTOR
MARIE McNEFF, DIRECTOR
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OCT 2 3 19--
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

October 21, 1981

Mr. Jerry Anderson
Special Assistant Attorney General
G-25 Administration Building
St. Paul, Minnesota 55155

RE: In the matter of the proposed adoption of the rule governing the licensure requirements for elementary school teachers.

Dear Mr. Anderson:

This is to advise you that I have requested the Office of the Revisor of Statutes to make a change in the effective date of the repealer of 5 MCAR § 3.050, Elementary Schools. This revision has been reviewed by the Chief Hearing Examiner who has indicated that the date was obviously intended in light of the adoption of proposed 5 MCAR § 3.051, Elementary School Teachers and the change is not a substantial change.

Sincerely,

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

KLP/nao

cc: Ann L. Bateson
Deputy Revisor of Statutes
Sheila S. Fishman
Special Assistant Attorney General
Duane R. Harves
Chief Hearing Examiner

Rules as Proposed (all new material)

RECEIVED
APR 7 1981
ADMINISTRATIVE HEARINGS

5 MCAR § 3.050 Elementary school classroom teachers, grades 1-6.

A. All candidates recommended for licensure as elementary school classroom teachers (grades 1-6) shall hold a baccalaureate degree and shall have satisfactorily completed a program leading to the licensure of elementary school classroom teachers which has been approved by the Minnesota Board of Teaching.

B. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a general/liberal studies component consisting of at least one third of the baccalaureate degree requirement of the institution. The general/liberal studies component shall be designed to provide candidates recommended for licensure as an elementary school classroom teacher (grades 1-6) with knowledge, skills, and understandings within each of the following categories of this component:

1. Symbolics of information, which must include three areas within this category such as, but not limited to, composition, public speaking, languages, linguistics, history and structure of the English language, logic, and mathematics. The area of mathematics is required of all candidates recommended for licensure as elementary school classroom teachers.

2. Humanities, which must include three areas within this category such as, but not limited to, music, art, theatre, literature, and philosophy.

3. Natural and social sciences, which must include four areas within the category of natural and social sciences. At least one area of natural science such as, but not limited to, life science, earth science, and physical science is required of all candidates recommended for licensure as elementary school classroom teachers. At least one area of social science such as, but not limited to, anthropology, economics, geography, history, political science, psychology, sociology, and interdisciplinary studies is required of all candidates recommended for licensure as elementary school classroom teachers.

C. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in all of the following: foundational studies, organization and management of instruction, content and methods, pre-student teaching and student teaching experiences, and the profession of teaching.

1. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching, and includes all of the following:

a. The study of child growth and development from early childhood through early adolescence, including typical and atypical patterns of development.

b. The study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students as influenced by various cultures and family life styles.

c. The study of education and the school as an institution in the context of a changing pluralistic society.

2. Organization and management of instruction. This category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all students within a classroom, and includes all of the following:

a. Development of differentiated instructional strategies and techniques, and the application of these strategies and techniques to unique learning styles, differing physical, emotional, mental capabilities; and differing environments and cultures.

b. Skills to assess, diagnose, prescribe, evaluate, and report individual student achievement.

c. Organizational, management, and communication skills and strategies to facilitate individual and group learning, including development of positive self-concepts and group dynamics.

d. Selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media.

e. Development of skills to integrate elementary curriculum areas.

f. Implementation of instruction within school organizational patterns including the recognition of differentiated roles, responsibilities, and tasks of school personnel.

g. Implementation of techniques to evaluate the curriculum and instructional strategies utilized.

h. First aid training.

3. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of K-6 curriculum; and skills necessary to teach in the elementary schools; including provision for individual differences of students, in all of the following curriculum areas:

a. Art: to promote artistic development through knowing about, responding to, and producing art.

b. Communication skills.

(1) Language arts: to provide for the development and integration of listening, speaking, handwriting, spelling, language usage, and creative and practical writing.

(2) Literature: to provide for the development of reading interests and appreciation of literature through exposure to types of children's literature and modes of presentation, including storytelling.

(3) Reading: to provide for the development of pre and basic reading skills and the diagnosis and correction of reading difficulties.

(4) Application of language arts and reading to elementary curriculum areas.

c. Health: to promote attitudes and habits necessary to safe and healthful living.

d. Mathematics: to provide for the development of basic arithmetic operations, problem-solving skills, measurement techniques, including the metric system, geometric concepts, and computing devices.

e. Music: to sing, play, and conduct simple rhythm patterns and melodies; develop creative patterns for dancing and movement; provide for playing, making, and utilizing musical instruments; and beginning exposure to musical heritage.

f. Physical education: to provide experiences that promote physical and motor growth and development; team, individual, and life long physical activities.

g. Science: to develop processes of scientific inquiry for topics within school science curricula.

h. Social studies: to develop processes of gathering, organizing, reporting, and interpreting social science data.

i. Interdisciplinary studies: emerging topics of an interdisciplinary nature which may include, but are not limited to, environmental education, career education, family life education, and death education.

4. Pre-student teaching and student teaching experiences. This category consists of cooperative experiences between teacher preparation institutions and classroom teachers in a school setting in grades 1-3 and in grades 4-6 in which theory and practice are combined, and includes all of the following:

a. A series of formal observations of teaching and directed instructional experiences in an elementary school, prior to student teaching, which shall begin early in the professional education component.

b. Student teaching, which shall consist of full school day experiences for one academic quarter or the equivalent thereof in an elementary school in which the student teacher assumes responsibility for the management of the classroom and the implementation of the complete program for all students within a classroom for a minimum of one week. Full school day experience is defined as a normal load for a teacher in the school in which the student teaching takes place.

5. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

a. A minimum level of proficiency in the written English language.

b. Skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students.

c. Skills to evaluate self and peer teaching performance.

d. Responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession.

e. Legal rights of students, parents, administrators, school boards, and teachers.

f. Essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee.

g. Purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

D. An institution applying to the Board of Teaching for approval of its elementary school classroom teacher preparation program (grades 1-6) shall meet the provisions of 5 MCAR § 3.141. In addition, institutions are also authorized to submit for approval elementary school classroom teacher preparation programs (grades K-6) provided such programs meet the provisions of this rule and the provisions of 5 MCAR § 3.051, Kindergarten.

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

1. Possession by the applicant of a previously issued valid and appropriate entrance license, and

2. One year of elementary school teaching experience during the time that the applicant holds an appropriate entrance license.

F. The continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education/relicensure.

G. This rule is effective July 1, 1985, for all applicants for entrance licenses.

5 MCAR § 3.0901 Special education: core skill areas.

A. All candidates recommended for licensure in areas or fields which require completion of core skill area requirements in special education shall satisfactorily complete the core skill area licensure requirements enumerated in provision B. of this rule as part of the preparation program approved by the Minnesota Board of Teaching.

B. Core skill area requirements in special education shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations.

a. Understanding of human growth and development, which shall include:

(1) typical and atypical development

(2) stages from conception to death

(3) affective, language, cognitive, and sensorimotor areas

(4) factors influencing development, including physiological, social, physical environment, and psychological.

b. Understanding of learning and teaching theories.

c. Knowledge of construction, interpretation, application and limitation of standardized and nonstandardized assessment procedures.

d. Knowledge of handicapping conditions and their educational implications.

2. Curriculum and instruction.

a. Understanding of curriculum design and instructional strategies.

b. Understanding of adapting curriculum and instructional strategies to meet individual learning styles.

3. Special education instructional systems.

a. Knowledge of program delivery systems, including all levels of service.

b. Understanding of individual and group management strategies.

c. Understanding of effective use of school and outside resources in creating a positive learning environment.

d. Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's program.

e. Understanding of the child study/team planning process.

f. Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individual educational plan.

4. Communication/consultation.

a. Knowledge of institutional and administrative factors which facilitate or impede delivery of services.

b. Ability to effectively communicate the needs and rights of handicapped persons.

c. Ability to use interpersonal skills when working with parents, professionals, paraprofessionals, agencies, students and other persons or groups.

d. Understanding the roles and organizational structures of regular and special education and the part they play in providing total service for the student.

e. Ability to serve in a consultative capacity with individuals and groups, including parents and students.

5. Organizational, historical, and legal factors.

a. Knowledge of state and federal laws, rules, and regulations relating to regular and special education.

b. Understanding of due process and data privacy requirements.

c. Knowledge of historical and philosophical background of the education of handicapped persons and knowledge of attitudes toward handicapped persons.

d. Understanding of how to identify and access resources relevant to handicapped persons.

6. Abilities basic to all special education preparation.

a. Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.

b. Ability to function as a member of a team in designing appropriate educational programs for handicapped students.

c. Ability to apply team designed strategies in an educational setting.

d. Ability to design and apply instructional strategies in an educational setting.

e. Ability to identify and use non-school resources relevant to handicapped persons.

f. Ability to assess results of instruction.

C. An institution applying to the Minnesota Board of Teaching for approval of preparation programs which require inclusion of core skill area requirements enumerated in this rule shall demonstrate how provision B. of this rule is incorporated in each preparation program.

D. This rule is effective July 1, 1985, for all applicants for licensure in areas or fields which require completion of core skill area requirements in special education.

5 MCAR § 3.0902 Special education: early childhood.

A. All candidates recommended for licensure to teach Special Education: Early Childhood (ages birth - kindergarten) shall:

1. Hold a baccalaureate degree, and

2. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

3. Satisfactorily complete a Special Education: Early Childhood preparation program (ages birth - kindergarten), approved by the Minnesota Board of Teaching, consisting of at least 54 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Special Education: Early Childhood (ages birth - kindergarten) shall provide candidates recommended for licensure with knowledge, skills, and understandings, distributed equally between instructional strategies for teaching children with normal development and children with handicapping conditions, in all of the following:

1. Typical and atypical development of infants, toddlers, and pre-primary children which includes integration and relationship of the following:

a. Understanding of the development of sensorimotor skills and associated disorders and delays, including self-help skills.

b. Understanding of early language development and associated disorders and delays, including knowledge of alternative forms of communication.

c. Understanding of cognitive development and associated disorders and delays.

d. Understanding of social and emotional development and associated disorders and delays.

2. Understanding of specific handicapping conditions and their developmental and educational implications for infants, toddlers, and pre-primary children.

3. Measurement procedures appropriate for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Ability to observe and analyze the total learning environment of the child.

b. Ability to utilize a variety of screening instruments or methods and knowledge of their limits.

c. Ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments.

d. Understanding of diagnostic strategies appropriate for children with handicapping conditions.

e. Ability to use interview techniques to gain and maintain information from parents, other family members, teachers, and other significant care-givers.

4. Organization and management of instruction, consisting of planning, implementing, and evaluating educational programs for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions in one-to-one and group situations, which shall include:

a. Ability to program effectively for the following developmental areas:

(1) Sensorimotor,

(2) Language,

(3) Cognitive,

(4) Social/emotional,

(5) Creative expression.

b. Ability to individualize educational programming.

c. Ability to select, evaluate, adapt, and develop curriculum, materials, and technology.

d. Ability to work with children in a variety of settings, including classrooms, community programs, and home-based programs.

e. Ability to involve the public and private agency personnel in the instructional program through referrals, continuing communication, preparation of reports, and development of interagency coordination and cooperation.

f. Ability to supervise nonlicensed personnel in the delivery of educational programs.

g. Ability to design and implement educational environments consistent with the concept of the least restrictive alternative.

5. Family-child-school relations for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Understanding the implications of children in family dynamics.

b. Understanding the role of parents as primary informal teachers of their children.

6. Pre-practicum and practicum experiences with infants, toddlers, and pre-primary children, in a setting in which theory and practice are combined, which shall include:

a. A series of formal observations of teaching and directed instructional experiences, prior to a practicum experience.

b. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with normal development and their parents.

c. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with handicapping conditions and their parents.

Upon completion of pre-practicum and practicum experiences, candidates recommended for licensure shall have had such experiences with normal developing and handicapped infants, toddlers, and pre-primary children with a variety of disorders and served through a variety of program models, such as home-based or pre-school class.

C. An institution applying to the Board of Teaching for approval of its Special Education: Early Childhood teacher preparation program shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Special Education: Early Childhood shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Special Education: Early Childhood. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years. Successive two-year renewals of provisional licensure in Special Education: Early Childhood shall be issued to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2. and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Special Education: Early Childhood.

5 MCAR § 3.0909 Developmental/adapted physical education.

A. All candidates recommended for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten - 12) shall:

1. Hold a baccalaureate degree, and

2. Hold a valid license as a teacher of physical education, grades K-12, and

3. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

4. Satisfactorily complete a Developmental/Adapted Physical Education teacher preparation program, approved by the Minnesota Board of Teaching, consisting of at least 27 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Developmental/Adapted Physical Education (grades prekindergarten - 12) shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations of developmental/adapted physical education, consisting of the sciences of biology, anatomy, and/or human physiology, which shall include:

a. Understanding of sequences of motor development from early childhood through adolescence, including typical and atypical patterns of development.

b. Understanding of physically handicapping conditions which interfere with motor function.

c. Understanding of physical rehabilitation as applied to physical education programs for handicapped and special needs students.

2. Organization and management of instruction, consisting of planning, implementing, and evaluating physical education instruction for handicapped and special needs students (grades prekindergarten - 12), which shall include:

a. Understanding of scope, sequence, and implementation of developmental/adapted physical education curriculum.

b. Ability to identify, assess, and evaluate physical and motor development of handicapped and special needs students.

c. Ability to develop, adapt, select, and utilize a variety of instructional resources to implement a developmental/adapted physical education curriculum.

d. Knowledge of the application of research to developmental/adapted physical education curriculum.

e. Ability to adapt physical education activities and curriculum for handicapped and special needs students.

f. Ability to select and adapt facilities and equipment for handicapped and special needs students.

g. Ability to supervise nonlicensed personnel in the delivery of developmental/adapted physical education programs for handicapped and special needs students.

h. Teaching experiences with handicapped and special needs students, including students in regular physical education classes and students in self-contained special education classes, and experiences in two or more of the handicapped categories set forth in M.S. 120.03.

C. An institution applying to the Board of Teaching for approval of its Developmental/Adapted Physical Education preparation program (grades prekindergarten - 12) shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Developmental/Adapted Physical Education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Developmental/Adapted Physical Education. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who meets the requirements of A.1. and A.2., above, and who has completed a minimum of 15 quarter hours or the equivalent selected from B.1. and B.2., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Developmental/Adapted Physical Education. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years, after which full licensure as specified in A., above, shall be required. Provisional licensure shall remain in effect until July 1, 1990, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten - 12).

5 MCAR § 3.050 Elementary schools. (proposed for repeal)

Amendments as Proposed

5 MCAR § 3.054 Teachers in middle schools.

~~A.--A-teacher-who-teaches-in-a-middle-school-shall-hold-a-valid-Minnesota elementary-classroom-teaching-license-or-secondary-classroom-teaching-license.~~

A. All candidates recommended for licensure as teachers in middle schools shall:

1. Hold a baccalaureate degree, and

2. Hold a valid Minnesota license as an elementary or secondary classroom teacher, and

3. ~~In-addition,~~ Except as provided in B. of this rule, ~~a-teacher teaching-in-a-middle-school-shall~~ satisfactorily complete a preparation program, approved by the Board of Teaching, leading to the licensure of middle school teachers, as follows:

~~1.~~ a. A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

~~a.~~ (1) Philosophy and organization of the middle school

~~b.~~ (2) Adolescent psychology

~~c.~~ (3) Interdisciplinary planning

~~d.~~ (4) Special learning and behavior problems

~~e.~~ (5) Teaching experience with adolescents

~~f.~~ (6) A minimum of 12 quarter hours or the equivalent of course work in a single academic licensure field.

~~2.~~ b. A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

~~a.~~ (1) Philosophy and organization of ~~a~~ the middle school

~~b.~~ (2) Pre-adolescent psychology

~~c.~~ (3) Developmental reading

~~d.~~ (4) Interdisciplinary planning

~~e.~~ (5) Remedial reading

~~f.~~ (6) Special learning and behavior problems

~~g.~~ (7) Teaching experience with pre-adolescents.

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

C. Minnesota colleges and universities approved to prepare teachers and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school teachers submitted for approval have been developed with participation from elementary and secondary teachers, 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. Nothing in this rule shall prohibit Minnesota colleges and universities which offer approved programs leading to the licensure of teachers in middle schools from collaborating with local school districts to develop jointly the program of instruction enumerated in A.1. and A.2., above, which will meet the needs of local school districts. Such programs must meet the requirements of the approved middle school licensure program offered by the college or university. Recommendation of candidates for licensure who complete such programs shall be the responsibility of the college or university through which the program was developed.

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

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

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

~~G.~~ H. The first and subsequent continuing middle school teaching 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 classroom continuing teaching licenses.

I. Persons holding a valid Minnesota secondary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subjects or fields in which secondary school licensure is held.

J. Persons holding a valid Minnesota elementary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subject or field in which the requirement of A.3.a.(6) of this rule has been completed.

K. Persons holding a valid Minnesota secondary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which valid Minnesota secondary classroom teaching licensure is held.

L. Persons hold a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

~~H.~~ M. From July 1, 1978, until July 1, 1983, any person licensed by the Minnesota Board of Teaching for any of the grade levels in a middle school where the person is assigned to teach is granted authority to teach areas and subjects specified by the duly issued licenses at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

~~I.~~ N. Except for provisions ~~H.~~ K., L., and M., all provisions of this rule shall become effective July 1, 1983.

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The Proposed Adoption and Amendment of Rules of the Board of Teaching Governing the Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/ Adapted Physical Education, Elementary School Classroom Teachers, and Teachers 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 6th day of June, 1981, at 9:00 a.m. in Conference Room 83 of the State Office Building, 435 Park Street, St. Paul, Minnesota 55155, after proper notice required by M.S. 1980, Section 15.0412 was served upon all persons, associations, and other interested groups registered with the Office of the Board of Teaching for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that the rules identified as 5 MCAR §§ 3.050 Elementary School Classroom Teachers, Grades 1-6; 3.0901 Special Education: Core Skill Areas; 3.0902 Special Education: Early Childhood; 3.0909 Developmental/Adapted Physical Education; 3.054 Teachers in Middle Schools are adopted this 18th day of September, 1981, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Ray C. Olson

Ray C. Olson, Chairman

Kenneth A. Ames

Kenneth A. Ames, Vice Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

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ADMINISTRATIVE HEARINGS

IN THE MATTER OF: The proposed amendment and/or adoption of a rule of the Board of Teaching governing: The Licensure of Special Education Teachers

NOTICE OF SEEKING OUTSIDE INFORMATION

NOTICE IS HEREBY GIVEN that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the amendment and/or adoption of a rule governing the licensure of Special Education Teachers. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event that the rule governing this subject is promulgated.

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 9/14/79

IN THE MATTER OF: The proposed adoption and amendment of rules of the Board of Teaching governing the licensure requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

That on the 6th day of October, 1981, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the United States Mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Nancy A. Orr
NANCY A. ORR

Subscribed and sworn to before me

this 23 day of October, 1981.

Luana Vadnais
NOTARY PUBLIC

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

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed adoption and amendment of rules of the Board of Teaching governing the licensure requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

N O T I C E

NOTICE IS HEREBY GIVEN THAT: Pursuant to the rules of the Office of the Attorney General, the following rules in the above entitled matter have been adopted by the Board of Teaching, and the hearing record has been submitted to the Office of the Attorney General:

5 MCAR § 3.050 Elementary School Classroom Teachers, Grades 1-6
5 MCAR § 3.0901 Special Education: Core Skill Areas
5 MCAR § 3.0902 Special Education: Early Childhood
5 MCAR § 3.0909 Developmental/Adapted Physical Education
5 MCAR § 3.054 Teachers in Middle Schools

STATE OF MINNESOTA
BOARD OF TEACHING

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 10/6/81

STATE OF MINNESOTA
BOARD OF TEACHING

3.0909

Statement of Need and Reasonableness
for Proposed Rules 5 MCAR §§ 3.050, 3.0901, 3.0902, 3.054

Concerning: The proposed adoption of new of amended rules governing the requirements for elementary school classroom teachers, special education: core skill areas, special education: early childhood, developmental/adapted physical education, and teachers in middle schools.

5 MCAR § 3.050 Elementary School Classroom Teachers, Grades 1-6.

Subdivision A. sets forth the requirements for the licensure of elementary school classroom teachers. It is necessary to delineate the knowledge, skills, and understandings required of elementary school classroom teachers since the current rule is lacking specific criteria for the licensure of elementary school classroom teachers.

Minnesota parents and students are entitled to assurances that persons employed in Minnesota schools as elementary school classroom teachers meet established requirements in terms of essential knowledge, skills, and understandings necessary to teach.

Subdivision B. sets forth the requirements for a general/liberal studies component within the approved licensure program. It is essential that elementary school classroom teachers complete a sound general education. This need for a sound general education is accentuated by the nature of the professional responsibilities which elementary school classroom teachers are expected to assume. Elementary school classroom teachers are required to design, implement, and evaluate programs of instruction for students which encompass the entire scope and sequence of the elementary school curriculum. Therefore, collegiate level preparation in general/liberal studies is essential to provide elementary classroom teachers with the foundation to support the teaching of all academic subjects to elementary school students. To ensure this breadth of academic preparation, required categories of general/liberal studies are enumerated in the rule which parallel the curriculum of the elementary school. Without this component, the Board of Teaching will have no assurance that elementary school classroom teachers have the appropriate prepartion in general/liberal studies which will enable them to teach all academic subjects in grades 1-6 of an elementary school.

In March 1976, a state-wide workshop on Preparation Programs for Elementary School Teachers attended by approximately 125 persons representing higher education, teachers, administrators, and the public was sponsored by the Minnesota Board Teaching and the Department of Education. Participants in this workshop recommended that a general/liberal studies component be specified in an elementary education preparation program.

The Board of Teaching contends that a general/liberal studies requirement is reasonable since it parallels generally accepted national standards for the accreditation of teacher preparing institutions.

Subdivision C. is needed to specify the essential knowledge, skills, and understandings required of elementary school classroom teachers.

Section C.1. sets forth foundational studies which provide a set of contexts in which the American educational process can be studied, understood, and interpreted in the context of the diverse populations to be served by elementary school classroom teachers.

Section C.2. sets forth the requirements for organization and management of instruction. Elementary school classroom teachers must demonstrate the ability to organize the learning environment, facilitate learning, and evaluate student performance for all students within a classroom. This ability must include the skills necessary to apply differentiated instructional strategies and techniques to unique learning styles; differing physical, emotional, and mental capabilities; and differing environments and cultures.

Section C.3. sets forth the requirements for acquiring the necessary skills to teach the content of the elementary school curriculum. Elementary school teachers must have knowledge of the scope and sequence of the elementary school curriculum, and must have the necessary skills to teach elementary school subjects to all elementary school students within a classroom. Since kindergarten is an integral part of current elementary school organizational patterns, elementary school teachers must also have knowledge of the curriculum of the kindergarten to better understand the scope and sequence of the K-6 curriculum in the elementary school. To delineate preparation in elementary school curricular areas and methods of teaching will assure to the Board of Teaching that elementary school teachers possess the necessary knowledge, skills, and understandings to teach students within an elementary school setting.

Section C.4. sets forth the requirements for pre-student teaching and student teaching experiences. It is through such experiences that persons preparing to be elementary school classroom teachers will be provided appropriate opportunities to conceptualize educational principles and interpret their applications to direct instructional situations. Because elementary school teachers are licensed to teach grades 1-6 in an elementary school, supervised teaching experiences in grades 1-3 and in grades 4-6 are required. Upon completion of the pre-student teaching and student teaching experiences, persons preparing for licensure as elementary school classroom teachers must have had experiences at both levels. However, the rule does not require that both pre-student teaching and student teaching experiences be completed at two levels.

Pre-student teaching experiences prior to student teaching provide opportunities for observation and directed instructional experiences which represent recurring types of classroom situations.

The student teaching requirement consists of full school day experiences for one academic quarter. This experience requires persons preparing to be elementary school classroom teachers to assume major responsibility for the full range of teaching duties in an elementary school classroom under the supervision of practicing classroom teachers and college faculty. Because the teaching profession, generally, does not provide for a system of gradual induction into the profession, the student teaching experience is the only means by which persons preparing to be elementary school classroom teachers can demonstrate, in a supervised environment, the acquired ability to teach. Although there is no general agreement within the profession concerning the extent and duration of student teaching experiences, the Board of Teaching contends that full day, full quarter student teaching experiences are essential to prepare persons to be teachers. Such a student teaching requirement provides persons preparing to teach with a reasonable amount of

time to demonstrate the ability to teach elementary school students. By experiencing the full teaching day for a reasonable period of time, persons preparing to teach will enter the profession with a realistic expectation of the full range of professional responsibilities they will be required to assume as an elementary school classroom teacher.

Further, the Board of Teaching must have established in rule a reasonable measure of the extent and duration of the student teaching experience. This measure must assure to the Board of Teaching that teacher preparing institutions provide candidates recommended for licensure with student teaching experiences of sufficient extent and duration which prepare persons for the professional responsibilities which they will be required to assume as elementary school classroom teachers. The Board of Teaching contends that full day, full quarter student teaching experiences are a reasonable measure to provide this assurance.

Section C.5. sets forth basic knowledge of the professional responsibilities of a teacher. The Board of Teaching contends that persons preparing to be elementary school classroom teachers must demonstrate a minimum proficiency in the written English language in order that such persons can adequately communicate with others. In addition, such persons must have knowledge of teaching as a profession in the context of American society.

Subdivision D. is necessary to set forth the procedure by which approved Minnesota institutions must follow to obtain approval of elementary school classroom teacher preparation programs. It also provides an additional alternative for institutions to submit K-6 preparation programs for approval in accordance with the requirements set forth in this subdivision.

Subdivisions E. and F. provide for issuance and renewal of continuing licenses in accordance with current standards and procedures set forth by the Board of Teaching.

Subdivision G. provides for an effective date for this rule which has been established which provides sufficient time for teacher preparing institutions to develop and submit for approval licensure programs in accordance with this rule.

Proposed rules 5 MCAR §§ 3.0901, 3.0902, and 3.0909 are necessary to implement licensure standards in critical areas of special education in which no licensure rules currently exist.

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", provide for the education of all handicapped children. Handicapped children in Minnesota have the right to a free, appropriate public education which emphasizes special education and related services designed to meet their unique needs. Minnesota has accepted the responsibility for assuring that the rights of handicapped children and their parents or guardians are protected, and to assess and assure the effectiveness of efforts to educate handicapped children.

To provide effective special education and related services to meet the needs of handicapped children, many advances have been made in the preparation of teachers and in diagnostic and instructional procedures and methods. State Board of Education Rule 5 MCAR § 1.0125 requires that every handicapped child has an

individual educational program plan (IEP). The development of these IEPs is dependent upon team based decision-making. In Minnesota, the composition of these teams includes special educators and supportive personnel, in addition to administrative personnel, regular educators, and parents. Preparation programs should therefore reflect and promote the kind of interprofessional cooperation that is occuring in the public schools of Minnesota.

With the assurance of procedural safeguards available to parents and guardians of handicapped children, Minnesota public schools are being held accountable for competent performance in instructional methods and practices.

The Board is currently reviewing licensure standards in all areas of special education where licensure rules currently exist. At a future time, the Board intends to promulgate revisions in these existing rules.

However, the Board has determined that it is absolutely essential that rules governing the licensure of teachers of special education: early childhood and developmental/adapted physical education, together with core skill area requirements in special education be promulgated at this time in order to ensure the public that teachers serving handicapped learners in these instructional areas have the unique and essential skills to teach early education special education or developmental/adapted physical education.

5 MCAR § 3.0901 Special Education: Core Skill Areas

Subdivision A. of the proposed rule is necessary because current state and federal laws and rules relating to the education of handicapped children apply to all handicapped children. From those standards emanate certain generic requirements applicable to all special education teachers. Therefore, a common body of knowledge is required of all teachers serving handicapped children and youth. Identifying those "core skills" in a licensure rule, and referencing this rule in subsequent special education licensure rules, serves to emphasize the concept that these are skills needed by a number of different teachers.

The following references support the concept of common standards which are applicable to all areas of special education:

"Certification in special education should provide for those personnel who develop generic competencies to perform effectively with variously handicapped persons as well as those who develop specialized competencies to work with some exceptional students." (CEC Guidelines for Personnel in the Education of Exceptional Children, 1976.)

"Training programs have traditionally kept specialists separated. Cross fertilization and sharing between regular and special educators is now needed." (Allen R. Sullivan, Assistant Superintendent of Dallas Public Schools, 1980.)

"Changes which have occurred in the public schools in the delivery of services to handicapped has greatly altered the roles previously assumed by special education personnel." (Edward L. Mayen, University of Kansas, 1980.)

Nationally, common standards applicable to all areas of special education have been identified in teacher preparation programs. These common standards are

often times followed by additional standards for specific special education licenses. (National Association of State Directors of Teacher Education and Certification, 1976.)

Essential to the role of special education teachers today is a general body of information, identified as "core skill areas." Support for such a "core" has been expressed by the following diverse organizations in Minnesota:

a. Minnesota Education Association

b. Minnesota Federation of Teachers

c. Minnesota School Social Worker's Association

d. Minnesota Association of School Administrators

e. Minnesota Association of Children with Learning Disabilities

f. Educator Network of Minnesota Foundation for Better Hearing and Speech

g. Services for Blind and Visually Handicapped

h. United Cerebral Palsy

i. Minnesota Chapter, American Physical Therapy Association

j. Minnesota Epilepsy League

k. Minnesota Department of Health

l. The Orton Society

It is necessary to promulgate this rule at this time to ensure that preparation to meet core skill area requirements will be available for persons desiring licensure as teachers of special education: early childhood or developmental/ adapted physical education.

Subdivision B. is needed to specify the common knowledge, skills, and understandings required of all special education teachers to provide a basis for appropriate instruction for handicapped learners.

These common knowledge, skills, and understandings are necessary for the following reasons:

1. To serve handicapped students, educators must be aware of literature and the body of practice which underlie basic instructional procedures for these children.

2. State Board of Education rule 5 MCAR § 1.0129 A.2. states that children who are handicapped are to be educated with children who are not handicapped. Removal of handicapped children from the regular education environment occurs only when their needs are such that they can be better served outside of the regular program. Consequently, teachers must have a general knowledge of the school curriculum offered across grade levels and of procedures for altering curriculum to meet individual needs.

3. 5 MCAR § 1.0124 requires school districts to develop systems for identifying students who may be handicapped. Assessments must be conducted when students are thought to be in need of special education services or are in need of changes in their educational programs. Further, reassessment of handicapped students is required every two or three years, depending on their level of placement. Also, to guard against inappropriate placement of students on the basis of race, culture, or specific handicapping condition, assessments must be non-discriminatory. As a consequence of this rule, educators are active participants in the referral process and need to be able to make and report systematic observations of students. They must be able to collaborate with other professionals and parents in utilizing assessment results for educational planning.

4. Parents of handicapped children have a right to be involved in the education decision-making process. 5 MCAR § 1.0120 A.5. encourages parents and school personnel to cooperate in an open and objective manner. Minnesota Board of Education rules 5 MCAR §§ 1.0125 and 1.0126 require the use of teaming in the development of IEPs and in their periodic review for appropriateness. Educators must be sensitive to the concerns of parents and their rightful involvement in instructional planning decisions. To ensure the rights of the handicapped in the regular education environment, special educators need also to be able to effectively communicate with regular education personnel. In conclusion, educators must be able to effectively communicate with parents, colleagues, and administrators.

5. To ensure the rights of the handicapped, special educators must be aware of due process procedures. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. The procedural safeguards available to parents are delineated in 5 MCAR § 1.0127, which guarantees their involvement in the educational decision-making process. Special educators are called upon to assist others in understanding and accepting the diverse characteristics of students and in advocating for the educational rights of exceptional individuals. Thus, the profession of teaching has taken on a new perspective in that educators must now possess some knowledge of the law and assume a greater advocacy role as well.

6. With the advent of law and rule governing the education of handicapped citizens, a new meaning to the term "individualized teaching" has evolved. Educators must be able to carry out individual assessments, identify individual learning styles, spot special needs, personalize and adapt assignments, keep records on student progress, and employ effective diagnostic and prescriptive skills. They must participate in instructional planning with a team of diverse individuals and carry out the instructional methodology recommended by that team.

Preparation programs have already recognized the need for a common core of knowledge and understandings for special educators, regardless of the category of handicapped individuals they become licensed to teach. A common body of knowledge for all special education personnel is critical to the educational process for handicapped students. It provides a basis for the sharing of skills and team decision-making required by law. To ensure the rights of handicapped,

all educators must be aware of due process procedures and the need to involve parents in instructional planning decisions. It is now legislated that educators collaborate, consult, and confer with parents, peers, and administrators for instructional planning. Few educators in the field feel that they have been adequately trained in the communication/consultation area. Preparation and licensure must reflect this new role.

It is therefore, reasonable to add "core skill areas", reflecting current special education laws, rules, and practices being followed in the public schools, to the licensure requirements for all special education personnel.

Subdivision C. requires teacher preparing institutions to demonstrate how the common knowledge, skills, and understandings required by this rule are integrated into each licensure program which requires completion of the core skill area requirements in special education. Evidence that this requirement is met shall be provided in each licensure program description submitted in accordance with 5 MCAR § 3.141.

Subdivision D. provides for an effective date for this rule which has been established which provides sufficient time for teacher preparing institutions to develop and submit for approval licensure programs which require completion of the core skill area requirements.

5 MCAR § 3.0902 Special Education: Early Childhood.

Subdivision A. sets forth the requirements for the licensure to teach special education: early childhood. At the present time, no licensure exists in this field. Beginning in 1977, school districts were mandated to serve all handicapped four year olds. Service to handicapped children from birth to three years of age remains permissive. In FY '80 there were 219 full-time equivalent teaching positions related to the delivery of service to handicapped preschool children. Those positions were filled by 271 individuals. There have been approximately 50 additional persons employed during the current school year to deliver such service.

Of these persons employed to deliver such service, 62 currently hold only an early childhood license without a special education license, and are therefore employed on a "personnel variance" basis. The remaining teachers have special education licenses in various disability areas which are valid for teaching kindergarten through grade 12. Current State Board of Education rule 5 MCAR § 1.022 requires that teachers hold a special education license that is appropriate for the children for whom they teach. To date, there has been no appropriate special education license for teachers of special education children younger than kindergarten age in Minnesota. The concept of early special education licensure is not, however, a new concept nationally. To date, there are at least 12 states which have early special education licenses in place with at least 5 other states which have the license pending. Minnesota's neighboring states of Wisconsin, Iowa, and South Dakota have each successfully implemented an early special education license. An example of the scope of service provided is Wisconsin's 4,000 3-5 year old handicapped children who are being served by 350 licensed early childhood special education teachers.

Over 7,000 children under age 6 are currently being served in programs statewide. These children represent all areas of disability and the full range of

severity of handicapping conditions. The most common model state-wide is a self-contained program of 8-10 children with varying handicapping conditions taught by one teacher. Services are also provided through the home-based model where the child may come into a center program for a day or more a week, but primarily the teacher comes into the home to work with the child and the parents.

In addition to the center or home-based teacher, services as required in P.L. 94-142 § 121a.346 and 5 MCAR § 1.025 are also provided by other special education personnel such as occupational therapists, physical therapists, speech clinicians, psychologists, and vision and hearing specialists, as needed, to deliver the services required by the IEP.

The requirement that children be provided service in the least restrictive environment in the school they would normally attend if they were not handicapped, results in most schools in a heterogeneous grouping of preschool handicapped children. These children are in need of special education programs because of various types of special education needs. In many instances, it is not necessary to label the students and group them by disability, i.e. mentally retarded, physically handicapped, sensory impaired, because the label is often not clearly identifiable and is not useful instructionally. The students' needs can usually be met very appropriately in a multi-categorical program. Current state and federal law requires the involvement of other special education teachers and related service personnel as needed, to deliver the services required by the IEP. This type of preschool program for these youngsters enhances programming in the least restrictive alternative and is cost effective as well. To meet the needs of this group of children, early childhood special education teachers need preparation in all areas of disability. Where services are provided by schools to children beginning at birth, the skills of a teacher who has preparation with infants and toddlers is required.

In response to the need for a license which would specifically address early childhood special education, a group of 87 persons gathered in April of 1977 for a state-wide mini-conference for personnel working with young children with special needs. This conference was developed as a cooperative effort of some members of the Minnesota Consortium of Early Education/Training. The following recommendation was an outcome of this conference: "We urge the Board of Teaching to conduct a study on the issue of licensure for personnel working with young children with special needs." As a result of this recommendation, study of the issue of teacher preparation for early childhood special education was begun by the Board of Teaching and has culminated in the proposed licensure requirement of 5 MCAR § 3.0902 for special education: early childhood. During the period from April of 1977 to spring of 1980, a great deal of work was done by many groups to address to the needs. After extensive work by a committee of the Special Education Section of the Minnesota Department of Education, the first draft of the early childhood special education license was presented to the Special Education Advisory Task Force of the Board of Teaching in October, 1979.

In March of 1980, a group of 66 professionals in the early childhood special education field from the Minnesota Council for Exceptional Children/Division of Early Childhood, submitted a draft of concerns, recommendations, and possible actions regarding the early childhood special education license to the Task Force. In November, 1980, a second position paper on recommended licensure requirements for special education/early childhood was also presented to the

Special Education Advisory Task Force of the Board of Teaching by MCEC/DEC.

In October of 1980, the Minnesota Early Childhood Teacher Educators Association (MECTE) endorsed the proposed license. During this two year period the content of the proposed license was discussed and revised to reflect the position of MCED/DEC and MECTE. The final draft of the proposed license did incorporate and does reflect the position of MCEC/DEC and MECTE.

In addition, the Special Education Advisory Task Force of the Board of Teaching solicited comments from the field on the draft licensure proposal and as a result incorporated changes proposed by the Minnesota Children's Lobby, Minnesota Association for Children with Learning Disabilities, Minnesota Speech-Language and Hearing Association, and Mankato State University: Special Education Department.

Subdivision B. is needed to specify the unique and essential knowledge, skills, and understandings required of teachers of special education: early childhood.

A general theme throughout subdivision B. is provision of equal emphasis in preparation related to normal development, birth through five years, and development which includes handicapping conditions in children birth through five years. This emphasis exists because of the recognition of the great variation in development of all children birth through five years.

These unique and essential knowledge, skills, and understandings are necessary for the following specific reasons:

1. Teachers of special education: early childhood need to understand typical and atypical development in the specific areas enumerated in B.1. to facilitate appropriate developmental progress and to recognize significant variations from the norm.

2. Section B.2. is necessary in order to equip the teacher to effectively deal with the wide range and degree of handicapping conditions potentially present in a special education: early childhood class.

3. The requirements of section B.3. are necessary so that the teacher can accountably provide critical initial assessment and continuous assessment information on children being evaluated pre-program and/or in-program.

4. Section B.4. specifies the necessary skills teachers need to teach preschool children with handicapping conditions as well as manage necessary related components of the preschool program.

5. Special education: early childhood teachers need the skills set forth in section B.5. because each preschool child's "primary placement" is the family.

6. Section B.6. is needed to provide teachers with the specified practicum experiences to further develop and establish all the above-cited skills with preschool children within and outside normal developmental limits.

Subdivision C. is necessary in order to provide a reasonable means whereby persons currently teaching in the field of early childhood special education without a license in this field will have their teaching experience and teacher preparation

in early childhood special education evaluated in relationship to the requirements for licensure in special education: early childhood. Institutions seeking approval from the Board of Teaching for this special education teacher preparation program shall be expected to apply relatively consistent and uniform criteria in the evaluation of previous teaching experience and previous teacher preparation of teachers currently employed in the field of early childhood special education.

Subdivision D. sets forth standards for provisional licensure in this field. Provisional licensure is necessary to provide a reasonable system whereby persons currently teaching without a license in special education: early childhood will be able to be granted an initial provisional license based upon the completion of minimal preparation in this field. This minimal preparation may include previous teaching experience and/or previous teacher preparation. This system for provisional licensure will provide assurance to the Board of Teaching that persons possess the minimal knowledge, skills, and understandings for issuance of the first provisional license and are required to meet entrance licensure requirements through a reasonable and systematic process.

The Board believes that all teachers of early childhood special education must eventually meet the licensure requirements set forth in this rule and, therefore, have placed a reasonable termination date on the issuance of provisional licensure. Preparation in the field of early childhood special education is currently available across the state at five universities as well as the University of Minnesota. A total of eight teacher preparing institutions have submitted federal grants to fund both inservice and preservice preparation in the field of early childhood special education. The geographical dispersement of the institutions currently providing preparation and those who are seeking funding to begin providing the preparation will assure that all areas of the state will have the required preparation available to meet the preservice and inservice needs state-wide.

While some persons may believe that teaching experience in the field of early childhood special education qualifies them to be granted entrance or continuing licensure in special education: early childhood, the Board of Teaching contends that it is imperative that all persons granted entrance or continuing licensure in this field demonstrate the unique and essential knowledge, skills, and understandings required by this rule, and that the system for demonstrating such requirements is reasonable.

Subdivision E. provides for issuance and renewal of continuing licenses in accordance with current standards and procedures set forth by the Board of Teaching.

Subdivision F. provides for an effective date for this rule which has been established which provides sufficient time for teacher preparing institutions to develop and submit for approval licensure programs in accordance with this rule.

5 MCAR § 3.0909 Developmental/Adapted Physical Education.

Subdivision A. sets forth the requirements for licensure to teach developmental/adapted physical education. At the present time, no licensure exists in this field. The proposed rule is designed to implement licensure standards for persons who specialize in providing instructional services for handicapped and special needs students in the physical education program. M.S. 126.02 requires that: "Every pupil attending any public school insofar as he or she is

physically fit and able to do so shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils." This means that all pupils must be provided an appropriate physical education program whether it is in a regular, modified, or segregated program. During the school year 1980-81, approximately 100 teachers were assigned to developmental/adapted physical education programs, serving approximately 2,200 students, even though these persons were not licensed as teachers of developmental/adapted physical education.

Physical education is an integral part of the total education program as it contributes to the development of an individual through the natural medium of physical activity/human movement. Physical education goals include concern for the cognitive, social/emotional and psychomotor domains. It is a carefully planned sequence of learning experiences designed to fulfill the growth, development, and behavior needs of each student. The physical education program is designed to:

1. foster vigorous physical activity and the improvement of physical fitness
2. develop motor skills,
3. foster creativity,
4. emphasize safety,
5. motivate expression and communication,
6. promote self-understanding and acceptance of self and others,
7. stimulate social development.

Within the physical education body of knowledge that has been designed for the general population there is a need to adapt or modify components of the program to meet unique needs of handicapped and special needs students. A developmental/adapted physical education program is one that considers growth and experience of the students. Based on this information, appropriate placement and adaptation of the physical education program is made so participation and learning occurs. The developmental/adapted physical education program must be designed to:

1. provide equitable physical education programs for all,
2. assure handicapped and special needs students an opportunity to participate in the physical domain addressing individual needs and abilities,
3. utilize a multi-disciplinary team in program planning,
4. provide a range of services including regular, modified or segregated programming with appropriate planning, program development, and progress evaluation.

Developmental/adapted physical education crosses all components of a total physical education program. Limited information regarding developmental/adapted physical education is included in the body of knowledge required in the preparation of physical education teachers (5 MCAR § 3.072). Currently, elementary classroom teachers and special education teachers have had a minimum of one course relating to physical education. This is insufficient for providing a comprehensive physical education program, let alone coping with specialized instruction for an adapted physical education program with all its complexities.

Presently a physical education teacher is well versed in the components of a physical education program and qualified to teach a comprehensive program to the general population. As noted above, limited preparation is provided to help instructors adapt or modify physical education program components to meet the needs of handicapped or special needs students. At this time, a minimum of one course addresses adapted physical education. This does not give physical education teachers adequate knowledge, understanding, appreciation, and skills to determine motor problems, and abilities students with unique needs demonstrate. Therefore, additional preparation is needed .

Developmental/adapted physical education is a distinct area of emphasis in physical education and involves all components of the program. Personnel prepared in the body of knowledge in physical education do not have sufficient information or preparation to provide consultation or instruction in a developmental/adapted physical education program.

Physical education teachers in secondary schools are prepared according to the present rules in physical education (5 MCAR § 3.072). They have not had sufficient emphasis in developmental/adapted physical education. This applies to teachers already in the field who are licensed as physical educators as well as those currently in preparation.

Elementary classroom teachers or special education teachers who teach in self-contained classrooms are eligible to teach the physical education program to their own classes if this is the model of service in their district. Preparation in the physical domain for elementary or special education elementary teachers involves one course in physical education which means that their knowledge is extremely limited. Should their district require them to teach physical education to students who are not a part of their class, then they would need appropriate preparation and licensure.

A comprehensive, quality, physical education program cannot be learned from one course. Neither can a physical education teacher acquire sufficient skills to work in the developmental/adapted physical education area with one adapted course included in their preparation. Therefore, physical education teachers who will be consulting or teaching developmental/adapted physical education must meet the proposed special license requirements (5 MCAR § 3.0909). Since the proposed license is based on the physical education major (5 MCAR § 3.072), elementary or special education staff would need preparation in the body of knowledge for physical education plus the proposed developmental/adapted physical education requirements for licensure.

The proposed license requirements are essential to assure that equal, relevant, and quality physical education programs are developed and implemented for handicapped and special needs students. Requirements are reasonable as they were identified and critiqued over a three year period of time in cooperation with

personnel presently working in the field and have been determined to be minimum, essential requirements for licensure.

Subdivision B. is needed to specify the unique and essential knowledge, skills, and understandings required of teachers of developmental/adapted physical education. These requirements include theoretical foundations of developmental/adapted physical education, and the organization and management of instruction for handicapped and special needs students from pre-kindergarten through grade twelve.

The developmental/adapted physical education teacher must be prepared to perform the following functions, depending on program needs in the school district:

1. Consult with school administration about specialized programming for handicapped or special needs students considering:

   a. Selection of teachers for a developmental/adapted physical education program.

   b. Development and implementation of a program.

   c. Evaluation and coordination of a program.

   d. Inservice education sessions for other teachers and administrators.

2. Assess and evaluate the physical and motor status of individuals with a variety of handicapping conditions.

3. Participate in team conferences to develop IEPs.

4. Modify and adapt components of the physical education program.

5. Provide supportive and consultative services to physical education teachers, regular elementary teachers and special education teachers at the elementary level.

6. Provide direct instruction to handicapped students as needed in individual or group settings.

Subdivision C. is necessary in order to provide a reasonable means whereby persons currently teaching in the field of developmental/adapted physical education without a license in this field will have their teaching experience and teacher preparation in developmental/adapted physical education evaluated in relationship to the requirements for licensure in developmental/adapted physical education. Institutions seeking approval from the Board of Teaching for this teacher preparation program shall be expected to apply relatively consistent and uniform criteria in the evaluation of previous teaching experience and previous teacher preparation of teachers currently employed in the field of developmental/adapted physical education.

Subdivision D. sets forth standards for provisional licensure in this field. Provisional licensure is necessary to provide a reasonable system whereby persons currently teaching without a license in developmental/adapted physical education will be able to be granted an initial provisional license based upon the completion of minimal preparation in this field. This minimal preparation

may include previous teaching experience and/or previous teacher preparation. This system for provisional licensure will provide assurance to the Board of Teaching that persons possess the minimal knowledge, skills, and understandings for issuance of the first provisional license and are required to meet entrance licensure requirements through a reasonable and systematic process.

The Board believes that all teachers of developmental/adapted physical education must eventually meet the licensure requirements set forth in this rule and, therefore, have placed a reasonable termination date on the issuance of provisional licensure. Preparation in the field of developmental/adapted physical education is currently available in several teacher preparing institutions which will be available to meet preservice and inservice needs state-wide.

While some persons may believe that teaching experience in the field of developmental/adapted physical education qualifies them to be granted entrance or continuing licensure in developmental/adapted physical education, the Board of Teaching contends that it is imperative that all persons granted entrance or continuing licensure in this field demonstrate the unique and essential knowledge, skills, and understandings required by this rule, and that the system for demonstrating such requirements is reasonable.

Subdivision E. provides for issuance and renewal of continuing licenses in accordance with current standards and procedures set forth by the Board of Teaching.

Subdivision F. provides for an effective date for this rule which has been established which provides sufficient time for teacher preparing institutions to develop and submit for approval licensure programs in accordance with this rule.

5 MCAR § 3.050 Elementary Schools.

It is necessary to repeal 5 MCAR § 3.050 Elementary Schools, because the Board of Teaching has proposed new standards of licensure for elementary school classroom teachers.

5 MCAR § 3.054 Teachers in Middle Schools.

The need to amend this rule arises because the Board of Teaching has been made aware by the practicing profession of the necessity for clarity of language and the necessity to develop a means whereby practicing middle school teachers can obtain licensure as teachers in middle schools. The Board of Teaching believes that these amendments establish the necessary provisions to address these concerns.

Subdivision A. must be amended to more clearly define the requirements for licensure of teachers in middle schools. Such clarity of language is necessary to inform persons who seek such licensure and institutions which submit licensure programs for approval of these requirements.

Subdivision D. is necessary to provide a means whereby Minnesota colleges and universities may collaborate with local school districts to develop locally-based middle school licensure programs which meet the unique needs of local school districts. These programs must be designed in accordance with the requirements set forth in this rule. The need for such programs has been called

to the attention of the Board of Teaching by practicing teachers and administrators.

Subdivision E. requires that colleges and universities must evaluate previous teaching experience and/or previous teacher preparation for practicing classroom teachers who wish to be recommended for licensure as teachers in middle schools. This provision is necessary to ensure to practicing professionals that their experiences will be considered and evaluated in relationship to the standards for licensure.

Subdivision I. is necessary to define the extent to which secondary school classroom teachers, also licensed as middle school teachers, may teach in a middle school. It is reasonable to expect these persons to teach in the subjects or fields in which they are licensed.

Subdivision J. is necessary to define the extent to which elementary school classroom teachers, also licensed as middle school teachers, may teach in a middle school. It is reasonable to expect these persons to teach in the subjects or fields in which additional preparation has been completed.

Subdivisions K. and L. are necessary to provide a means by which persons who have been teaching in a middle school, as authorized by provision M. of this rule, to be granted licenses as teachers in middle schools. It is reasonable to determine that three years of teaching experience is an appropriate period of time for persons to demonstrate the ability to teach students in a middle school setting. Since the middle school is an organizational pattern determined by individual local school districts, districts which have established middle schools have provided inservice education for licensed elementary and secondary school classroom teachers to enable them to provide instruction to students within within this organizational pattern. It is reasonable to issue licenses valid for teaching in a middle school to those secondary school classroom teachers in the subjects or fields for which they hold licensure who have taught for three years in a middle school. It is reasonable to issue licenses valid for teaching in a middle school to those elementary school classroom teachers in the subjects or fields in which three years of teaching in a middle school have been completed.

Subdivision N. is necessary to provide for an immediate effective date for provisions K., L., and M. of this rule. These provisions must be in effect prior to July 1, 1983, the effective date of the remainder of the rule, in order to provide licensure for teachers who teach in existing middle schools.

Following is a list of persons who will testify on behalf of the Board of Teaching in support of the proposed adoption and amendment of rules governing requirements for elementary school classroom teachers, special education: core skill areas, special education: early childhood, developmental/adapted physical education, and teachers in middle schools:

5 MCAR § 3.050

Margery Harris, Teacher
St. Louis Park Public Schools
St. Louis Park, Minnesota

This testimony will emphasize the need to specify knowledge, skills, and understandings required of elementary school classroom teachers and will provide support for the components proposed in this licensure rule.

5 MCAR § 3.0901
5 MCAR § 3.0902
5 MCAR § 3.0909

Raleigh Huizinga, Member
Minnesota Board of Teaching
Wayzata, Minnesota

This testimony will emphasize the need to implement standards in critical areas of special education in which no licensure rules currently exist. This testimony will provide support for promulgating these rules at this time and for the reasonableness of the requirements specified in each rule.

5 MCAR § 3.054

Karsten Braaten, Member
Minnesota Board of Teaching
Sauk Rapids, Minnesota

This testimony will emphasize the need to amend this rule and to provide support for the provisions to clarify language and to provide a means to grant licenses to teachers who teach in existing middle schools.

BT-81-007-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF TEACHING

In the Matter of the Proposed Adoption of and Amendment of Rules of the Board of Teaching Governing Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Administrative Hearings at 9:00 a.m. on Saturday, June 6, 1981 in Room 83 of the State Office Building, St. Paul, Minnesota. Sheila Fishman, Special Assistant Attorney General, appeared as couunsel on behalf of the Minnesota Board of Teaching. Members of the Board present at the hearing were: Ray Olson, Phyllis Fredlund, Karsten Braaten, William Schneider, Sally Wolf, Freya Hanson, and Raleigh Huizinga. The hearing continued until all interested groups or persons had had an opportunity to testify concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4d and 4e (1980), this Report shall be available for review to all affected individuals upon request for at least five working days. Thereafter, the Board of Teaching shall, if it proposes to adopt the rule as recommended herein, submit the rule, together with the complete hearing record to the Attorney General and shall be responsible for notifying persons who have indicated that they wish to be notified of such filing. If the Board makes changes in the rule other than those recommended herein, it shall submit the rule with the complete hearing record to the Chief Hearing Examiner for a review of the changes prior to submitting it to the Attorney General for review.

Pursuant to Minn. Stat. § 15.0412, subd. 4d (1980), the Chief Hearing Examiner ordered an extension for the completion of this Report through August 7, 1981.

Based upon all the testimony, exhibits, and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On April 7, 1981, the Board of Teaching filed the following documents with the Chief Hearing Examiner:

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

2. On April 27, 1981, a Notice of Hearing and a copy of the proposed rules were published at 5 State Register 43, page 1684.

3. On April 29, 1981, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Board for the purpose of receiving such notice.

4. On April 29, 1981, the Board filed the following documents:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) The Statement of Need and Reasonableness.
(e) 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.
(f) A copy of the State Register containing the proposed rules.
(g) An Affidavit of Additional Notice.
(h) All materials received following a Notice of Intent to Solicit Outside Opinion published at 4 State Register 13, p. 532, October 1, 1979.
(i) The Petition requesting a rule hearing.

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

5. The record remained open through June 26, 1981 for the receipt of written comments and statements, the period having been extended by order of the 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 (1980).

7. Proposed 5 MCAR § 3.050, Elementary School Classroom Teachers, Grades 1-6, is a new rule which will replace the current rule governing elementary teacher licensure. The new rule enumerates the requirements for licensure with much more specificity than the current rule. Subparts B. and C. mandate course work in prescribed areas to assure that elementary teachers have a sound general education. The Minnesota Department of Education, the Minnesota Federation of Teachers (MFT), and the Minnesota Education Association (MEA) stated their support for the rule as proposed.

A. Several persons testified and/or submitted written comments in opposition to the student teaching requirement in the proposed rule. Luther H. Mueller, Dean of the Faculty at Concordia College, commented as follows:

> The section of the proposed rule which is being addressed is part 4b: "Student teaching, which shall consist of full school day experiences for one academic quarter or the equivalent thereof . . ."
>
> The Board's interpretation of this section is that the student teaching experience may be only that in which the experience is continuous for full days for one quarter or the equivalent of one quarter.
>
> Since 1963 Concordia College has successfully operated a state and nationally approved elementary teacher education program in which the student teaching experiences meet a time equivalency of full days for a full quarter which are not continuous, but are at both the junior and senior year level, some of which are full time; others being part-time.
>
> Concordia College firmly believes that this pattern of providing student teaching experiences is both philosophically and educationally sound and strenuously objects to being required to modify its program of student teaching merely to comply with a rule which cannot be demonstrated to be superior to the program currently employed.
>
> Concordia College is requesting that the expression "or equivalent" in the rule be interpreted to refer not only to the time element of one quarter, but that "or equivalent" refer to (sic) also to the concept of "full day" and that "one academic quarter" not necessarily mean continuous student teaching for the one quarter.

W. Donald Spring, president of the Minnesota Association of Colleges for Teacher Education (MACTE), recommended that the proposed student teaching requirement contained in § 3.050 C.4.b. be replaced with language taken from the current rule on the approval of teacher licensure programs, § 3.141 C.2., which reads:

> . . . Such persons are required to successfully complete a series of planned, supervised, and evaluated pre-student teaching and student teaching experiences for which specific learning objectives have been established. Instruction in methods of teaching and student teaching experiences shall be in the licensure field and at the licensure level for which those persons completing teacher licensure programs are to be recommended. . . . The student teaching experience may include student teaching in one or more licensure fields. Candidates to be recommended for licensure in K-12 subjects shall complete student teaching experiences in an elementary school and in a secondary school.

Mr. Spring commented that:

> It is unfair to impose one set of mechanics ("full school day," "one academic quarter," "all students," "minimum of one week") in an area where flexibility should be a basic premise. For example, no one has proved that collegiate programs are best organized by quarter as opposed to semester terms. Colleges on semester programs cannot meet these rigid mechanical requirements without either extending graduation requirements for prospective teachers beyond what is required in colleges on the quarter system or facing the wasteful expense in time and resources of dividing the semester for a relatively few teacher education students into a 10-week session followed by a special 6-week session of specially constructed courses.
>
> We want the best in student teaching experiences, but we are quite sure the best cannot be assured through mandating absolute time limits. Nor does scholarly research support such an approach; in a recent article in the Journal of Teacher Education, Vol. 31, No. 6 (Nov.-Dec. 1980), Kenneth M. Zeichner summarizes as follows:
>
> > . . . proposals which 'solve' problems of teacher education by merely scheduling more student time in classrooms rest upon the apparently untenable assumption that more time spent in that way will automatically make better teachers. The recent 'upsurge' in early field experiences, exemplified by several recent state mandates of additional clock hours in the field (e.g., in Illinois and Ohio) rests on shaky empirical grounds.
>
> We believe the language from 5 MCAR 3.141 will provide the flexibility needed in student teaching in the Elementary School Classroom Teacher rule.

Sheila Kaplan, Vice Chancellor for Academic Affairs of the State University System, commented in opposition to the specificity contained in the proposed rule. She stated:

> The Liberal Arts Component
>
> Subdivision B speaks to the general/liberal studies component of the curriculum. We have no objection to the first sentence of the provision that states that the liberal arts component should consist of one-third of the baccalaureate degree requirement. Such a statement guarantees that the student is exposed to the liberal arts.
>
> We do object, however, to the definition of that liberal arts component under 1, 2, and 3. The general/liberal studies component of a curriculum lies at the heart of the institutional program and determines and is determined by the philosophy of the institution. The faculty at the various institutions have re-

sponsibility for this core liberal arts curriculum and spend years formulating and refining this essential element of an undergraduate student's baccalaureate degree.

This liberal arts component is the key to diversity within higher education in Minnesota. We simply do not believe that it is appropriate for the Board of Teaching to encroach on this part of the educational program; therefore, we request that points 1, 2, and 3 under Subdivision B be deleted.

Curricular Specificity

The State University System requests that Subdivision C be modified because of its unnecessary curricular specificity. Such specificity goes far beyond the defining of minimum standards for the licensing of teachers and in fact determines curriculum for students on the various campuses.

We have no objection to outlining the broad areas (C 1-5) in rule to require that programs be comprehensive and that students be exposed to certain bodies of knowledge. We do object, however, to the Board's effort to define the specific content of these areas. Such excessive definition will lead to homogeneity in programs, and such homogeneity will serve neither the students in the programs, the employing districts, nor the State's children.

Ken Heinicke, Coordinator of Student Teaching at Concordia College, commented that elementary teacher student teaching experiences should be allowed in the seventh and eighth grades as well as grades one-six because non-public elementary schools structure the elementary program on a K to 8 basis.

B. The public comments cited above, along with others not specifically addressed in this Report, in the most part speak to issues of policy, not to the issues of need and reasonableness which are the critical elements in rule promulgation. Although teacher preparing institutions structured on a semester basis may have to revise their curricula to accommodate a continuous, one-quarter length student teaching requirement, the reasonableness of the curricula revision has been shown by the Board. The issue is really one of institutional preference rather than an inability to comply. The Board made many policy decisions in formulating the proposed rule, as authorized by Minn. Stat. §§ 125.05, subd. 1, and 125.185, subd. 4 (1980). All of the public comments addressed to this rule should be considered by the Board as the alternatives suggested may promote rule implementation and acceptance. The Hearing Examiner finds, however, that the need for and reasonableness of proposed 5 MCAR § 3.050 have been demonstrated.

8. Proposed 5 MCAR §§ 3.0901, 3.0902 and 3.0909 are new rules which implement licensure standards in the areas of special education in which no licensure rules currently exist. Section 3.0901, Special Education: Core Skill Areas, enumerates licensure requirements which will form the basis for all special education licenses. The Board is currently engaged in drafting specific license standards for several different special education areas. At this time, only two are being proposed for adoption because of the urgency for promulgation. Section 3.0902, Special Education: Early Childhood, sets forth the specific requirements, in addition to the Core Skill Areas, for licensure as an early childhoood special education teacher. Section 3.0909 sets forth requirements for licensure as a developmental/adapted physical education teacher. Both licensure rules and the Core Skill Rule outline with specificity the compentencies which must be included in programs submitted to the Board of Teaching for approval.

A. Two recurring objections were voiced regarding the adoption of all three of the special education rules. First, several persons argued that the degree of program specificity embodied in the rules is disadvantageous for preparing institutions because desirable diversity between programs will be effectively thwarted. Institutions will not be able to "tailor-make" their own programs and staffing problems may result from compliance with all program requirements. Second, because several more special education licensure rules will be proposed in the future, opponents argue it is premature to consider just these three when all will be interrelated and based upon the Core Skill rule.

B. The Department of Education supported the adoption of all three special education rules, but proposed that § 3.0902 be amended as follows:

> This office supports the adoption of this early childhood special education rule as both needed and raeasonable, with one suggested change. This rule is made necessary because of the adoption in recent years of legislation requiring special education services to be provided in the area of early childhood education. At the present time, no licensure exists in this field. Therefore, a teacher preparation rule is necessary in order that colleges and universities will have a framework within which to prepare special education: early childhood teachers to be licensed in this field.
>
> This rule, as proposed, includes a restriction on the age and grade level of the license. This office recommends that the restriction contained in 5 MCAR § 3.0902 A., A.3., and B. which limits teachers to teaching children ages birth-kindergarten be removed because handicapped children of kindergarten age or older often remain in an early childhood special education program until age 6, 7, or possibly 8 because that is the appropriate placement for them. The age and grade restriction infers that special education teachers licensed under this rule would not be qualified to continue to teach such children when, in fact, they may well be the best person to teach a particular child, based upon programming decisions made regarding the individual child.

"birth-kindergarten" reference deleted p. 9

C. A problem regarding provisional licensure in § 3.0902 and the effective date of the rule was raised by several persons. Ms. Judy Coulter commented that the manner in which the Department of Education is implementing variances for special education teachers may be inconsistent with the proposed rule up until the time it becomes effective. Consequently, the Board has proposed to amend the rule as follows:

> D.1. Provisional licensure. Effective January 1, 1982, a provisional two-year non-renewable license shall be issued to an applicant who holds a valid entrance, continuing, or life license, and provides evidence of completion of at least one year of teaching experience in a special education: early education program, as verified by the employing school official.

this language added p. 12

OR

> D.2. Provisional licensure. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years. Successive two-year renewals of provisional licensure in Special Education: Early Childhood shall be issued

to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2. and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

F. The provisions of D.1. of this rule shall remain in effect until July 1, 1985, at which time provision D.1. shall be repealed without further action by the Minnesota Board of T eaching. Effective July 1, 1985, all applicants for teacher licensure to teach special education: early childhood must meet the provisions of this rule.

this language added. p. 13

D. Ed Rapp, on behalf of the MFT, suggested that a grandpersoning clause be included in § 3.0902 and that the word "may" in subparts C. and D. be changed to "shall" to mandate credit for prior teaching experience and preparation.

not change p. 12.

E. Several persons commented that proposed § 3.0909 does not specify how much of a teacher's time must be spent in developmental, adapted physical education (DAPE) before special licensure in that area is required. Thomas Montelione argued that for teachers who spend only a small portion of their time in DAPE, supervision and consultation by a licensed DAPE instructor should be sufficient. Mr. Montelione, in conjunction with Daryl Miller, furnished the Board with a revised version of the rule, including clarifying amendments.

F. Ed Rapp also commented that § 3.0909 should be amended to allow teachers without DAPE licensure to teach handicapped students on an incidental or main-stream basis. Additionally, Mr. Rapp suggested that the word "may" in subparts C. and D. be changed to "shall" to mandate credit for prior teaching experience and preparation.

G. The Hearing Examiner finds that the need for and reasonableness of proposed 5 MCAR §§ 3.0901, 3.0902 and 3.0909, as amended in paragraph C., above, have been demonstrated by the Board. Pursuant to Minn. Stat. §§ 125.05, subd. 1, and 125.185, subd. 4 (1980), the Board of Teaching is authorized to set standards for the licensure of public school teachers. The degree of specificity of those standards is a policy decision which the Board is empowered to make, as long as the content of the standards can be shown to be both needed and reasonable. Any future promulgation of new special education rules must go through this same process, including the resubstantiation of the applicability of the Core Skill concept. The Examiner is not persuaded that it is unreasonable to adopt these three rules at this time, absent the remainder of the special education rules. Additionally, there is sufficient evidence in the record to show that staffing these programs will not be a serious problem for preparing institutions.

The Hearing Examiner does, however, recommend that the Board reconsider the areas of concern expressed in paragraphs B., D., E., and F., above before taking final action on these rules.

see changes on p. 12 + 13

9. The amendments proposed to 5 MCAR § 3.054, Teachers in Middle Schools, clarify the standards set forth in the rule and establish a means whereby practicing middle school teachers can obtain relicensure as teachers in middle schools. Support for these rule amendments was expressed by the Department of Education, the MEA and the MFT.

A. The major objection to the proposed amendments was the provision that elementary or secondary school teachers, relicensed as middle school teachers, are restricted to teach only those subjects which they taught or were licensed to teach prior to relicensure. Mary Alexander, Pat Nelson, Larry Putbrese, and Rudolph Majerle, all argued that this restriction will result in departmentalization of instruction, which is adverse to the middle school concept. Also, the reasonableness of three years of teaching experience prior to grandpersoning was questioned by Ms. Alexander and Mr. Majerle.

B. The Board responded in support of the subject matter restriction as follows:

> With regard to testimony presented by Mary Alexander, Pat Nelson, Larry Putbrese, the proposal that elementary and secondary school teachers be licensed to teach any and all subjects in the middle school is in the view of the Board unreasonable. Under such a provision all school administrators under negotiated contracts could assign teachers to teach any subject whether or not that teacher had any preparation at all in that field. The Board contends, as stated in the Statement of Need, that the proposed amendments to 5 MCAR § 3.054 reasonably define the extent to which teachers who are licensed either as elementary school classroom teachers or secondary school classroom teachers may teach subjects in a middle school.

C. The Hearing Examiner finds that the need for and reasonableness of the amendments proposed to 5 MCAR § 3.054 have been demonstrated by the Board. The appropriateness of the subject matter restriction discussed above is a policy decision made by the Board when the amendments were drafted. The Examiner is not persuaded that that decision or the three-year teaching experience requirement are so arbitrary as to be unreasonable. However, that is not to say that one or two years of teaching experience may not be as reasonable.

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

CONCLUSIONS

1. That the Board of Teaching gave proper notice of the hearing in this matter.

2. That the Board has fulfilled the procedural requirements of Minn. Stat. § 15.0412, subd. 4-4f (1980) and all other procedural requirements of law or rule.

3. That the Board has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 15.0412, subd. 4e and 15.052, subd. 3(4)(i) and (ii) (1980).

4. That the Board has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. § 15.0412, subd. 4c (1980).

5. That the amendment to the proposed rules which was suggested by the Board after publication of the proposed rules in the State Register, set forth in Finding 8.C., does not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 15.0412, subd. 4d (1980) and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.).

6. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

7. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Board of Teaching from further modification of the rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

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

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 29 day of July, 1981.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

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ADMINISTRATIVE
HEARINGS

Minnesota Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Governing the Licensure of Elementary School Classroom Teachers, Licensure of Teachers in Middle Schools, Procedures for the Issuance of Life Licenses, Procedures for the Revocation or Suspension of Minnesota Teaching Licenses, Letters of Approval for Teachers to Teach Subjects or Fields for Which Current Valid Minnesota Licensure is not Held, Procedures for the Voluntary Surrender of Minnesota Teaching Licenses.

Notice is hereby given that the Minnesota Board of Teaching is considering adopting and/or amending rules governing the licensure of Elementary School Classroom Teachers, Licensure of Teachers in Middle Schools, Procedures for the Issuance of Life Licenses, Procedures for the Revocation or Suspension of Minnesota Teaching Licenses, Letters of Approval for Teachers to Teach Subjects or Fields for Which Current Valid Minnesota Licensure is not Held, Procedures for the Voluntary Surrender of Minnesota Teaching Licenses.

The proposed rules are authorized by Minnesota Statutes § 125.05 Subd. 1 and § 125.185 Subd. 4 (1980), which authorizes the Board to establish reasonable standards for the licensure of teachers. The proposed rules would establish reasonable standards and procedures related to the issuance of the licenses to teach in the State of Minnesota.

All interested or affected persons or groups may submit information related to the above cited proposed rules. Written or oral information and comment should be addressed to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written material received by the Board related to the above cited proposed rules shall become part of the hearing record in the event that the proposed rules governing these subjects are promulgated.

/Kenneth L Peatross

Kenneth L. Peatross, Executive Secretary

Date: February 5, 1981

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Ray C. Olson, do hereby certify that I am 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 of Teaching duly and properly called and held on the 20th day of March, 1981; that a quorum was present at said meeting; and that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that 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 governing the licensure of Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools, as well as perform any and all acts incident thereto, including but without being limited thereto, signing an Order for Hearing and Notice of Hearing, as well as securing a Hearing Examiner for all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of March, 1981.

Ray C. Olson Jr.
Chairman, Minnesota Board of Teaching

Kenneth L. Peatross
Attest by one other officer

BT-81-007-PE

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ADMINISTRATIVE
HEARINGS

State of Minnesota
Board of Teaching

IN THE MATTER OF: The Proposed Adoption and Amendment of Rules of the Board of Teaching Governing Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

Order for Hearing

IT IS HEREBY ORDERED THIS 2nd day of April, 1981, that a public hearing on the proposed rules captioned above be held in the State Office Building, Room 83, 435 Park Street, St. Paul, Minnesota 55155 on June 6, 1981, commencing at 9:00 a.m. and continuing until all representatives have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the Minnesota Board of Teaching for that purpose and be published in the State Register.

State of Minnesota
Board of Teaching

Kenneth L Peatross

Kenneth L. Peatross, Executive Secretary

BT-81-004-PE

State of Minnesota
Board of Teaching

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ADMINISTRATIVE
HEARINGS

In the Matter of Proposed Adoption and Amendment of Rules of the Board of Teaching Governing Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/ Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

Notice of Hearing

A public hearing concerning the proposed rules will be held at State Office Building, Room 83, 435 Park Street, St. Paul, Minnesota 55155 on June 6, 1981, commencing at 9:00 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process. 1 5b

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. 2 Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George Beck, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, MN 55104, telephone (612) 296-8108 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner. 5a 7a 7b 11

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge. 9

The Board's statutory authority to promulgate the proposed rules is provided by Minn. Stat. § 125.05, subd. 1 (1980) and Minn. Stat. § 125.185, subd. 4 (1980). 4

The Board estimates that there will be no cost to local bodies in the State to implement the rules for two years immediately following its adoption 10

within the meaning of Minn. Stat. § 15.0512, subd. 7 (1978).

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Board may not take any final action on the rules for a period of five 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. If you desire to be so 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 Hearing Examiner's Report, or to the Board, in the case of the Board's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) 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 one 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5616.

State of Minnesota
Board of Teaching

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary

Date:

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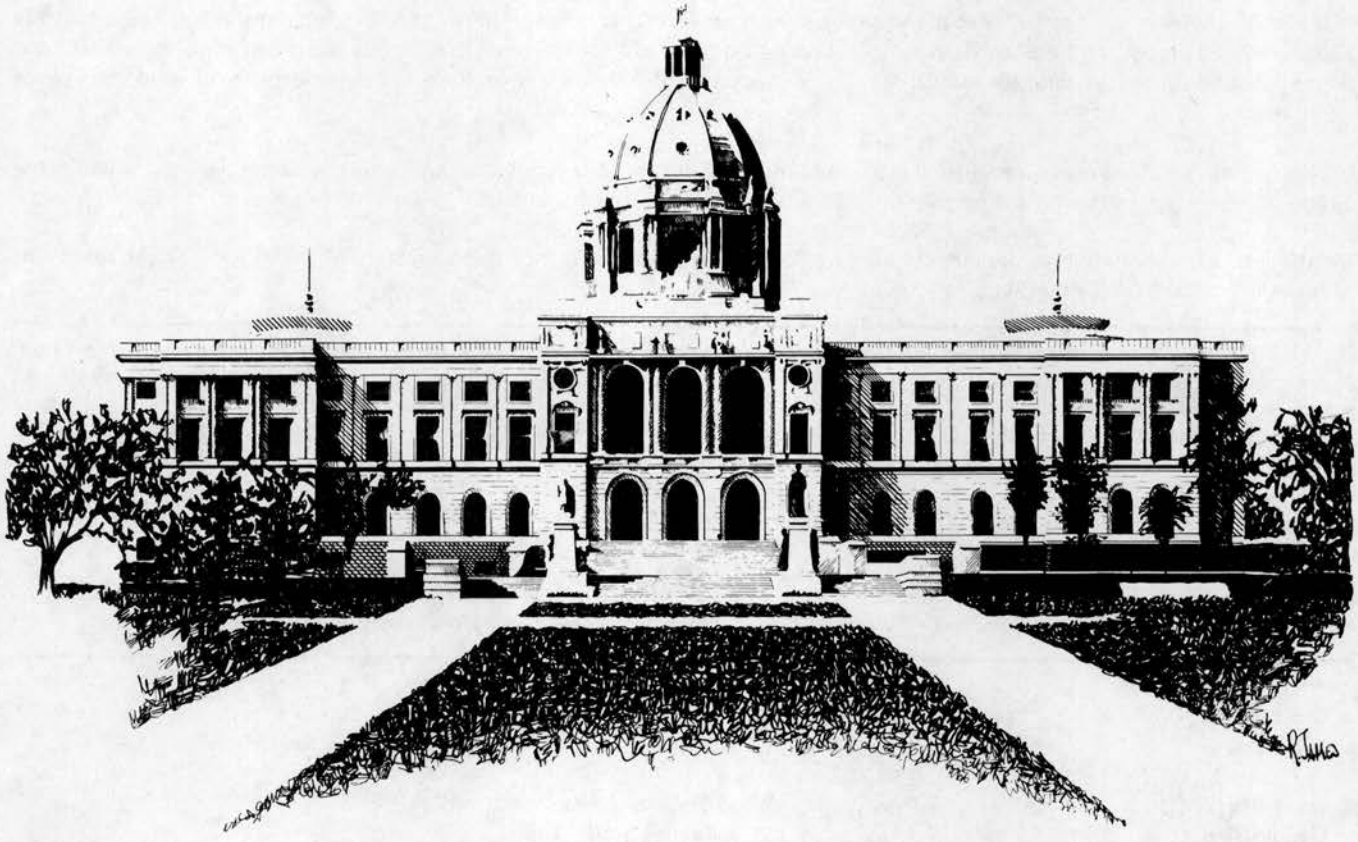
MAY 15 1981
ADMINISTRATIVE
HEARINGS

STATE REGISTER

STATE OF MINNESOTA



VOLUME 5, NUMBER 43

April 27, 1981

Pages 1651-1702

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 5		
44	Monday Apr 20	Monday Apr 27	Monday May 4
45	Monday Apr 27	Monday May 4	Monday May 11
46	Monday May 4	Monday May 11	Monday May 18
47	Monday May 11	Monday May 18	Monday May 25

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $120.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $2.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Albert H. Quie
Governor

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Commissioner
Department of Administration

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Director
State Register and
Public Documents Division

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION.** Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative lisitngs of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
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PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Capitol Area Architectural and Planning Board

Proposed Capitol Area Zoning and Design Rules

Notice of Hearing

Notice is hereby given that a public hearing on the abovecaptioned matter will be held at Cable Communications Building, 500 Rice Street, Saint Paul, MN, commencing at 9:30 a.m. on May 28, 1981, and continuing until all persons have had an opportunity to be heard.

Through this proceeding, the board will comprehensively amend and update its zoning rules for the Capitol Area. Rule changes include amendments to existing rules regarding definitions, zoning districts, permitted uses, building height and setback, parking, signage, accessory building, visual screens, administration and enforcement, and exceptions. Additionally, new rules establishing variance procedures and standards for the review of the design of buildings and structure within defined visual corridors are being proposed.

One free copy of these proposed rules may be obtained by writing the Capitol Area Architectural and Planning Board, Room 400 S.W., State Office Building, St. Paul, Minnesota 55155. Additional copies of these proposed rules will be distributed at the May 28th hearing.

The statutory authority of the Board to adopt these rules is provided in Minn. Stat. § 15.50, subd. 2 (1980).

Notice: The proposed rules may be modified as the result of the hearing process. The board therefore strongly urges those who are potentially affected in any manner by the proposed rules to participate in the hearing process.

All interested or affected persons will have an opportunity to participate concerning the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearings, written statements or material may be submitted to Hearing Examiner Richard Luis, Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within five (5) working days after the close of the hearing, unless the Hearing Examiner orders at the hearing that the record will remain open for a longer period not to exceed twenty (20) calendar days. All such statements will be entered into and become part of the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, in order to save time and avoid duplication, it is suggested that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearings shall be governed by the rules of the Office of Administrative Hearings, Minn. Stat. §§ 15.0411-15.0417 and 15.052 and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). Questions relating to procedures may be directed to Hearing Examiner Richard Luis.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the board may not take any final action on the rules for a period of five 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. If you desire to be so 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 Hearing Examiner's Report), or to the board (in the case of the board's submission or resubmission to the Attorney General).

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone: (612) 5615.

April 13, 1981

Lou Wangberg
Chairman

Amendments as Proposed

Chapter One: Title and Purpose

CAAPB ~~CAAPC~~ **101 Title.** "These ~~regulations~~ rules shall be known and may be cited as the "Capitol Area Zoning and Design ~~Regulations~~ Rules."

CAAPB ~~CAAPC~~ **102 Purposes.** These ~~regulations~~ rules are adopted by the Capitol Area Architectural and Planning ~~Commission~~ Board to further the statutory purposes of the ~~Commission~~ board as stated in ~~Minnesota Statutes Section 15.50~~ Minn. Stat. § 15.50.

A. ~~(a)~~ to preserve and enhance the dignity, ~~and~~ beauty, and architectural integrity of the Capitol, ~~and~~ the buildings immediately adjacent to it, the Capitol grounds, and the Capitol area;

B. ~~(b)~~ to protect, enhance, and increase the open spaces within the Capitol Area when deemed necessary and desirable for the improvement of the public enjoyment thereof;

C. ~~(c)~~ to develop proper approaches to the Capitol Area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and

D. ~~(d)~~ to establish a flexible framework for growth of the Capitol buildings which will be in keeping with the spirit of the original design.

Chapter Two: Definitions

[In rules 202-204, 213, 215, 231-239, 242-244, 246-251, the only changes are: ~~CAAPC~~ to CAAPB, ~~Commission~~ to Board, and ~~regulations~~ to rules.]

CAAPB 200 ~~Unless a different meaning is clearly indicated by the context,~~ For the purposes of these rules, the terms defined below shall have the meanings ascribed to them.

CAAPB ~~CAAPC~~ **201 Accessory use:** A use which is incidental to, customarily found in connection with, and (except in the case of off-street parking spaces and loading) located on the same zoning lot as, the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Accessory uses include, but are not limited to, the following:

[CAAPC 201 a.-c. Reletter as CAAPB 201 A.-C.]

D. ~~d.~~ Storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

~~e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.~~

[CAAPC 201 f. Reletter as CAAPB 201 E.]

~~CAAPC 205. Billboard. An advertising sign over sixteen (16) square feet in area.~~

[CAAPC 206 Renumber as CAAPB 205.]

CAAPB 206 ~~CAAPC 207~~ Board. ~~The Board of Zoning Appeals for the Capitol Area~~ The Capitol Area Architectural and Planning Board, as created by Minn. Stat. § 15.50, subd. 1.

[CAAPC 209 Renumber as CAAPB 208.]

CAAPB 209 ~~CAAPC 210~~ Capitol area. As defined in ~~M.S. 1969, Section 15.50, subd. 2, as amended by Laws 1971, Chapter 25, sec. 9,~~ Minn. Stat. § 15.50, the Capitol Area consists of that area of the City of St. Paul within the following boundaries:

"Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin . . .

CAAPB 210 Clinic. An establishment where human patients who are not lodged overnight are admitted for examination and/or treatment by a group of physicians, dentists, or similar professionals.

~~CAAPC 211: Commission: The Capitol Area Architectural and Planning Commission created by M.S. 1967, Sec. 15.50, subd. 1.~~

CAAPB 211 Club or lodge. Building or premises used for associations of an educational, fraternal or social character, not operated or maintained for profit. This term shall not include churches, synagogues, or other houses of worship.

CAAPB ~~CAAPC~~ 212 Comprehensive plan. The plan adopted by the Capitol Area Architectural and Planning ~~Commission~~ Board pursuant to Minn. Stat. § 15.50, subd. 2 ~~on August 13, 1970,~~ including any unit or part of that plan and any amendment to that plan or parts thereof.

CAAPB ~~CAAPC~~ 214 Curb level. The mean level of a curb adjoining a zoning lot. On corner lots, curb level is the average of the mean levels of the adjoining curbs on the intersecting streets. Where no curb level has been established, the ~~Chief Engineer~~ Department of Public Works of the City of St. Paul shall establish such curb level, or its equivalent.

~~CAAPC 216 Drive In: A restaurant where food or beverages are sold to the customer in a ready to consume state primarily for consumption off the premises, or where facilities are provided for consumption of the food or beverages in an automobile parked upon the premises.~~

CAAPB 216 ~~CAAPC 217~~ Dwelling unit. A building or portion thereof, designed for occupancy by one ~~household~~ family for residential purposes and having cooking facilities.

[CAAPC 218-223 Renumber as CAAPB 217-222.]

CAAPB 223 ~~CAAPC 224~~ Family. ~~One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.~~ One or more persons living as a single housekeeping unit in a dwelling.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

[CAAPC 225-229 Renumber as CAAPB 224-228.]

CAAPB 229 ~~CAAPC 230~~ **Home occupation.** An occupation or business carried on in a dwelling by the resident thereof, not involving retail or manufacturing business, and employing no persons other than members of the immediate family residing on the premises, except one (1) ~~receptionist or office~~ ~~assistant~~ ancillary employee; including but not limited to the businesses and occupations of doctors, ministers, architects, lawyers, dentists, authors, artists, musicians, and other similar occupations.

CAAPB 230 **Housing for the elderly.** A multiple-family structure controlled by either a public body, institutional body, or a non-profit corporation, eighty (80) percent of whose occupants shall be sixty-five (65) years of age or over.

[CAAPC 240 and 240 a.-c. Reletter as CAAPB 240 and 240 A.-C.]

CAAPB ~~CAAPC~~ 241 **Lot of record.** A parcel of land, the dimensions of which are shown on a document or map on file with the County ~~Registrar~~ Register of Deeds or in common use by state or municipal or county officials, and which actually exists as so shown.

CAAPB ~~CAAPC~~ 245 **Non-conforming building or sign.** A building or portion thereof or a sign lawfully existing at the effective date of these ~~regulations~~ rules, or amendments thereto, and that does not conform to the provisions of ~~the regulations~~ these rules pertaining to the district in which it is located.

CAAPB 252 **Principal building.** A building in which is conducted the principal use of the zoning lot upon which it is situated.

CAAPB 253 **Principal use.** The main use to which the premises are devoted and the principal purpose for which the premise exists.

CAAPB 254 **Restaurant.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within a building.

CAAPB 255 **Restaurant, drive-in.** A business establishment whose principal business is the selling of food, frozen desserts, or beverages to the customer in a ready-to-consume state, in individual servings, and where the customer consumes these foods, frozen desserts, or beverages in an automobile parked on the premises.

CAAPB 256 **Restaurant, fast food.** A business establishment whose principal business is the selling of pre-prepared, quick-order, and packaged foods in a ready-to-consume state, packaged in non-returnable, disposable containers or wrappings, and where the customer may consume these foods while seated at tables or counters located within a building.

CAAPB 257 ~~CAAPC 252~~ **Room.** For the purposes of determining lot area, requirements, and density in a multiple-family residential district, a living room, dining room, and bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2, or 3-bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purposes of computing density.

[CAAPC 253 Renumber as CAAPB 258.]

CAAPB 259 ~~CAAPC 254~~ **Sign.** ~~A placard, board, or similar device publicly displayed for the purpose of providing~~ The use of words, numerals, figures, devices, designs, or trademarks which purpose is to show or advertise a person, firm, profession, business, service, product, message, or provide information, warnings, or directions, including the following kinds of signs:

A. ~~a.~~ Accessory sign: A sign which pertains to the principal use of the premises.

B. ~~b.~~ Advertising sign: A non-accessory sign ~~relating~~ related to an activity, service, or business not carried out on the premises upon which the sign is placed.

C. Billboard: An advertising sign over sixteen (16) square feet in area.

[CAAPC 254 c. Reletter and Renumber as CAAPB 259 D.]

[CAAPC 254 d. (1) and (2) Reletter and Renumber as CAAPB 259 E. 1. and 2.]

[CAAPC 254 e.-h. Reletter and Renumber as CAAPB 259 F.-I.]

J. ~~i.~~ Identification and name place: A business sign stating the name of a person, firm, institution, or name or description of a certain permitted use.

K. Marquee: A permanent roofed structure attached to and supported by the building and projecting over public right-of-way.

L. ~~j.~~ Non-accessory sign: A sign which does not pertain to the principal use of the premises.

M. Political sign: A temporary sign which displays information pertaining to an uncoming governmental district, city, county, state or national election.

[CAAPC 254 k.-o. Reletter and Renumber 259 N.-R.]

S. ~~p.~~ Temporary sign: A sign other than a political sign intended to be displayed for a short time for special events.

[CAAPC 255-259 Renumber as CAAPB 261-265]

CAAPB 266 Underground structure: Any completed building designed to be built partially or wholly below grade. A completed structure which was not intended to serve as a substructure or foundation of a building.

[CAAPC 260-261 Renumber as CAAPB 267-268; CAAPC 261 a.-c. Renumber as 268 A.-C.]

CAAPB ~~CAAPC 262~~ 269-299 are reserved for future use.

Chapter Three: Zoning Districts

CAAPB ~~CAAPC~~ 301 Districts established. The following zoning districts for the Capitol Area are hereby established:

A. ~~a.~~ Governmental District (G-1).

B. Governmental District (G-2).

C. ~~b.~~ Medium-Density, Multiple-Family Residential District (RM-2).

D. ~~c. Local~~ Community Business District ~~(B-1)~~ (B-2).

E. ~~d.~~ Office-Service District (OS-1).

F. ~~e.~~ Planned Unit Development District (PD).

G. Mixed Use District (MX).

CAAPB ~~CAAPC~~ 302 Zoning map. The Capitol Area is hereby divided into zoning districts as shown on the official zoning map entitled "Zoning Districts for the Capitol Area." Such map and any amendments with all explanatory matter therein, are hereby made a part of these ~~regulations~~ rules.

CAAPB ~~CAAPC~~ 303 Boundaries. Where uncertainty exists with respect to the boundaries of any of the districts established in these ~~regulations~~ rules as shown on the official Capitol Area Zoning District Map, the following ~~rules~~ shall ~~be applied~~ govern:

[CAAPC 303 a.-c. Reletter to CAAPB 303 A.-C.]

D. ~~d.~~ Where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, the exact location of district boundary lines shall be determined by the board ~~of Zoning Appeals for the Capitol Area~~ upon the written application of a property owner or upon its own motion.

Chapter Four: Use Regulations

CAAPB ~~CAAPC~~ 401 Uses permitted.

A. ~~a.~~ Except as otherwise provided by these ~~regulations~~ rules, no building or tract of land shall be devoted to any use other than a principal use or a conditional use permitted in the zoning district in which such building or tract of land is located.

~~b.~~ A principal use shall be permitted upon the finding by the ~~Commission~~ board that the proposed use is:

[Reletter (a) and (b) to 1. and 2.]

[Reletter (c) and (i) as B. and 1.]

2. ~~(ii)~~ Will not adversely affect the beauty, ~~and~~ dignity and architectural integrity of the Capitol Area; and

3. ~~(iii)~~ Will be established pursuant to the conditions and requirements for such uses enumerated in these ~~regulations~~ rules and such additional conditions and requirements as the ~~commission~~ board may impose to insure compliance with sub paragraphs ~~(i)~~ 1. and ~~(ii)~~ 2. above.

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[CAAPC 402 a.-g. Reletter as CAAPB 402 A.-G.]

H. ~~h.~~ Accessory buildings, structures, and uses. Outside storage is prohibited.

[CAAPC 403 Reletter as CAAPB 403]

A. ~~a.~~ Retail and service establishments, exhibition space, museums, historical and cultural centers, tourist information facilities, and other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of State Government and to provide adequate public access thereto.

CAAPB 404 Governmental district (G-2); principal uses. Permanent open spaces which preserve and enhance the Capitol Area shall be permitted in the Governmental District (G-2). Such uses shall include, but not be limited to, lawns, gardens, landscaped areas, and plazas.

CAAPB 405 Governmental District (G-2); conditional uses. Underground structures containing uses as regulated in G-1 zone, provided that the following criteria are met:

A. Location and type of landscaping will preserve and enhance the Capitol Area.

B. Safeguards for erosion control are provided; these shall include, but not be limited to, landscaping and seeding of topsoil.

C. Proof that soil conditions will not cause damage to adjacent property shall be provided.

D. Only above ground uses which are essential to the operation of underground structures shall be permitted; these may include ventilation shafts. Said above ground accessory uses shall in no way detract from the Capitol Area.

E. At least seventy-five percent (75%) of surface areas shall be devoted to G-2 uses.

F. Vistas of the Capitol shall remain intact.

[CAAPC 404 a.-h. Renumber as CAAPB 406 A.-H.]

I. Churches, chapels, synagogues, temples, and other similar houses of worship.

[CAAPC 405 Renumber as CAAPB 407; Reletter a., (i), (ii); b.; c., (i), (ii); d., (i)-(vi); e., (i)-(iii); f.-i.; j., (i)-(iii); and k. as A., 1., 2.; B.; C., 1., 2., D., 1.-6.; E., 1.-3.; F.-I.; J., 1-3.; and K.]

L. Amateur radio station towers, subject to the following conditions:

1. Radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts shall not exceed seventy-five (75) feet above established grade.

2. Said towers shall be located only in the rear yard portion of the lot and shall be provided setbacks from side lot line equal to at least the greater of the two side yards required in these rules.

CAAPB 408 ~~CAAPC 406 LOCAL~~ Community Business District (B-1); principal uses. Only those uses which primarily serve the individual shopping and service needs of residents and employees within the Capitol Area and persons residing in nearby residential areas and which provide limited facilities for automobile access and parking shall be permitted as principal uses in a ~~Local~~ Community Business District. Such principal uses include but are not limited to, the following:

[a.-e., g. Reletter as A.-E., G.]

F. ~~f.~~ Restaurants and lounges, except drive-ins and fast-food restaurants.

CAAPB 409 ~~CAAPC 407 LOCAL~~ Community Business District ~~(B-1)~~ (B-2); Conditional uses. The following conditional uses shall be permitted pursuant to the provisions of ~~CAAPC~~ CAAPB 401 and subject to the conditions hereinafter imposed for each use:

[Reletter a.-i.; k., (i)-(iii); l.; and m. as A.-I.; K., 1.-3.; L.; and M.

J. ~~j. Restaurants,~~ ~~b~~Bars, drive-ins, fast-food restaurants, and similar establishments.

N. ~~n.~~ Motels, hotels, or other similar establishments, subject to the following conditions.

[Renumber (i) and (ii) as 1. and 2.]

O. ~~o.~~ Any combination of permitted and conditional uses for ~~Local~~ Community Business District when such uses are combined in a single structure or in connected or closely related structures and are located near a parking lot or lots specifically intended to provide parking for the customers and patrons of said uses.

P. All principal uses permitted in the Office-Service District (OS-1), excluding G-1 uses, when located on the second floor or above.

[Reletter p. as Q.]

[CAAPC 408 a.-e. Renumber as CAAPB 410 A.-E.]

F. All principal uses permitted in the Governmental District (G-1), as governed by CAAPB 403.

[CAAPC 409 a.-b., Renumber as CAAPB 411, A.-B.]

C. Those uses permitted as conditional uses in the Governmental District (G-1), CAAPB 403, subject to the conditions therein imposed for each use and pursuant to the provisions of CAAPB 401.

CAAPB 412 ~~CAAPC 410~~ Planned Unit Development District (PD); intent, establishment and principal uses. Upon application made to the ~~Commission~~ board, a Planned Unit Development District may be established by the ~~Commission~~ board upon final approval of a plan of development in the manner provided in these ~~regulations~~ rules. Such Planned Unit Development District may include all or part of one or more zoning districts and shall be the zoning district for the lot or lots included in the plan. Only those uses specified in the plan of development as finally approved by the ~~Commission~~ board shall be permitted in the Planned Unit Development District. The PD Planned Development District is intended to permit the private and/or public development or redevelopment of areas throughout the Capitol Area which shall be substantially in accord with the goals and objectives of the Comprehensive Plan. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while insuring adequate safeguards and standards for public health, safety convenience, and general welfare.

[CAAPC 411 Renumber as CAAPB 413.]

[CAAPC 412 a.-e. Renumber as CAAPB 414 A.-E.]

[CAAPC 413-414 Renumber as CAAPB 415-416]

CAAPB 417 Mixed Use District (MX); principal uses. Only those uses which are permitted as principal uses in the Medium-Density, Multiple-Family Residential District (RM-2), the Community Business District (B-2), and the Office-Service District (OS-1) shall be permitted as principal uses in a Mixed Use District.

CAAPB 418 Mixed Use District (MX); conditional uses. Only those uses which are permitted as conditional uses in the Medium-Density, Multiple-Family Residential District (RM-2), the Community Business District (B-2), and the Office-Service District (OS-1) shall be permitted as conditional uses in the Mixed Use District pursuant to the provisions of CAAPB 401 and subject to the conditions therein imposed as a conditional use in the RM-2, B-2 and OS-1 Districts.

Chapter Five: Area, Height, Bulk, and Setback Regulations

[In rules 501 and 502 Notes to Schedule of Regulations Chart, Notes A and B, the only changes made are: CAAPC to CAAPB, Commission to Board, and regulations to rules.]

CAAPB ~~CAAPC~~ 502 Requirements. The floor area ratio, lot coverage, height, yard setback, and size of lot in each zoning district shall be as set forth on the following chart. **[See p. 1662 of this issue.]**

~~Note C.~~

~~In Height District #2, multiple-family residential buildings less than four (4) stories in height shall conform to the area, bulk, and setback regulations for the RM 2 Height District #1.~~

Note ~~D.~~ C.

In ~~B-1~~ B-2 Business District, required ~~minimum~~ maximum floor areas may be ~~reduced~~ increased to encourage certain building features which produce public benefits as follows:

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CHART A: Schedule of Regulations Limiting Height, Bulk, Density, and Area by Zoning Districts.

Zoning District	Maximum Floor Area Ratio Permitted	Maximum % of Lot Coverage Permitted (Area of all structures)	Maximum Height of Bldg. or Structure Permitted. (Maximum elevation above sea level given. Specific heights will vary with ground elevation of each site)	Minimum Yard Setback (for lot in feet) Front	SIDES Least One	SIDES Total of Two	Rear	Minimum Size Lot Per Unit AREA (Sq. Ft.)	Minimum Size Lot Per Unit AREA (Feet)
Governmental District (G-1)	6.0	None	944.0 feet	~~0'~~ 5'	0'	0'	0'	None	None
Medium Density, Multiple-Family District (RM-2)									
~~A. Height District #1 (See Attached Map)~~									
1. One-Family Detached Dwelling	None	30%	944.0 feet	25'	4' (See also Notes A and B)	8'	35'	5,000	40'
2. Two-Family Dwelling	None	30%	944.0 feet	25'	9' (See also Notes A and B)	18'	25'	3,500	30'
3. Multiple-Family Dwelling	None	30%	944.0 feet	25'	½ ht. or 15' whichever is greater.	30' (See also Notes A and B)	25'	(See Note A)	(See Note A)
~~B. Height District #2 (See Attached Map)~~									
~~1. One-Family Detached Dwelling~~	~~None~~	~~30%~~	~~944.0 feet~~	~~25'~~	~~4' (See also Note B)~~	~~8'~~	~~35'~~	~~5,000~~	~~40'~~
~~2. Two-Family Dwelling~~	~~None~~	~~30%~~	~~944.0 feet~~	~~25'~~	~~9' (See also Note B)~~	~~18'~~	~~35'~~	~~3,500~~	~~30'~~
~~3. Multiple-Family Dwelling~~	~~None~~	~~40%~~	~~966.0 feet (See also Note C)~~	~~0'~~	~~50' (See also Note B)~~	~~100'~~	~~50'~~	~~(See Note A)~~	~~(See Note A)~~
~~Local~~ Community Business District ~~(B-1)~~(B-2)	4.0	None	944.0 feet	~~0'~~ 5'	0' (See also Note ~~B~~C)	0'	0'	None	None
Office-Service District (OS-1)	6.0	None	See Attached Height District Map	~~0'~~ 5'	0'	0'	0'	None	None
Planned Unit Development District (PD)	(See Note ~~E~~D)	(See Note ~~E~~D)	(See Note ~~E~~D)	(See Note ~~E~~D)				(See Note ~~E~~D)	(See Note ~~E~~D)
Mixed Use District (MX)	2.0	None	944.0 feet	5'	0'	0'	0'	None	None

Note: Special requirements may apply in designated Visual Corridors pursuant to Chapter Fifteen of these rules.

	Building Feature	Unit of Feature upon which Bonus is Based	Additional Sq. Ft. of Floor Area Allowed: OS-1 Office Service	Additional Sq. Ft. of Floor Area Allowed: B-1 Local Business District	Maximum Bonus (Percent of Basic Allowable Gross) Floor Area
(i)	Arcade	Each square foot of arcade area	7 sq. ft.	4 sq. ft.	20%
(ii)	Plaza	Each square foot of plaza area	7 sq. ft.	5 sq. ft.	15%

Note ~~E.~~ D.

The ~~Commission~~ board shall require that all buildings in a Planned Development District substantially conform to the ~~regulations~~ rules for adjacent districts.

CAAPB ~~CAAPC~~ 503 Height districts. In order to preserve the State Capitol Building as the dominant structure in the Capitol Area, no building shall be constructed to a height greater than the maximum height permitted in the Height District, as shown on the attached map. Said maximum heights are as follows:

A. Height District #1: No building shall be constructed to a height greater than 944.0 feet above sea level. This elevation corresponds to the height of the Capitol Building exclusive of the dome; generally, this would allow a building height of four to six stories in the Capitol Area.

B. Height District #2: No building shall be constructed to a height greater than 966.0 feet above sea level. Boundaries are described in map designated "Height Districts of the Capitol Area".

[See pp. 1664 and 1665 of this issue.]

Chapter Six: Parking Regulations

[In rules 603, 604, and 606 the only changes are: CAAPC to CAAPB, Commission to Board, and regulations to rules.]

CAAPB ~~CAAPC~~ 601 Parking spaces required. There shall be provided in all zoning districts, at the time of erection or enlargement of any ~~main~~ principal building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided as hereinafter prescribed.

CAAPB ~~CAAPC~~ 602 Location of off-street parking spaces. Off-street parking for other than residential use shall be either on the same lot or within the same district and within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

Off-street parking for residential use shall not be within the required front yard setback.

CAAPB ~~CAAPC~~ 605 Joint off-street parking facilities. Two or more buildings or uses may jointly provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately; provided, however, that where the operating hours of the buildings or uses providing such joint parking facilities do not overlap, the ~~Commission~~ board may, upon written application, reduce the number of parking spaces otherwise required. Whenever such hours of use change and do overlap, however, the number of required parking spaces shall revert to not less than the sum of the requirements for the several individual uses computed separately.

CAAPB 607 Handicapped access. Wherever access to the handicapped is required by Chapter 55 of the Minnesota State Building Code, at least one (1) space per fifty (50) spaces, or fraction thereof, shall be provided for the use of the handicapped. Each space reserved for the exclusive use of the handicapped shall be designated by an international wheelchair symbol.

CAAPB 608 Mixed uses. In cases of mixed uses, the total requirements for off-street parking shall be the sum of the

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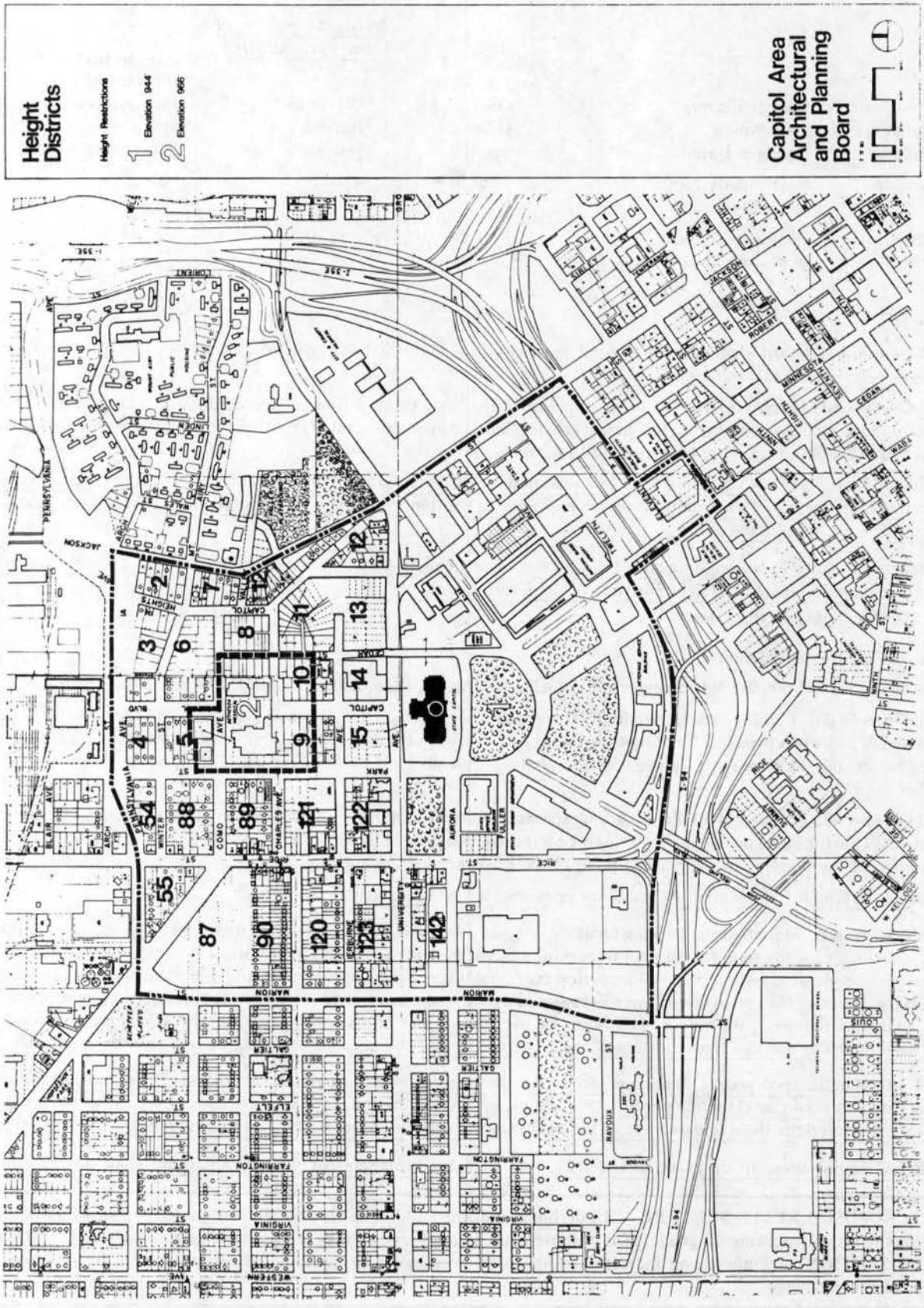
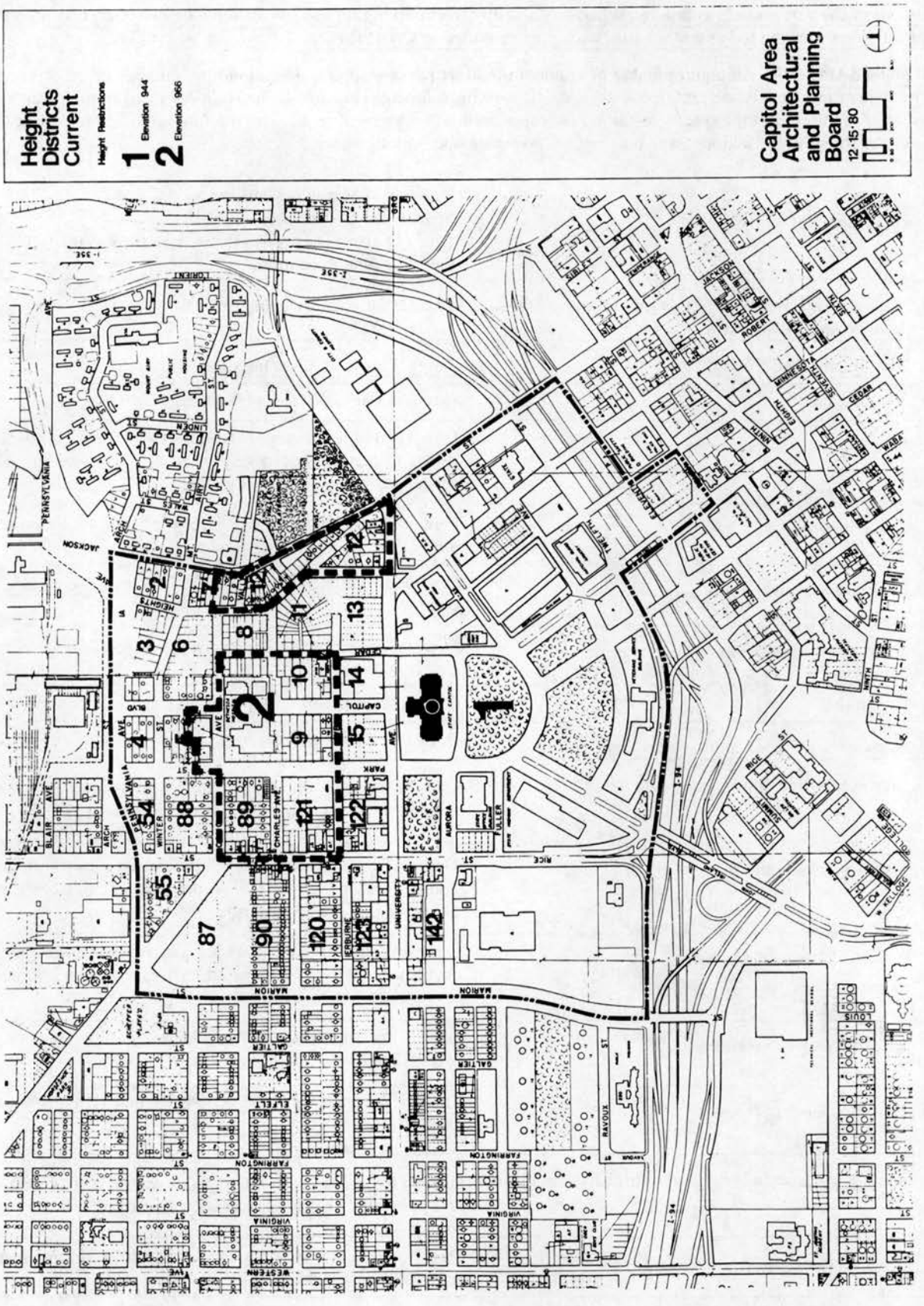
[PROPOSED NEW MAP]



[PROPOSED FOR REPEAL]



requirements of the various uses computed separately and off-street parking for one use shall not be considered as providing the required off-street parking for any other use, except as provided in CAAPB 605.

CAAPB 609 ~~CAAPC 607~~ **Minimum number of required off-street parking spaces.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

Use	Number of Minimum Parking Spaces per Unit of Measure
A. ~~a.~~ Governmental	One (1) for every ~~two~~ three hundred ~~(200)~~ (300) square feet of usable floor area.
B. ~~b.~~ Residential ~~Residential, One-Family, Two-Family and Townhouse~~	Two (2) for each dwelling unit.
Two-Family and Townhouse	Two (2) for each dwelling unit.
Multiple Family	One ~~and one-half (1-½)~~ (1) for each dwelling unit.
Housing for the Elderly	One (1) for each ~~three~~ four ~~(3)~~ (4) units. Should units revert to general occupancy, then one ~~and one-half (1½)~~ (1) ~~spaces~~ per unit shall be provided.
Boarding House	One ~~and one-half (1½)~~ (1) per each dwelling unit plus one (1) for each two (2) roomers.
C. ~~c.~~ Instititional Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
Churches or Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
Hospitals	One and one-half (1½) for each one (1) bed.
Homes for the aged and convalescent homes	One (1) for each two (2) beds.
Elementary and Junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.
Senior high schools	One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
Private Clubs or lodge halls	One for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Theaters ~~and auditoriums~~	One (1) for each ~~three (3)~~ five (5) seats plus one (1) for each two (2) employees.
D. ~~d.~~ Commercial Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
Planned commercial or shopping area located in any "B" District	One (1) for each one hundred (100) square feet of usable floor area, plus one (1) for each one (1) employee.
Auto wash	One (1) for each one (1) employee. In addition, forty (40) reservoir parking spaces shall be provided.

Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additonal chair.
Bowling Alleys	Five (5) for each one (1) bowling lane.
Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes.
Establishments for the sale and consumption on the premises of beverages, food, or refreshments	One (1) for each one hundred (100) square feet of usable floor space~~, plus one~~.
Furniture and applicance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For the floor area used in processing space shall be provided for each one (1) person employed therein.)
Automobile service center	Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump.
Laundromats and coin-operated dry cleaners	One (1) for each two (2) machines.
Mortuary establishment	One (1) for each fifty (50) square feet of assembly room usable floor space, parlors, and slumber rooms.
Motel, hotel, or other commercial lodging establishment	One (1) for each one (1) occupancy unit.
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
Retail stores except as otherwise specified herein	One (1) for each hundred and fifty (150) square feet of usable floor space.
Theaters	One (1) for each five (5) seats plus one (1) for each two (2) employees
E. ~~e.~~ Offices Banks, Savings and Loan Associations, Credit Unions, and similarly-regulated financial institutions	One (1) for each one hundred (100) square feet of usable floor space.
Other financial institutions such as loan companies and similar establishments	One (1) for each two hundred (200) square feet of usable floor space.
Business offices or professional offices except as indicated in the following item	One (1) for each ~~two~~ three hundred ~~(200)~~ (300) square feet of usable floor space.
Professional offices of doctors, dentists, or similar medical professions	One (1) for each one hundred (100) square feet of usable floor area ~~in waiting rooms, and one (1) for each examing room; dental chair, or similar use area~~.

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CAAPB 610 ~~CAAPC 608~~ **Construction of off-street parking spaces.** Wherever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following ~~standards and regulations~~ rules:

A. ~~a.~~ No parking lot shall be constructed unless and until a zoning permit therefore is issued by the ~~Commission~~ board and a building permit is obtained from the City. Applications for a zoning permit shall be submitted in such form as may be determined by the ~~Commission~~ board and shall be accompanied by two (2) sets of plans for the development and construction of the parking lot ~~showing~~ demonstrating that the provisions of these ~~regulations~~ rules will be ~~fully~~ complied with fully.

B. ~~b.~~ Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width Of One Tier of Space Plus Maneuvering Lane	Total Width Of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel parking)	12 ft.	8 ft.	~~23~~21 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	~~20~~18 ft.	~~32~~30 ft. 6 in.	~~52~~49 ft.
54° to 74°	15 ft.	8 ft. 6 in.	~~20~~18 ft.	~~36~~35 ft. ~~6 in.~~	~~58~~55 ft.
75° to 90°	20 ft.	9 ft.	~~20~~18 ft.	~~40~~38 ft.	~~50~~56 ft.

C. Parking areas may designate up to fifty percent (50%) for compact cars only; in which case, the minimum layout dimensions may be reduced to eight feet (8') width and sixteen feet (16') length.

[CAAPC 608 c.-f. Reletter as CAAPB D.-G.]

H. ~~g.~~ The off-street parking area shall be provided with a continuous and obscuring wall or visual screen as required in ~~CAAPC 901~~ CAAPB 902.

I. ~~h.~~ Wheel stops or earth berms shall be required for each parking space in lots of three (3) or more car capacity.

J. ~~i.~~ The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with a durable, dustless surfacing in accordance with specifications approved by the ~~Commission~~ Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.

[CAAPC 608 j.-m. Reletter as CAAPB 610 K.-N.]

Chapter Seven: Loading Regulations

[In Chapter Seven the only change is CAAPC to CAAPB.]

[In rules 701-703 the only change is CAAPC to CAAPB.]

Chapter Eight: Accessory Building Regulations

[In rule 801 the only changes are: CAAPC to CAAPB, Commission to Board, and regulations to rules.]

CAAPB ~~CAAPC~~ 802 **Attached accessory buildings.** When an accessory building is attached to a ~~main~~ principal building, it shall be subject to, and must conform to, all ~~regulations~~ rules applicable to the ~~main~~ principal building.

CAAPB ~~CAAPC~~ 803 **Yard limitations.**

A. ~~a.~~ Accessory buildings shall not be erected in any required yard, except a rear yard. All accessory buildings shall be set back at least three (3) feet from all interior lot lines.

B. ~~b.~~ An accessory building shall occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the area of the accessory building exceed the ground floor area of the ~~main~~ principal building.

C. ~~c.~~ In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such a rear lot line. In no instance shall an accessory building be located within a dedicated public right-of-way.

CAAPB ~~CAAPC~~ 804 **Height limitations.** Accessory buildings in any residential area~~, except in the RM 2 Multiple Family Residential District, Height District #2,~~ shall not exceed one (1) story or fourteen (14) feet in height. In Height District #2,

accessory buildings or structures used for the parking of motor vehicles shall not exceed three (3) stories or thirty (30) feet in height.

Chapter Nine: ~~Wall and Fence Regulations~~ Visual Screens

CAAPB ~~CAAPC~~ 901 ~~Wall or fence~~ Visual screens required. For those Zoning Districts and uses listed below, there shall be provided and maintained on those sides of a zoning lot abutting or adjacent to a residential district an obscuring wall, ~~or~~ fence, or other visual screen having a minimum height as required below~~:~~. (For purposes of this section a wall or fence is considered a visual screen.)

Use		~~Wall/Fence~~ Requirement (height in feet)
a.	~~Commercial~~ Community Business District ~~(B-1)~~ (B-2)	4 ft. 6 in.
b.	Office Service District (OS-1)	4 ft. 6 in.
c.	Hospital (ambulance and delivery areas)	6 ft. 0 in.
d.	Utility building, station, and/or sub-station	6 ft. 0 in.

Where plant materials are used to provide a visual screen they shall meet the above height requirements when mature and shall be of sufficient density to visually separate the zoning lot from the adjacent residential district.

CAAPB 902 Visual screens for off-street parking. For all off-street parking areas of more than four (4) parking spaces there shall be provided and maintained a visual screen of sufficient height and density to visually separate the parking area from adjacent property. All such visual screens shall be of a minimum height of four (4) feet, six (6) inches, when constructed or, in the case of plant materials, when mature.

CAAPB 903 ~~CAAPC 902~~ Location of ~~wall or fence~~ visual screens.

A. ~~a.~~ Required ~~walls or fences~~ visual screens shall be located on the lot line except where underground utilities interfere and except in instances where these ~~regulations~~ rules require conformance with front yard setback lines in abutting Residential Districts, in which cases the ~~Commission~~ board shall establish the location of the ~~wall or fence~~ visual screen. When a yard is required, all land between the wall and property line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

B. ~~b.~~ Required ~~walls or fences~~ visual screens may, upon approval of the board, be located on the opposite side of an alley right-of-way from a non-residential zone when mutually agreeable to affected property owners. The uniformity of the required ~~wall or fence~~ visual screen in a given block shall be considered by the board in reviewing such request.

CAAPB 904 ~~CAAPC 903~~ Openings. No ~~wall or fence~~ visual screen required by these ~~regulations~~ rules shall have openings for pedestrians, vehicular traffic, or other such purposes, except as provided in these ~~regulations~~ rules and as may be approved by the board.

CAAPB 905 ~~CAAPC 904~~ Construction of ~~walls and fences~~ visual screens.

A. The visual screens herein required shall consist either of various fence materials, earth berms, plant materials, or a combination thereof.

[CAAPC 904 a.-c. Reletter as CAAPB 905 B.-D.]

E. The species, size, location, and spacing of plant materials shall be appropriate for the purpose intended, and shall be planted within one hundred eighty (180) days from the date of issuance of a Certificate of Occupancy and shall thereafter be maintained to provide a visual screen to abutting properties.

1. Minimum Plant Sizes (at time of planting)

medium and large trees:*	2½ inch caliper

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small trees:	6-8 ft. overall height
shrubs:	15-18 in. overall height

*shall be balled and burlapped stock

2. Wherever plant materials are used to satisfy a visual screen requirement, planting shall be sufficiently dense to provide an unbroken visual barrier within a maximum of two (2) growing seasons after the time of planting.

3. Planting areas shall be at least four (4) feet in width.

4. The genus and species of all plant materials must be identified on all plans submitted for permit approval.

5. The owners shall be responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting seasons.

CAAPB 906 ~~CAAPC 905~~ **Variances.** In consideration of a request to vary ~~wall or fence~~ visual screen requirements between non-residential and residential districts, the ~~Commission~~ board shall make a determination on the following matters.

A. ~~a.~~ A determination as to whether or not the residential district is considered to be an area in transition and will become non-residential in the near future.

In such cases as it determines the residential district to be a future non-residential area, the ~~Commission~~ board may temporarily waive ~~wall~~ visual screen requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the ~~Commission~~ board shall make a determination as hereinbefore described.

B. ~~b.~~ A determination as to whether or not any governmental action in the area will change the physical condition so as to make a ~~wall~~ visual screen unnecessary.

In consideration of a request to vary visual screen requirements for off-street parking, the provisions of Chapter Sixteen of these rules shall apply.

Chapter Ten: Exterior Lighting and Structural Regulations

[In rules 1002 and 1003 the only changes are: CAAPC to CAAPB, Commission to Board, and regulations to rules.]

[CAAPC 1001 a.-e. Reletter to CAAPB 1001 A.-E.]

~~CAAPC 1004. Amateur Radio Station Towers. Amateur radio station towers shall be permitted in all residential districts subject to the following conditions:~~

~~a. Radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts shall not exceed seventy-five (75) feet above established grade.~~

~~b. Said towers shall be located only in the rear yard portion of the lot and shall be provided setbacks from side lot lines equal to at least the greater of the two side yards required in these regulations.~~

CAAPB 1004 Street and landscape elements. All exterior structural elements such as benches, transit shelters, vending equipment, and similar elements in the public right-of-way or in the G-2 zone, shall be approved by the board for both design and location.

Chapter Eleven: Sign Regulations

CAAPB ~~CAAPC~~ **1101 Intent.** The purpose of this section is to regulate outdoor advertising and outdoor signs of all types in the Capitol Area. ~~It is intended by the provisions of this section~~ The intent is to control signs, to reduce hazards and traffic accidents, to relieve pedestrian and traffic congestion, to protect and provide more open space, to preserve and enhance the dignity, ~~and~~ beauty, and architectural integrity of the Capitol Area, and to insure that all signs are suitably integrated with the architectural design of any structure in the Capitol Area on which they are mounted or to which they relate.

CAAPB ~~CAAPC~~ **1102 Required conditions.** No sign shall be permitted in the Capitol Area except as provided in ~~CAAPC~~ CAAPB 1103~~.~~ and without first obtaining the requisite permit for such sign. All signs permitted by ~~CAAPC~~ CAAPB 1103 shall satisfy the following conditions:

A. ~~a.~~ All signs shall conform to all applicable provisions of the Building Code of the City of Saint Paul.

B. ~~b.~~ No sign, unless specifically permitted in a zoning district and except those projecting business signs permitted in business districts that do not violate Minn. Stat. § 160.27, and those established by the City of Saint Paul, Ramsey County, the

State of Minnesota, or the United States, shall be located in, project into, or overhang a public right-of-way or dedicated public easement in any district.

C. ~~e. All directional signs required for the purpose of orientation, or direction, when established by the City of Saint Paul, Ramsey County, the State of Minnesota, or the United States, shall be permitted in all districts.~~ Signs of the City of Saint Paul, County of Ramsey, State, and Federal governments and subdivisions and agencies thereof which give orientation, direction, or traffic control information shall be permitted in all zoning districts.

[Reletter d.-f. as D.-F.]

G. No sign or sign structure shall be erected or maintained at any location where by reason of its position, size, shape, content, color or illumination, it may interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

H. All signs which are unsafe and/or unsightly shall be repaired or removed. Unsafe signs must be repaired or removed within twenty-four (24) hours after notification. Unsightly signs must be repaired or removed within fifteen (15) days of notification. The term "unsightly" shall mean a condition in which the sign has deteriorated to the point where at least one-fourth (¼) of the surface area of the name, identification, description, display, illustration or other symbol is no longer clearly recognizable at a distance of twenty (20) feet; or where paint is peeling, chipping, or flaking from the structure surface, or where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of twenty (20) feet; or where an illuminated electrical sign is no longer in proper working order. Removal, in the case of painted wall signs, shall mean a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer visible.

I. No sign shall be painted directly on or affixed to any tree, rock or utility pole.

J. Lots on which signs are located shall be kept neat, orderly, and free of debris by the owner.

K. When specifically permitted in a zoning district, signs projecting over a public right-of-way may project up to four (4) feet from the property line, but in no case shall come closer than two (2) feet from the curb line, or be less than ten (10) feet above ground level. Such signs shall not violate Minn. Stat. § 160.27.

L. For parking lot areas, one (1) identification sign not to exceed a total of fifteen (15) square feet in area is permitted per parking lot entrance. An identification sign up to twenty-five (25) square feet in area, however, shall be permitted if such sign incorporates the following uniform parking symbol: Fifty (50) percent of the total sign area of the parking identification sign must bear thereon a blue rectangle with a white letter "P" with the letter "P" being not less than forty (40) percent of the area of the blue rectangle. The remaining portion of the sign incorporating such a parking symbol may be used for other pertinent information. In addition to the one (1) identification sign per parking lot entrance, however, one (1) directional sign not to exceed a total of four (4) square feet is permitted per entrance or exit. Such directional signs may be up to ten (10) square feet in area if they also incorporate the above-prescribed parking symbol. These parking identification and directional signs are in addition to other signs permitted in each zoning district.

CAAPB ~~CAAPC~~ 1103 Permitted signs. In addition to the aforementioned parking identification and directional signs ~~T~~the following signs are permitted in the districts indicated on the following chart. **[See p. 1672 of this issue.]**

CAAPB 1104 Nonconforming signs. When a lawful sign exists at the effective date of these rules or amendments thereto and which is made non-conforming by reason of these rules, such sign may continue until January 1, 1986, as long as it remains otherwise safe, not unsightly (as defined in CAAPB 1102 H.), or not abandoned (as defined in CAAPB 1107), subject to the following provisions:

A. No sign shall be enlarged or altered in a way which increases its nonconformity.

B. Should such sign or sign structure be destroyed by any means to any extent of more than fifty-one (51) percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of these rules.

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PERMITTED BY DISTRICT

Use Districts	RM-2 Multiple Family	OS-1 Office Service	~~B-1~~ B-2 ~~Local~~ Community Business	PD Planned Development	G-1 & G-2 Governmental
1. Permitted Non-Accessory Signs					
a. Advertising Sign	0	0	0	0	0
b. Billboard	0	0	0	0	0
c. Vehicle Business Sign	0	0	0	0	0
d. Political Sign	X	X	X	X	0
2. Permitted Accessory Signs					
a. Business Signs	0	1 50	1 100	1 200	0
b. Bulletin Board	1 12	0	0	0	1 12
c. Festoon Sign	0	0	0	0	0
d. Identification & Name Plate	1 ~~27~~	1 ~~6~~21	1 ~~6~~21	1 ~~6~~21	1 ~~6~~21
e. Marquee	0	0	2 100	0	0
f. Real Estate	2 12	2 12	2 12	2 12	0
g. Real Estate Development	2 50	2 50	0	2 50	0
h. Temporary	0	1 12	1 12	1 12	0
i. Vehicle Business Sign	0	0	0	0	0
3. Structure Types					
a. Free Standing	X	X	X	X	X
b. Flashing, Animated or Moving	0	0	0	0	0
c. Projecting	0	X	X	X	0
d. Roof	0	0	0	0	0
e. Wall	X	X	X	X	X

1 12 — 1 = Maximum number of signs per building or per vacant zoning lot.
12 = Maximum square feet area each sign per building or vacant zoning lot.

Note: "0" indicates that no sign of the type in the left column is permitted.

"X" indicates permitted structure type.

C. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the rules for the zoning district in which it is located after it is moved.

D. No existing sign devoted to a use not permitted by these rules in the zoning district in which it is located shall be enlarged, extended, or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

E. When a structure loses its nonconforming status, as set forth in Chapter Thirteen of these rules, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

F. Signs may be repainted, reposted, or replaced when there is a change of tenancy, ownership, or management of any nonconforming use.

CAAPB 1105 Administration and enforcement. The board shall designate a Zoning Administrator who is hereby authorized and directed to enforce all the provisions of these rules.

The Zoning Administrator shall enforce the provisions of these rules and amendments thereto and shall have the power to certify compliance and issue permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of these rules.

No permit shall be issued by the Zoning Administrator until he has reviewed all plans in detail and found them to conform to these rules.

The Zoning Administrator shall not grant any variances with respect to these rules in carrying out his or her duties as Zoning Administrator. Variances shall be granted by the board. The Zoning Administrator shall grant a permit upon a finding of compliance with the conditions imposed by these rules.

CAAPB 1106 Sign permit; application. Applications for sign permits shall be submitted in writing to the Zoning Administrator. Each application shall contain the following information:

A. the name and addresses of the display structure and property;

B. the address at which any signs are to be erected;

C. the lot, block, and addition at which billboards are to be erected and the street on which they are to front, and

D. a complete set of plans showing the necessary elevations, distances, size and other details to fully and clearly represent the construction and placing of the display structure.

CAAPB 1107 Exemptions. The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of these rules or any other law or ordinance regulating the same.

A. The changing of the display surface on a painted or printed sign only. However, this exemption shall apply only to onsite changes involving sign repainting and/or poster replacement.

B. Signs six (6) square feet or less in size.

C. Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

D. Political signs.

CAAPB 1108 Abandoned signs. Any sign which advertises, identifies, or pertains to an activity no longer in existence shall be removed by the owner of the property within thirty (30) days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.

CAAPB 1109 Variances. The board shall have the authority to grant variances from the strict applications of these rules for unique signs or unusual conditions pertaining to sign needs for a specific building or lot pursuant to the provisions of Chapter Sixteen of these rules.

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Chapter Twelve: Exceptions

[In rules 1203-1208 the only changes are: CAAPC to CAAPB, Commission to Board, and regulations to rules.]

CAAPB ~~CAAPC~~ 1201 **Application.** Except as otherwise provided in CAAPB 1101-1105, ~~T~~the ~~regulations~~ rules for all Zoning Districts, except the Governmental District, shall be subject to the following interpretations and exceptions.

CAAPB ~~CAAPC~~ 202 **Essential services.** Essential services shall be permitted as authorized and regulated by law and ~~regulation,~~ rule. ~~it being the intention hereof to exempt such e~~Essential services are exempt from the application of these ~~regulations~~ rules.

Chapter Thirteen: Nonconformities

[In rule 1307 the only change is CAAPC to CAAPB]

[CAAPC 1301 (1)-(3) Reletter to CAAPB 1301 A.-C.]
[CAAPC 1302 (1) and (2) Reletter as CAAPB 1302 A. and B.]
[CAAPC 1303 a.-c. Reletter as CAAPB 1303 A.-C.]
[CAAPC 1304 Reletter as CAAPB 1304; strike "(1)" and incorporate that paragraph into 1304; Reletter a.-c. as A.-C.]
[CAAPC 1305 Reletter to CAAPB 1305; strike (1) and incorporate that paragraph into 1305; Reletter a.-e. as A.-E.]
[CAAPC 1306 (1) and (2) Reletter to CAAPB 1306 A. and B.]

Chapter Fourteen: Administration

CAAPB ~~CAAPC~~ 1401 **Duties of ~~Commission~~ board.** The ~~Commission~~ board shall accept applications for, and issue, any certificate or permit which is required by these ~~regulations~~ rules, keep and maintain all plans, files, and records pertaining thereto, and perform all other functions necessary for the orderly administration of ~~this ordinance~~ these rules. The ~~Commission~~ board may delegate any or all of these duties to any subcommittee or authorized representative. Said subcommittee or authorized representative shall be known as the board's Zoning Administrator.

CAAPB ~~CAAPC~~ 1402 **Zoning permit required.** Except as otherwise provided in ~~CAAPC 409-413~~ CAAPB 411-415 and CAAPB 1101-1107, no land, building or structure, in any district, shall hereafter be changed to a different use ~~of a different class~~, and no building, structure or any part thereof shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until the ~~Commission~~ board has issued a Zoning Permit, certifying that the plans and intended use, including any conditional use, of land, buildings, and structures are in conformity with all provisions of these ~~regulations~~ rules.

CAAPB ~~CAAPC~~ 1403 **Zoning permit; application.** Except as otherwise provided in ~~CAAPC 409-413~~ CAAPB 411-415 and CAAPB 1101-1107, all applications for zoning permits shall be submitted in writing and shall contain the following information:

A. ~~a.~~ The legal description of the property in question;

B. ~~b.~~ The fee owner of such property; and, in all cases where the applicant is not the fee owner of the property, the application shall state the nature of the applicant's interest in the property;

C. ~~c.~~ A concise description of the proposed use, including accessory and conditional uses, if any;

D. ~~d.~~ Three copies of ~~A~~a site plan which clearly illustrates the following:

[(i)-(v) Reletter as 1.-5.]

E. ~~(vi)~~ Such other information as may be reasonably necessary to permit the ~~Commission~~ board to determine whether the proposed use, including accessory and conditional uses, satisfies the requirements of these ~~regulations~~ rules. This includes, but is not limited to, floor plans, elevations, and landscape plans or schemes.

Nothing herein shall be construed to prohibit an applicant from presenting such additional information, in such form as the ~~Commission~~ board may permit, which is relevant to the nature of the proposed use and its relation to and effect upon adjacent uses and the beauty, ~~and~~ dignity, and architectural integrity of the Capitol Area.

CAAPB 1404 **Consideration of site plan.** In reviewing the site plan the board shall consider:

A. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.

B. The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will assure:

1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

2. Satisfactory and harmonious relations between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods.

C. The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be reasonably affected.

CAAPB 1405 Additional site requirements. In conjunction with approving the site plan, the board may require the following:

A. Landscaping, fences, and walls in pursuance of the objectives of these rules and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;

B. Marginal access drives where such marginal access drives are necessary for safety.

CAAPB 1406 Certificate of design compliance. Subject to the provisions of Chapter Fifteen no building, structure, or any part thereof shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it has been issued, in addition to a Zoning Permit issued by the board and a Building Permit by the City of St. Paul, a Certificate of Design Compliance by the board certifying that the plans of the building or structure are in conformity with all provisions of the design rules as provided in CAAPB 1502-1610.

CAAPB 1407 Certificate of design compliance; application. In addition to the requirements for a zoning permit, all applications for a certificate of design compliance shall be submitted in writing and shall include three copies of the following:

A. Plans, sections, and all elevations of the proposed structure drawn to scale, showing the overall dimensions of the exterior faces of the structure, the proposed type and location of any sign or other appurtenances such as overhangs, housing for utilities, and television or radio antennas, and also showing in outline form other adjacent buildings and structures, and landscape features within a reasonable distance that will be seen when looking at any of the elevations of the structure.

B. Landscape plans or schemes, including any landscaping required for off-street parking.

C. Such other information as may be reasonably necessary to permit the board to determine whether the proposed construction or reconstruction satisfies the requirements of these rules.

CAAPB 1408 ~~CAAPC 1404~~ **Consideration of applications.** Applications in the form prescribed in ~~CAAPC~~ CAAPB 1403 and CAAPB 1407 shall be submitted to the ~~Commission's Executive Secretary~~ Zoning Administrator and shall be considered and acted upon not later than seventy-five (75) days following submission of the application; provided, however, that the ~~Commission~~ board may in order to permit additional study of a proposal, postpone approval or denial of an application for an additional forty-five (45) days where it finds that the proposed use may significantly affect the beauty, ~~and~~ dignity, and architectural integrity of the Capitol Area. Applications shall be approved if they meet all applicable requirements of these rules.

~~CAAPC 1405. Variance. In granting a zoning permit, the Commission may grant a variance from the strict applications of the provisions of these regulations where by reason of exceptional narrowness, shallowness, shape, or area of the property in question or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided that in no case may a variance be granted which permits a use not otherwise permitted in the district in question; and further provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting a variance the Commission may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of these regulations. In granting or denying a variance, the Commission shall state the grounds upon which its decision is based.~~

CAAPB 1409 ~~CAAPC 1406~~ **Building permits required.**

~~(1) Governmental District. No building, structure, or part thereof in the Governmental District shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it has been issued, in addition to a Zoning Permit issued by the Commission, a Building Permit by the Commission, certifying that the plans of the building of the structure are in conformity with all provisions of the State Building Code.~~

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~~(2) Other Districts.~~ No building structure, or part thereof, ~~in any district except the Governmental District,~~ shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a Zoning Permit issued by the ~~Commission~~ board, a Building Permit by the City of Saint Paul, certifying that the plans of the building or structure are in conformity with all provisions of the City of Saint Paul Buidling Code.

[CAAPC 1407 (1)-(4) Reletter and renumber as CAAPB 1410 A.-D.]

E. ~~(5)~~ The ~~Commission~~ board may issue a temporary Certificate of Occupancy for the principal building on a project before full completion of fencing, landscaping, and parking, if, in its judgment, such items cannot be completed at the same time as the building. In all such instances, the Certificate of Occupancy shall be marked "Temporary — For One (1) Year Only" and shall not be renewable. As soon as the fencing, ~~and~~ parking and landscaping is fully completed and inspected and approved by the ~~Commission~~ board, the "Temporary" Certificate shall be cancelled and a permanent Certificate of Occupancy issued. If any portion of the required fencing, ~~or~~ parking or landscaping is not fully completed within one year following the date of the Temporary Certificate, the certificate shall automatically become null and void, and the use of any portion of the premises thereafter shall cease until a Certificate of Occupancy is issued.

CAAPB 1411 ~~CAAPC 1408~~ St. Paul Certificate of Occupancy ~~In Governmental District.~~

~~(1) No building, structure or part thereof, in the Governmental District, which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used unless it also has been issued a Certificate of Occupancy by the Commission, certifying that such building or structure is in conformity with the provisions of the State Building Code.~~

~~(2)~~ No building, structure, or part thereof, in any district ~~except the Governmental District,~~ which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used unless it also has been issued, in addition to a Certificate of Occupancy issued by the ~~Commission~~ Board, a Certificate of Occupancy by the City of Saint Paul, certifying that such building or structure is in conformity with the provisions of the applicable building code.

CAAPB 1412 ~~CAAPC 1409~~ Final inspection. The holder of every Zoning Permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the ~~Commission~~ board immediately upon the completion of the work authorized by such permit, for a final inspection prior to issuance of a Certificate of Occupancy.

CAAPB 1413 Permit expiration. No zoning permit or certificate of design compliance permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and is proceeding with the terms of such a permit.

CAAPB 1414 ~~CAAPC 1410~~ Fees. Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of these ~~regulations~~ rules, shall be collected by the ~~Commission~~ Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the ~~Commission~~ board and shall cover the cost of notification, inspection and supervision resulting from enforcement of these ~~regulations~~ rules.

When any fees are not paid within six (6) months of authorization of any permit or certificate said authorization shall be null and void.

~~CHAPTER FIFTEEN~~
~~NOTICE AND AMENDMENT~~

~~CAAPC 1501. NOTICE. Upon receipt of an application for any certificate or permit required by these regulations, or for a variance, the Commission shall serve notice of such application by mailing a written notice thereof, including a description of the property and the permit or certificate in question to all persons entitled to receive notice of Commission action pursuant to Minnesota Statutes § 15.0412 and to the owners of property within 200 feet of the premises in question not less than ten (10) days prior to the meeting of the Commission at which such application shall be first considered.~~

~~CAAPC 1502. AMENDMENT. The property owner or other interested party may petition the Commission for an amendment to these regulations, including an alteration in the boundary of any zoning districts, or any modification of the permitted or conditional uses in any such district, or in any other respect, by submitting to the Commission a petition describing the property in question, the names and addresses of the petitioners, the desired amendment and the reasons therefor. The Commission may, upon its own initiative, propose any such amendment by giving notice of the proposed amendment in the manner provided by Minnesota Statutes § 15.0412. Notice of any such proposed amendment shall be given in the manner provided in Minnesota Statutes § 15.0412. The Commission shall consider any proposed amendment at any regular meeting held not less than thirty (30) nor more than ninety (90) days after notice of the amendment has been given in the manner required above. No such amendment shall be adopted unless the Commission finds that adoption of such amendment is consistent with the Comprehensive Plan.~~

Chapter Fifteen: Design Rules for Visual Corridors

CAAPB 1501 Designation. That part of University Avenue and adjacent land, Cedar Street and adjacent land, John Ireland

Boulevard and adjacent land, Park Avenue and adjacent land, Sherburne Avenue and adjacent land, and Rice Street and adjacent land as identified on the attached map entitled Visual Corridors are hereby designated as Visual Corridors in the Capitol Area. [See p. 1683 of this issue.]

CAAPB 1502 Application. The rules set forth in this chapter shall apply to the following activities if they are undertaken within the visual corridors designated in CAAPB 1501. [See p. 1683 of this issue.]

A. The construction of a new building or structure.

B. The moving or reconstruction of an existing building or structure.

C. The repair or alteration of an existing building or structure if the cost of the repairs or alterations exceed sixty (60) percent of the replacement value of the building or structure, exclusive of its foundation.

CAAPB 1503 Building height. Buildings other than those in the G-2 zone shall be of a minimum height of two stories above grade, and a maximum height of elevation 944 feet as defined in CAAPB 503.

Land in the G-2 zone adjacent to visual corridors shall remain landscaped open space. Underground construction, as defined in CAAPB 405, is permitted as a conditional use provided it does not interrupt views and vistas from street level.

CAAPB 1504 Setback. Buildings in the visual corridors shall be sited close to the street; specifically facades facing the corridor shall be located in a setback zone, defined by lines 6 feet and 15 feet from the front property line, except as noted below:

A. Where a new building is adjacent to existing buildings, these buildings shall maintain the average setback alignment of existing buildings on the same block.

B. State buildings along Cedar Avenue and John Ireland Boulevard shall be setback a distance no more than 40 feet from the front property line in order to visually expand the open space corridor.

C. Residential buildings in the RM-2 zone shall conform to the setbacks for that zone.

CAAPB 1505 Parking. Off-street parking will not be permitted between the building and streets designated visual corridors.

A. Off-street parking shall be behind buildings on the interior of the block.

B. Off-street parking shall be adequately lighted with cut-off type fixtures that will not allow excessive light intrusion onto adjacent property.

CAAPB 1506 Landscaping. Required setbacks and parking areas shall be landscaped.

A six feet minimum planting area shall be provided between parking and adjacent properties. Off-street and unenclosed parking areas of more than fifty (50) spaces shall be divided by planting islands.

Plant material shall conform to high-quality nursery standards and the following minimum sizes at planting:

Shade Trees — 2½" cal. BB

Small Trees — 8'-10' height

Shrubs — 15"-18" height

CAAPB 1507 Access/egress. Vehicular access from streets designated important visual corridors is prohibited. Access and egress shall be from streets other than the designated visual corridor street.

CAAPB 1508 Signage. In addition to the sign provisions of CAAPB 1103, freestanding signs are prohibited in the area designated in CAAPB 1501.

CAAPB 1509 Mechanical and electrical equipment. All mechanical and electrical equipment, such as transformers, air conditioning and heating units, television and other antennae, and similar exposed mechanical and electrical elements shall be

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completely concealed from public view. Concealed from public view is defined as not visible from any point within the visual corridor at ground level to an elevation equal to the roof level.

CAAPB 1510 Additional design criteria. In order to further achieve harmony of design, visual compatibility and protect and enhance the dignity, beauty and architectural integrity of the Capitol Area, the following additional requirements shall be applied to construction, reconstruction, repair or alteration activities subject to this chapter. In the event that any of the following requirements conflicts or is inconsistent with the design requirements set forth in CAAPB 1503 through 1509, those contained in CAAPB 1503 through 1509 shall supersede and govern in all cases.

A. Continuity of walls. Appurtenances of a building such as building facades, fences, and landscape masses, shall visually contribute to the spatial definition of the visual corridor and form cohesive walls of enclosure along those streets designated visual corridors to ensure visual continuity of the building with those buildings, squares, and places conforming with these design rules to which it is visually related.

B. Proportion and dimension of building's front facade. The relationship of the width of building to height of the front elevation shall be visually compatible to those buildings, squares and places conforming with these design rules to which it is visually related.

C. Proportion of openings within the facility. The relationship of the width of the windows to height of windows in a building shall be visually compatible with those buildings, squares and places conforming with these design rules to which the building is visually related.

D. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with those buildings, squares and places conforming with these design rules to which it is visually related.

E. Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings shall be visually compatible to those buildings, squares and places conforming with these design rules to which it is visually related.

F. Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to those buildings, squares and places conforming with these design rules to which it is visually related.

G. Relationship of materials, texture and color. The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in those buildings conforming with these design rules to which it is visually related. Masonry, concrete and glass materials are generally appropriate.

H. Roof shapes. The roof shape of a building shall be visually compatible with those buildings conforming with these design rules to which it is visually related.

I. Scale of a building. The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with those buildings, squares and places conforming with these design rules to which it is visually related.

J. The place and orientation of the front elevation of a building, including the shape and composition of its architectural elements shall be visually compatible with those buildings, squares, and places conforming with these design rules to which it is visually related.

K. All the elements of the landscape design of a building, such as planted areas, plant materials, grading, and pedestrian walks and areas, shall be visually compatible with the corresponding elements of those buildings, squares and places conforming with these design rules to which it is visually related.

CAAPB 1511 Variances. The board shall have the authority to grant variances from the strict application of these rules pursuant to the provisions of CAAPB 1504.

Chapter Sixteen: Variances

CAAPB 1601 Purpose. The procedures and standards contained herein shall govern the consideration and disposition of all variance requests submitted to the board.

CAAPB 1602 Requests for a variance. A person desirous of obtaining a variance from the application of one or more of these rules shall initiate the variance process by submitting to the board four copies of the following information and documents:

A. A statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested.

B. Any supporting documentation necessary to provide a complete description of the proposal including, but not limited to, architectural plans and drawings, topographical information and project cost data.

C. A detailed statement addressing each of the applicable variance criteria contained in this chapter and setting forth the reasons as to why the variance request is in conformance with these criteria.

CAAPB 1603 Disposition of variance requests. The board shall grant or deny a variance request pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the board shall send written notice thereof to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests and the board shall not act upon the variance request for 30 calendar days after it has issued the notice.

The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing and a statement that the board will not act on the variance request until interested persons have been afforded at least 30 calendar days after the board's issuance of the notice to submit their comments.

B. If, after receiving the variance request, the board determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to:

1. Submit additional data regarding the variance request to the board or its Executive Secretary, or

2. Appear before the board or its Executive Secretary to provide additional information thereon.

C. To facilitate full consideration of a variance request the board may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the board and make arguments to the board. In such event, the board shall provide the aforementioned persons notice of the request appearance at least seven days before the board meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in Minn. Stat. § 15.0411, subd. 4.

D. If a person requesting a variance fails to follow the variance procedures specified in these rules, the variance shall be denied.

E. The CAAPB shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

CAAPB 1604 Standards for granting and denying variance requests.

A. The board shall grant a variance to the application of any of its rules, excepting its design standards and sign rules, only if it determines that all of the following criteria have been met:

1. Strict application of the rule to which a variance is being requested would cause undue and substantial hardship to the owner of the property by reason of the unusual topography or other exceptional aspect of the property in question.

2. The granting of the variance does not confer a benefit on the person requesting the variance which is not enjoyed by other persons similarly situated.

3. The granting of the variance does not substantially impair the intent and purposes of these rules.

4. The variance may be granted without substantial detriment to another person or the public good.

B. The board shall grant a variance to the application of its design standards if it determines that:

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1. Strict application of the design rules would prevent implementation of a design which, in terms of meeting the intent of the rules, is equal to or superior to the design alternatives authorized by the rules, and

2. The criteria set forth in CAAPB 1604 A. 2., 3. and 4. have been met.

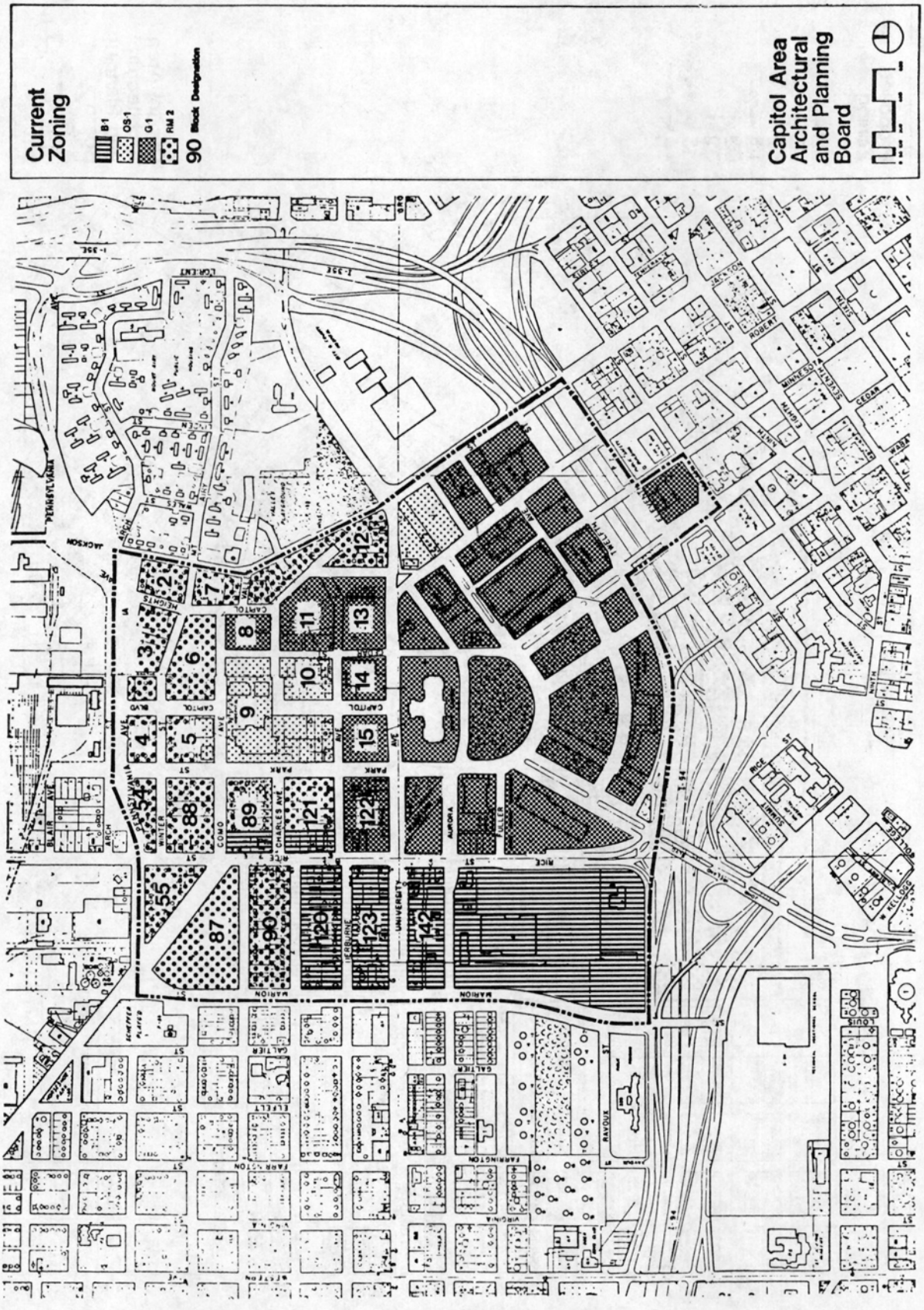
C. The board shall grant a variance to application of its sign rules if it determines that:

1. Unusual conditions exist with respect to a specific building or lot which require the installation of a unique sign,

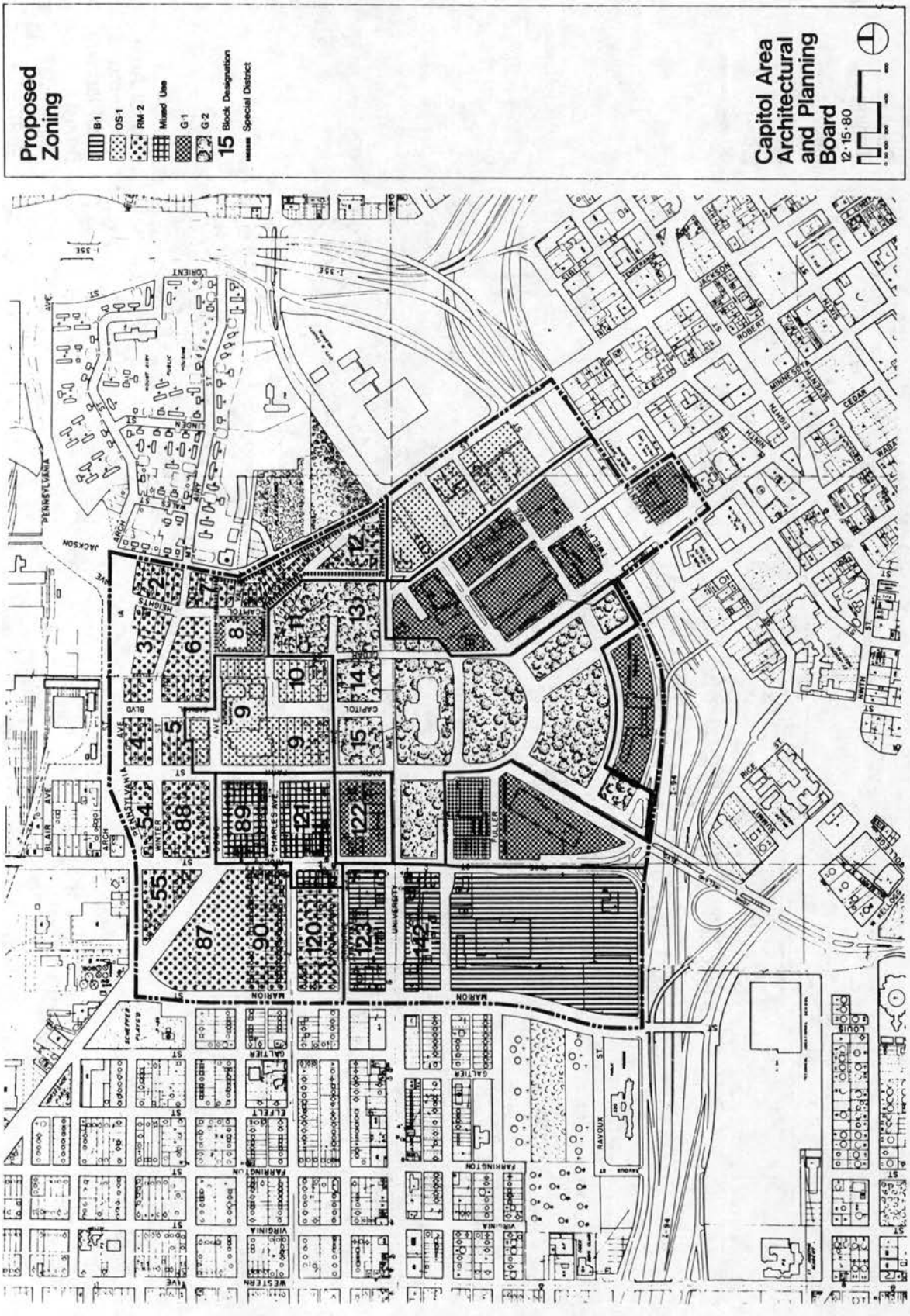
2. The granting of the variance does not result in the installation of a sign in a zoning district in which such a sign is not permitted by these rules, and

3. The criteria set forth in CAAPB 1604 A. 2., 3. and 4. have been met.

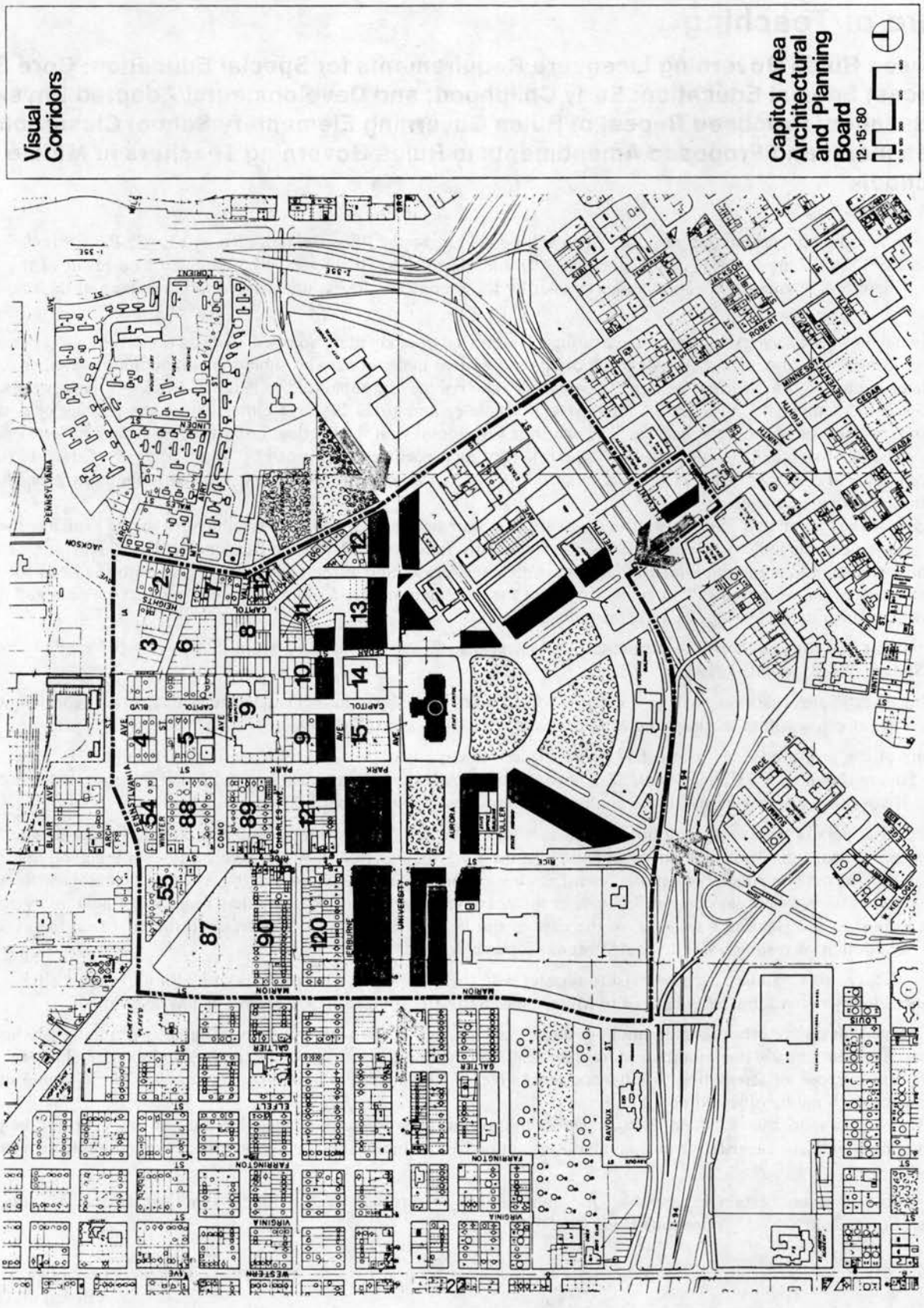
[PROPOSED FOR REPEAL]



[PROPOSED NEW MAP]



[PROPOSED VISUAL CORRIDORS]



Board of Teaching

Proposed Rules Governing Licensure Requirements for Special Education: Core Skill Areas; Special Education: Early Childhood; and Developmental/Adapted Physical Education; Proposed Repeal of Rules Governing Elementary School Classroom Teachers; and Proposed Amendments to Rules Governing Teachers in Middle Schools

Notice of Hearing

A public hearing concerning the proposed rules will be held at State Office Building, Room 83, 435 Park Street, St. Paul, Minnesota 55155 on June 6, 1981, commencing at 9:00 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Peter C. Erickson, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, MN 55104, telephone (612) 296-8118 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The board's statutory authority to promulgate the proposed rules is provided by Minn. Stat. § 125.05, subd. 1 (1980) and Minn. Stat. § 125.185, subd. 4 (1980).

The board estimates that there will be no cost to local bodies in the state to implement the rules for two years immediately following its adoption within the meaning of Minn. Stat. § 15.0512, subd. 7 (1978).

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the board may not take any final action on the rules for a period of five 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. If you desire to be so 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 Hearing Examiner's Report, or to the board, in the case of the board's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) 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 one 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5616.

April 6, 1981

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rules as Proposed (all new material)

5 MCAR § 3.050 Elementary schools. [Proposed for repeal.]

5 MCAR § 3.050 Elementary school classroom teachers, grades 1-6.

A. All candidates recommended for licensure as elementary school classroom teachers (grades 1-6) shall hold a baccalaureate degree and shall have satisfactorily completed a program leading to the licensure of elementary school classroom teachers which has been approved by the Minnesota Board of Teaching.

B. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a general/liberal studies component consisting of at least one third of the baccalaureate degree requirement of the institution. The general/liberal studies component shall be designed to provide candidates recommended for licensure as an elementary school classroom teacher (grades 1-6) with knowledge, skills, and understandings within each of the following categories of this component:

1. Symbolics of information, which must include three areas within this category such as, but not limited to, composition, public speaking, languages, linguistics, history and structure of the English language, logic, and mathematics. The area of mathematics is required of all candidates recommended for licensure as elementary school classroom teachers.

2. Humanities, which must include three areas within this category such as, but not limited to, music, art, theatre, literature, and philosophy.

3. Natural and social sciences, which must include four areas within the category of natural and social sciences. At least one area of natural science such as, but not limited to, life science, earth science, and physical science is required of all candidates recommended for licensure as elementary school classroom teachers. At least one area of social science such as, but not limited to, anthropology, economics, geography, history, political science, psychology, sociology, and interdisciplinary studies is required of all candidates recommended for licensure as elementary school classroom teachers.

C. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in all of the following: foundational studies, organization and management of instruction, content and methods, pre-student teaching and student teaching experiences, and the profession of teaching.

1. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching, and includes all of the following:

a. The study of child growth and development from early childhood through early adolescence, including typical and atypical patterns of development.

b. The study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students as influenced by various cultures and family life styles.

c. The study of education and the school as an institution in the context of a changing pluralistic society.

2. Organization and management of instruction. This category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all students within a classroom, and includes all of the following:

a. Development of differentiated instructional strategies and techniques, and the application of these strategies and techniques to unique learning styles, differing physical, emotional, mental capabilities; and differing environments and cultures.

b. Skills to assess, diagnose, prescribe, evaluate, and report individual student achievement.

c. Organizational, management, and communication skills and strategies to facilitate individual and group learning, including development of positive self-concepts and group dynamics.

d. Selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media.

e. Development of skills to integrate elementary curriculum areas.

f. Implementation of instruction within school organizational patterns including the recognition of differentiated roles, responsibilities, and tasks of school personnel.

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g. Implementation of techniques to evaluate the curriculum and instructional strategies utilized.

h. First aid training.

3. Content and methods. This category consists of basic knowledge of content, materrials, and scope and sequence of K-6 curriculum; and skills necessary to teach in the elementary schools; including provision for individual differences of students, in all of the following curriculum areas:

a. Art: to promote artistic development through knowing about, responding to, and producing art.

b. Communication skills.

(1) Language arts: to provide for the development and integration of listening, speaking, handwriting, spelling, language usage, and creative and practical writing.

(2) Literature: to provide for the development of reading interests and appreciation of literature through exposure to types of children's literature and modes of presentation, including storytelling.

(3) Reading: to provide for the development of pre and basic reading skills and the diagnosis and correction of reading difficulties.

(4) Application of language arts and reading to elementary curriculum areas.

c. Health: to promote attitudes and habits necessary to safe and healthful living.

d. Mathematics: to provide for the development of basic arithmetic operations, problem-solving skills, measurement techniques, including the metric system, geometric concepts, and computing devices.

e. Music: to sing, play, and conduct simple rhythm patterns and melodies; develop creative patterns for dancing and movement; provide for playing, making, and utilizing musical instruments; and beginning exposure to musical heritage.

f. Physical education: to provide experiences that promote physical and motor growth and development; team, individual, and life long physical activities.

g. Science: to develop processes of scientific inquiry for topics within school science curricula.

h. Social studies: to develop processes of gathering, organizing, reporting, and interpreting social science data.

i. Interdisciplinary studies: emerging topics of an interdisciplinary nature which may include, but are not limited to, environmental education, career education, family life education, and death education.

4. Pre-student teaching and student teaching experiences. This category consists of cooperative experiences between teacher preparation institutions and classroom teachers in a school setting in grades 1-3 and in grades 4-6 in which theory and practice are combined, and includes all of the following:

a. A series of formal observations of teaching and directed instructional experiences in an elementary school, prior to student teaching, which shall begin early in the professional education component.

b. Student teaching, which shall consist of full school day experiences for one academic quarter or the equivalent thereof in an elementary school in which the student teacher assumes responsibility for the management of the classroom and the implementation of the complete program for all students within a classroom for a minimum of one week. Full school day experience is defined as a normal load for a teacher in the school in which the student teaching takes place.

5. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

a. A minimum level of proficiency in the written English language.

b. Skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students.

c. Skills to evaluate self and peer teaching performance.

d. Responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession.

e. Legal rights of students, parents, administrators, school boards, and teachers.

f. Essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee.

g. Purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

D. An institution applying to the Board of Teaching for approval of its elementary school classroom teacher preparation program (grades 1-6) shall meet the provisions of 5 MCAR § 3.141. In addition, institutions are also authorized to submit for approval elementary school classroom teacher preparation programs (grades K-6) provided such programs meet the provisions of this rule and the provisions of 5 MCAR § 3.051, Kindergarten.

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

1. Possession by the applicant of a previously issued valid and appropriate entrance license, and

2. One year of elementary school teaching experience during the time that the applicant holds an appropriate entrance license.

F. The continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education/relicensure.

G. This rule is effective July 1, 1985, for all applicants for entrance licenses.

5 MCAR § 3.0901 Special education: core skill areas.

A. All candidates recommended for licensure in areas or fields which require completion of core skill area requirements in special education shall satisfactorily complete the core skill area licensure requirements enumerated in provision B. of this rule as part of the preparation program approved by the Minnesota Board of Teaching.

B. Core skill area requirements in special education shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations.

a. Understanding of human growth and development, which shall include:

(1) typical and atypical development

(2) stages from conception to death

(3) affective, language, cognitive, and sensorimotor areas

(4) factors influencing development, including physiological, social, physical environment, and psychological.

b. Understanding of learning and teaching theories.

c. Knowledge of construction, interpretation, application and limitation of standardized and nonstandardized assessment procedures.

d. Knowledge of handicapping conditions and their educational implications.

2. Curriculum and instruction.

a. Understanding of curriculum design and instructional strategies.

b. Understanding of adapting curriculum and instructional strategies to meet individual learning styles.

3. Special education instructional systems.

a. Knowledge of program delivery systems, including all levels of service.

b. Understanding of individual and group management strategies.

c. Understanding of effective use of school and outside resources in creating a positive learning environment.

d. Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's program.

e. Understanding of the child study/team planning process.

f. Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individual educational plan.

4. Communication/consultation.

a. Knowledge of institutional and administrative factors which facilitate or impede delivery of services.

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b. Ability to effectively communicate the needs and rights of handicapped persons.

c. Ability to use interpersonal skills when working with parents, professionals, paraprofessionals, agencies, students and other persons or groups.

d. Understanding the roles and organizational structures of regular and special education and the part they play in providing total service for the student.

e. Ability to serve in a consultative capacity with individuals and groups, including parents and students.

5. Organizational, historical, and legal factors.

a. Knowledge of state and federal laws, rules, and regulations relating to regular and special education.

b. Understanding of due process and data privacy requirements.

c. Knowledge of historical and philosophical background of the education of handicapped persons and knowledge of attitudes toward handicapped persons.

d. Understanding of how to identify and access resources relevant to handicapped persons.

6. Abilities basic to all special education preparation.

a. Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.

b. Ability to function as a member of a team in designing appropriate educational programs for handicapped students.

c. Ability to apply team designed strategies in an educational setting.

d. Ability to design and apply instructional strategies in an educational setting.

e. Ability to identify and use non-school resources relevant to handicapped persons.

f. Ability to assess results of instruction.

C. An institution applying to the Minnesota Board of Teaching for approval of preparation programs which require inclusion of core skill area requirements enumerated in this rule shall demonstrate how provision B. of this rule is incorporated in each preparation program.

D. This rule is effective July 1, 1985, for all applicants for licensure in areas or fields which require completion of core skill area requirements in special education.

5 MCAR § 3.0902 Special education: early childhood.

A. All candidates recommended for licensure to teach Special Education: Early Childhood (ages birth-kindergarten) shall:

1. Hold a baccalaureate degree, and

2. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

3. Satisfactorily complete a Special Education: Early Childhood preparation program (ages birth-kindergarten), approved by the Minnesota Board of Teaching, consisting of at least 54 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Special Education: Early Childhood (ages birth-kindergarten) shall provide candidates recommended for licensure with knowledge, skills, and understandings, distributed equally between instructional strategies for teaching children with normal development and children with handicapping conditions, in all of the following:

1. Typical and atypical development of infants, toddlers, and pre-primary children which includes integration and relationship of the following:

a. Understanding of the development of sensorimotor skills and associated disorders and delays, including self-help skills.

b. Understanding of early language development and associated disorders and delays, including knowledge of alternative forms of communication.

c. Understanding of cognitive development and associated disorders and delays.

d. Understanding of social and emotional development and associated disorders and delays.

2. Understanding of specific handicapping conditions and their developmental and educational implications for infants, toddlers, and pre-primary children.

3. Measurement procedures appropriate for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Ability to observe and analyze the total learning environment of the child.

b. Ability to utilize a variety of screening instruments or methods and knowledge of their limits.

c. Ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments.

d. Understanding of diagnostic strategies appropriate for children with handicapping conditions.

e. Ability to use interview techniques to gain and maintain information from parents, other family members, teachers, and other significant care-givers.

4. Organization and management of instruction, consisting of planning, implementing, and evaluating educational programs for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions in one-to-one and group situations, which shall include:

a. Ability to program effectively for the following developmental areas:

(1) Sensorimotor,

(2) Language,

(3) Cognitive,

(4) Social/emotional,

(5) Creative expression.

b. Ability to individualize educational programming.

c. Ability to select, evaluate, adapt, and develop curriculum, materials, and technology.

d. Ability to work with children in a variety of settings, including classrooms, community programs, and home-based programs.

e. Ability to involve the public and private agency personnel in the instructional program through referrals, continuing communication, preparation of reports, and development of interagency coordination and cooperation.

f. Ability to supervise nonlicensed personnel in the delivery of educational programs.

g. Ability to design and implement educational environments consistent with the concept of the least restrictive alternative.

5. Family-child-school relations for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Understanding the implications of children in family dynamics.

b. Understanding the role of parents as primary informal teachers of their children.

6. Pre-practicum and practicum experiences with infants, toddlers, and pre-primary children, in a setting in which theory and practice are combined, which shall include:

a. A series of formal observations of teaching and directed instructional experiences, prior to a practicum experience.

b. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with normal development and their parents.

c. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with handicapping conditions and their parents.

Upon completion of pre-practicum and practicum experiences, candidates recommended for licensure shall have had such experiences with normal development and handicapped infants, toddlers, and pre-primary children with a variety of disorders and served through a variety of program models, such as home-based or pre-school class.

C. An institution applying to the Board of Teaching for approval of its Special Education: Early Childhood teacher preparation program shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Special Education: Early Childhood shall include a description of the way in which practicing teachers may have their teaching

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experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Special Education: Early Childhood. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years. Successive two-year renewals of provisional licensure in Special Education: Early Childhood shall be issued to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2. and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Special Education: Early Childhood.

5 MCAR § 3.0909 Developmental/adapted physical education.

A. All candidates recommended for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten-12) shall:

1. Hold a baccalaureate degree, and

2. Hold a valid license as a teacher of physical education, grades K-12, and

3. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

4. Satisfactorily complete a Developmental/Adapted Physical Education teacher preparation program, approved by the Minnesota Board of Teaching, consisting of at least 27 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Developmental/Adapted Physical Education (grades prekindergarten-12) shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations of developmental/adapted physical education, consisting of the sciences of biology, anatomy, and/or human physiology, which shall include:

a. Understanding of sequences of motor development from early childhood through adolescence, including typical and atypical patterns of development.

b. Understanding of physically handicapping conditions which interfere with motor function.

c. Understanding of physical rehabilitation as applied to physical education programs for handicapped and special needs students.

2. Organization and management of instruction, consisting of planning, implementing, and evaluating physical education instruction for handicapped and special needs students (grades prekindergarten-12), which shall include:

a. Understanding of scope, sequence, and implementation of developmental/adapted physical education curriculum.

b. Ability to identify, assess, and evaluate physical and motor development of handicapped and special needs students.

c. Ability to develop, adapt, select, and utilize a variety of instructional resources to implement a developmental/adapted physical education curriculum.

d. Knowledge of the application of research to developmental/adapted physical education curriculum.

e. Ability to adapt physical education activities and curriculum for handicapped and special needs students.

f. Ability to select and adapt facilities and equipment for handicapped and special needs students.

g. Ability to supervise nonlicensed personnel in the delivery of developmental/adapted physical education programs for handicapped and special needs students.

h. Teaching experiences with handicapped and special needs students, including students in regular physical education classes and students in self-contained special education classes, and experiences in two or more of the handicapped categories set forth in M.S. 120.03.

C. An institution applying to the Board of Teaching for approval of its Developmental/Adapted Physical Education preparation program (grades prekindergarten-12) shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Developmental/Adapted Physical Education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Developmental/Adapted Physical Education. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who meets the requirements of A.1. and A.2., above, and who has completed a minimum of 15 quarter hours or the equivalent selected from B.1. and B.2., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Developmental/Adapted Physical Education. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years, after which full licensure as specified in A., above, shall be required. Provisional licensure shall remain in effect until July 1, 1990, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten-12).

Amendments as Proposed

5 MCAR § 3.054 Teachers in middle schools.

~~A. A teacher who teaches in a middle school shall hold a valid Minnesota elementary classroom teaching license or secondary classroom teaching license.~~

A. All candidates recommended for licensure as teachers in middle schools shall:

1. Hold a baccalaureate degree, and

2. Hold a valid Minnesota license as an elementary or secondary classroom teacher, and

3. ~~In addition, e~~Except as provided in B. of this rule, ~~a teacher teaching in a middle school shall~~ satisfactorily complete a preparation program, approved by the Board of Teaching, leading to the licensure of middle school teachers, as follows:

a. ~~1.~~ A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) ~~a.~~ Philosophy and organization of the middle school

(2) ~~b.~~ Adolescent psychology

(3) ~~c.~~ Interdisciplinary planning

(4) ~~d.~~ Special learning and behavior problems

(5) ~~e.~~ Teaching experience with adolescents

(6) ~~f.~~ A minimum of 12 quarter hours or the equivalent of course work in a single academic licensure field.

b. ~~2.~~ A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) ~~(a)~~ Philosophy and organization of ~~a~~ the middle school

(2) ~~b.~~ Pre-adolescent psychology

(3) ~~c.~~ Developmental reading

(4) ~~d.~~ Interdisciplinary planning

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(5) ~~e.~~ Remedial reading

(6) ~~f.~~ Special learning and behavior problems

(7) ~~g.~~ Teaching experience with pre-adolescents.

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

C. Minnesota colleges and universities approved to prepare teachers and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school teachers submitted for approval have been developed with participation from elementary and secondary teachers, 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. Nothing in this rule shall prohibit Minnesota colleges and universities which offer approved programs leading to the licensure of teachers in middle schools from collaborating with local school districts to develop jointly the program of instruction enumerated in A.1. and A.2., above, which will meet the needs of local school districts. Such programs must meet the requirements of the approved middle school licensure program offered by the college or university. Recommendation of candidates for licensure who complete such programs shall be the responsibility of the college or university through which the program was developed.

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

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

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

H. ~~G.~~ The first and subsequent continuing middle school teaching 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 classroom continuing teaching licenses.

I. Persons holding a valid Minnesota secondary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subjects or fields in which secondary school licensure is held.

J. Persons holding a valid Minnesota elementary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subject or field in which the requirement of A.3.a.(6) of this rule has been completed.

K. Persons holding a valid Minnesota secondary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which valid Minnesota secondary classroom teaching licensure is held.

L. Persons hold a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

L. Persons hold a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon

application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

M. ~~H.~~ From July 1, 1978, until July 1, 1983, any person licensed by the Minnesota Board of Teaching for any of the grade levels in a middle school where the person is assigned to teach is granted authority to teach areas and subjects specified by the duly issued licenses at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

N. ~~I.~~ Except for provisions ~~H.~~ K., L., and M., all provisions of this rule shall become effective July 1, 1983.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

State Board of Education (State Board for Vocational Education) Department of Education Vocational-Technical Division

Adopted Rules Governing the Distribution of Post-Secondary Vocational Education Aids

The rules proposed and published at *State Register*, Volume 5, Number 29, pp. 1131-1135, January 19, 1981 (5 S.R. 1131) are now adopted with the following amendments:

Amendments as Adopted

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 1.0104 Tuition and fees.

E. A late penalty may be charged not to exceed $10.00 per period established pursuant to D. of this rule. ~~Penalty payments shall be deducted from foundation aid.~~ The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

5 MCAR § 1.01043 Post-secondary vocational supply aid.

B.5.a. When the total requests for supply aid are equal to or less than 105 percent of the funds appropriated for this purpose, each AVTI shall have ~~their~~ its request reduced by an equal percentage so that the allocations make maximum use of but do not exceed the funds appropriated for this purpose.

5 MCAR §§ 1.0105 and 1.0107 [Repealed.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Department of Employee Relations

Adopted Rules Governing Restoration of Seniority and Special Expenses

The rules published and proposed at *State Register*, Volume 5, Number 17, pp. 659-661, October 27, 1980 (5 S.R. 659) are now adopted, with the following amendments.

Amendments as Adopted

2 MCAR § 2.119 Restoration of seniority and continuous service credit. An appointing authority, who reemploys an employee who has voluntarily left employment of the agency to enter employment in another agency and who has been employed continuously by the state, shall reinstate the seniority and continuous service credit that existed at the time the employee left the agency.

Any employee who was mandatorily retired at age 65 prior to January 1, 1979, shall have all seniority and continuous service credit existing at the time of the mandatory retirement restored upon the employee's return to state service in any employment status in which seniority is accrued.

An employee who was required to resign due to pregnancy shall have all seniority and continuous service credit existing at the time of resignation restored upon written application to her appointing authority, if:

A. The employee returned to the agency from which she resigned within one year of resignation and notifies her appointing authority within 180 days from the effective date of this rule that she wishes to have seniority and continuous service credit restored under this provision, or

B. The employee returned to state service in another agency within one year of resignation and subsequently returned to the agency from which she resigned, and the employee notifies her appointing authority within 180 days from the effective date of this rule that she wishes to have seniority and continuous service credit restored under this provision.

All changes in continuous service credit for vacation accrual purposes resulting from the application of this rule shall be effective retroactively to July 4, 1979. If the application of this provision causes an employee's vacation leave balance to exceed the established maximum, the employee shall not lose the excess vacation and shall be given one year in which to reduce her vacation balance to the maximum allowed.

All changes in seniority for purposes of lay off shall be effective 15 calendar days after the employee gives written notice to the appointing authority.

Except as provided above, seniority of a former employee who was reinstated or appointed from a reemployment list shall begin on the date of reemployment in the state service. Seniority at the time of termination may be restored by the appointing authority upon the written request of the employee.

2 MCAR § 2.181 D. Special expenses.

1. Definitions

a. For the purposes of this ~~section~~ part, the term "employee" means all employees in the executive branch of state government; and individuals serving on statutory and non-statutory boards, councils, task forces and commissions; ~~and persons requested to attend state sponsored workshops, meetings, or conferences where the benefit of their attendance accrues primarily to the state~~ excluding consultants on contract to the state.

b. For the purposes of this ~~section~~ part, "work area" means: (1) the seven county metropolitan area for employees regularly stationed in that area or (2) the area within a 35 ~~road miles~~ mile radius of the employee's work station for employees regularly stationed outside the seven county metro area.

2. Reimbursements covered by this ~~section~~ part are limited to:

a. The actual cost of a meal, notwithstanding the limits contained in ~~Section~~ part B. of this rule and without regard to the employee's assigned work area, provided the meal is on the agenda of a conference, workshop, seminar, or meeting and the employee's attendance has been approved by the appointing authority;

b. Registration fees for conferences, seminars or workshops where the employee's attendance has been approved by the appointing authority;

~~c. Breakfast or dinner within the employee's work area where the employee is assigned to actively participate in state business two hours before or four hours after the assigned shift;~~

[d.-f. Reletter as c.-e.]

~~3. For the purposes of this section, the appointing authority shall determine (a) when the benefit of a person's~~

~~attendance at a work shop, conference, meeting or seminar accrues primarily to the state; (b) when an event is directly related to the employee's position; and (c) the number of employees that may attend the same reimbursable event.~~

3. For purposes of this part, no special expenses will be reimbursed unless the benefit of an employee's attendance at a workshop, conference, meeting, or seminar accrues primarily to the state and has been approved by the appointing authority. When an appointing authority approves such attendance, it will be presumed that it accrues primarily to the benefit of the state. The reimbursement of special expenses are subject to the approval of the Commissioner of Finance who is authorized to enforce this rule.

SUPREME COURT

Decisions Filed Friday, April 17, 1981

Compiled by John McCarthy, Clerk

50817/329 State of Minnesota v. C. A., Appellant. Scott County.

A motion pursuant to Minn. Stat. § 299C.11 (1980) for the return of finger and thumb prints, photographs and other identification data was properly granted; other portions of appellant's motions for expungement were properly denied on the facts of this case.

Courts have inherent authority to grant relief when necessary to the performance of their unique judicial functions and inherent authority to remedy serious constitutional violations flowing from retention of criminal records.

Affirmed. Sheran, C. J.

50750/330 State of Minnesota v. M. C., Appellant. St. Louis County.

Minn. Stat. § 299C.11 (1980) requires the return of all copies of finger and thumb prints, photographs and identification data. Appellant has not justified the remainder of her motion for expungement as an exercise of the inherent authority of the courts to remedy serious infringements of constitutional rights or to grant relief when necessary to the performance of their unique judicial function.

Affirmed. Sheran, C. J.

51765/Sp. State of Minnesota v. Donald F. Zernechel, Appellant. Blue Earth County.

Evidence of defendant's guilt of burglary and criminal sexual conduct in the second degree was sufficient.

Trial court did not prejudicially err in denying defense motion to prohibit the prosecution from cross-examining defendant, if he testified, concerning a prior conviction for felonious possession of a controlled substance.

Trial court's instruction on definition of "force" in prosecution in which force was not an element was superfluous and nonprejudicial.

Record on appeal fails to establish that defendant's privately-retained trial counsel did not represent him adequately.

Affirmed. Todd, J.

Opinion Filed Tuesday, April 7, 1981

81-215/Sp. State of Minnesota, Appellant v. Lee J. Kochendorfer. Ramsey County.

District court erred in granting pretrial defense motion to suppress evidence on fourth amendment grounds; affidavit in support of warrant contained sufficient information obtained by independent police observation to establish probable cause that marijuana would be found at defendant's residence when warrant was executed.

Reversed and remanded for trial. Sheran, C. J. Took no part, Todd, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Public Welfare
St. Peter State Hospital

Notice of Request for Proposals for Health Related Services

Notice is hereby given that the St. Peter State Hospital Complex, Mental Health Division, Department of Public Welfare, is seeking the following services for the period July 1, 1981 through June 30, 1982. These services are to be performed as requested by the Administration of the St. Peter State Hospital Complex.

1) Services of a consulting psychologist to include providing psychological evaluations and examinations for patients at the St. Peter State Hospital. Preparation and presentation of lectures, consulting with staff members, teaching members of the psychology staff with regard to testing and psychological treatment. Estimated amount of contract will not exceed $15,000.

2) Services of an individual who specializes in internal medicine, to provide medical evaluations of mentally ill and chemically dependent patients at St. Peter State Hospital as well as medical examinations and care of the population at Minnesota Security Hospital. This individual will provide primary care and act as a consultant to staff physicians. The estimated amount of the contract will not exceed $22,000.

3) Services of a consulting psychiatrist to provide psychiatric evaluations and make recommendations with regard to psychotropic medications. Individual will aid staff in the special area of geriatric psychopharmacology and geriatric psychiatry. The estimated amount of the contract will not exceed $18,000.

4) Services of a consulting psychiatrist to provide psychiatric examinations of men referred to the Intensive Treatment Program for Sexual Aggressives (ITPSA), participate in their evaluation and recommendations to courts. Consultation of patient care and program aspects of ITPSA. Psychiatric examinations on other residents, present and past, of Minnesota Security Hospital, with reports to court or review process, as requested. The estimated amount of the contract will not exceed $23,100.

5) Services of a consulting psychiatrist to provide psychiatric assessment, with emphasis on use of psychotropic medications in controlling behavior, follow-up reviews and feedback reviews for developmentally disabled clients at the Minnesota Valley Social Adaptation Center (MVSAC). Also, to be responsible for medication for residents on specific units at the Minnesota Security Hospital. The estimated amount of the contract will not exceed $35,750.

Responses for the above services must be received by May 22, 1981.

Direct inquiries to:

Thomas R. Bolstad
Sr. Accounting Officer
St. Peter State Hospital Complex
100 Freeman Drive
St. Peter, MN. 56082
Phone: (507) 931-7116

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration Cable Communications Board

Invitation to Comment on Proposed Cable Service Territory for the Municipality of Prior Lake

On March 9, 1981, the City of Prior Lake proposed a cable service territory (CST) consisting of the corporate limits of the city of Prior Lake.

On June 12, 1981 the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the board continues to seek written comments from parties interested in the proposed CST—not only from the municipality included in the original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, other units of government and individuals.

The board will set aside a portion of its May 1, 1981 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103, (612) 296-2545.

Energy Agency

Notice of Intent to Solicit Outside Comment and Extension of Comment Period Regarding Rules Governing the Minnesota Emergency Motor Fuel Conservation Plan

Notice is hereby given that the Minnesota Energy Agency is extending the date for receipt of written comment on rules governing the State Emergency Motor Fuel Conservation Plan from April 24 to May 15, 1981. The rules and notice of intent to solicit comment appeared in the *State Register* on April 9, 1981.

Statements of information and comment shall now be accepted until May 15, 1981. Any written material received by the agency shall become part of the record when the rules are promulgated.

Ethical Practices Board

Advisory Opinion #78 Re: Potential Conflict of Interest—State Legislator

Approved by the Ethical Practices Board on April 10, 1981

Issued to:

Representative Douglas W. Carlson
372 State Office Building
St. Paul, MN 55155

Summary

#78. When a legislator's official duties require action which would substantially affect his financial interests, he must disclose both the matter requiring action and the nature of his potential conflict of interest.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148

State Board of Investment

Investment Advisory Council

Notice of Regular Meeting

The Investment Advisory Council will meet Tuesday, April 28 at 7:30 a.m. at the MEA Conference Room, 41 Sherburne Avenue, Saint Paul.

State Board of Investment

Notice of Regular Meeting

The State Board of Investment will meet Tuesday, April 28 at 10:00 a.m. in the State Capitol, Room 130, Saint Paul.

Pollution Control Agency

Application by the City of Worthington for A National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit for Its Wastewater Treatment Facility

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held by the Minnesota Pollution Control Agency (MPCA) pursuant to Minn. Stat. ch. 115 (1980) and 6 MCAR § 4.8036 on Monday, June 8, 1981, at the Farmers Room, Nobles County Court House, 315 Tenth Street, Worthington, Minnesota 56187, commencing at 1 p.m. An evening session will be held commencing at 7 p.m., also on June 8, 1981, at the same location in order to provide an opportunity to participate to those who cannot attend the day session. If necessary, the hearing will be continued at 9 a.m. on Tuesday, June 9, 1981, at the same location and thereafter until adjournment.

The City of Worthington, 303 Ninth Street, Worthington, MN 56187, has applied for reissuance of its NPDES/SDS permit for its wastewater treatment facility. The city currently owns and operates a trickling-filter type wastewater treatment facility located in the NW1/4 of the NE1/4 of Section 13, Township 102 N, Range 20 W, Worthington Township, Nobles County, Minnesota. The wastewater treatment facility is designed to treat an average flow of 2,090,000 gallons per day with a 5-day biochemical oxygen demand (BOD_5) strength of 750 milligrams per liter (mg/1). The wastewater treatment facility has a continuous discharge to Okabena Creek. Okabena Creek flows northeast from Worthington and outlets approximately 30 miles downstream in South Heron Lake, Jackson County, Minnesota. South Heron Lake outlets to Heron Lake.

Okabena Creek, South Heron Lake and Heron Lake are classified pursuant to 6 MCAR § 4.8024. The portion of Okabena Creek from Worthington to Brewster (which includes the portion of the Creek to which the wastewater treatment facility discharges) is classified as a Class 7 (Limited Resource Value) water. The portion of Okabena Creek from Brewster to South Heron Lake is classified as a Class 2 (Fisheries and Recreation) water. South Heron Lake and Heron Lake are also classified as Class 2.

The Director of the MPCA made a preliminary determination to issue the proposed permit in conjunction with a proposed stipulation agreement. The proposed permit would authorize the City of Worthington to construct and operate its wastewater treatment facility in accordance with the effluent limitations, monitoring requirements and other conditions set out in the permit. The proposed permit would expire December 31, 1985. The City of Worthington is presently unable to comply with the effluent limitations set out in the proposed permit. The City needs to construct a new or upgraded wastewater treatment facility in order to comply with these effluent limitations. The proposed stipulation agreement establishes, among other things, interim effluent limitations which must be met by the City. The proposed stipulation agreement would terminate June 30, 1983.

Public notice (number 14M-468) of the permit application and the preliminary determination to issue the proposed permit was made on February 13, 1981, pursuant to 6 MCAR § 4.8036. The Board of Commissioners of Jackson County (Petitioners) requested a hearing in response to the public notice. The following groups joined in the Jackson County petition.

The Middle Des Moines Watershed District; the Jackson County Conservation League; the Jackson Soil and Water Conservation District; the Cities of Heron Lake and Windom; the Townships of Weimer, Delafield, Alba, Heron Lake, Des Moines, Springfield, Wisconsin Christiana, Enterprise, West Heron Lake, Round Lake, Belmont, and Southbrook; the Hotaoan Gun Club; the American Legion of Heron Lake, Post 224; the Lakefield Jaycees, the Jackson Liberty Post American Legion; the Willow Point Gun Club; the North Heron Lake Game Producer's Association; the Kiwanis Club; the Okabena

Development Association; the students of Pleasantview Elementary School; the faculty, students and employees of Lakefield High School; the Lakefield VFW Post 4743; and the Pohlman Gun Club.

The Petitioners have requested that:

1. The application for the reissuance of the city's NPDES/SDS permit be denied; or, in the alternative,

2. The proposed permit be issued with the following conditions:

a. effluent limitations sufficient to protect downstream Class 2 waters (Petitioners allege the effluent limitations contained in the proposed permit are not sufficient for this purpose);

b. a compliance schedule requiring construction of a new wastewater treatment facility, with pretreatment, by 1983;

c. a condition allowing for review and modification of the permit, if necessary, upon completion of the current study, funded by the Legislative Commission on Minnesota Resources, of Heron Lake.

The purpose of the hearing is to determine whether the proposed permit should be issued and, if so, the terms and conditions of such permit. In addition to the issues identified by Petitioners, such other issues as are germane to the determination of the issuance or denial of the proposed permit, as may be determined during prehearing conferences, may be addressed at the hearing.

Please be advised that these issues may, without further notice, be modified and/or amended by the Hearing Examiner during prehearing conferences. Additionally, prehearing conferences may result in the establishment of foundation for witnesses and exhibits and, furthermore, may lead to a settlement of the issues surrounding the permit issuance. A prehearing conference is currently scheduled for April 21, 1981, at 10:30 a.m., through a telephone conference call. Those interested in participating in the prehearing conference should be either at the office of Becky A. Comstock, Broeker, Hartfeldt, Hedges & Grant, 2850 Metro Drive, Suite 800, Minneapolis, Minnesota 55420, telephone: (612) 854-5263, attorney for Petitioners; David R. VonHoltum, Grose, VonHoltum, VonHoltum, Sieben & Schmidt, Ltd., 607 Tenth Street, Worthington, Minnesota 56187, telephone: (507) 376-4166, attorney for City of Worthington, or Marlene E. Senechal, 1935 West County Road B-2, Roseville, Minnesota, telephone: (612) 296-7342, attorney for MPCA Staff.

The hearing will be held before Ms. Phyllis Reha, Office of Administrative Hearings, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone: (612) 296-8109, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel, themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the procedures set out in Minn. Stat. §§ 15.0411 through 15.052, 9 MCAR §§ 2.201 through 2.299 (Office of Administrative Hearings Contested Case Rules), and 6 MCAR §§ 4.3001 through 4.3013 (Minnesota Pollution Control Agency Rules of Procedure), to the extent the latter rules do not conflict with the former rules.

The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the MPCA or may be purchased from the State Register & Public Documents Section of the Department of Administration, 117 University Avenue, Saint Paul, Minnesota 55155, telephone: (612) 296-2874.

The following persons are parties to the hearing at the present time, pursuant to 6 MCAR § 4.3009: the applicant (the City of Worthington), and the Petitioners. In addition, the MPCA Staff intends to file a Petition to Intervene as a party. Any other person wishing to become a party to the hearing must file a Petition to Intervene with the Hearing Examiner pursuant to 9 MCAR § 2.210 on or before May 15, 1981, and a copy must be served on all existing parties and the MPCA. The Petition may be filed after May 15, 1981, if there is good cause for the petitioner's failure to file the Petition in a timely manner. The Petition must show how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case, and shall set forth the grounds and purposes for which intervention is sought and indicate the petitioner's statutory right to intervene if one should exist. The name and address of the Hearing Examiner and the names and addresses of counsel for the Petitioners, the City of Worthington and the MPCA Staff are noted above.

The Hearing Examiner may, in the absence of a Petition to Intervene, nevertheless hear the testimony and receive exhibits from any person at the hearing, or allow a person to note his appearance, or allow a person to question witnesses, but no person shall become, or be deemed to have become, a party by reason of such participation. Persons offering testimony or exhibits may be questioned by parties to the hearing.

All persons are advised that no factual information or evidence which is not part of the hearing record shall be considered by the Hearing Examiner or the MPCA in determination of the above-entitled matter. Persons attending the hearing should bring all factual information or evidence bearing on the case which they wish to have included in the record.

The application form, proposed permit, comments received, hearing requests, and other documents related to this matter may be inspected and copied any time between 8:30 a.m. and 4 p.m., Monday through Friday, at the Minnesota Pollution

Control Agency, 1935 West County Road B-2, Roseville, Minnesota, telephone: (612) 296-7217; or at the Minnesota Pollution Control Agency, Regional Office, 1104 East College Drive, Marshall, Minnesota 56258, telephone: (507) 537-7146.

Questions concerning the issues raised in this Notice of and Order for Hearing or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Marlene E. Senechal at the address and phone number noted above.

All persons are advised that, if they intend to appear as parties at the hearing, the Notice of Appearance form enclosed with this Order must be completed and returned to the Hearing Examiner within twenty (20) days of the date of service of the Notice of and Order for Hearing. **Should a party fail to appear at the hearing, the issues set out in this order may be deemed proved** with the consequence that the proposed permit may be issued in its present form.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner as soon as possible but, in any event, at least five days prior to the hearing. A copy of the request must be served on the MPCA and all other parties.

April 6, 1981.

Louis J. Breimhurst
Executive Director

STATE OF MINNESOTA

OFFICE OF THE STATE REGISTER

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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FOR LEGISLATIVE NEWS

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Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
MAY 12 1981
ADMINISTRATIVE HEARINGS

IN THE MATTER OF: The Proposed Adoption and Amendment of Rules of the Board of Teaching Governing the Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

AFFIDAVIT OF MAILING

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

That on the 29th day of April, 1981, 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 Board of Teaching mailing lists.

Nancy A. Orr
Nancy A. Orr

Subscribed and sworn to before me this 29th day of April, 1981.

Betty K. King
Notary Public

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

PUBLIC HEARING MAILING LIST
FOR ALL HEARINGS

Ms. Sue Ellen Schema
14441 Guthrie Way
Apple Valley, MN 55124

Mr. Eugene Persha
5717 Newton Avenue So.
Minneapolis, MN 55419

Ms. Terri DeCorsey
2142 E. Cottage
St. Paul, MN 55119

Ms. Mary Hetherington
1167 California Drive No. 202
St. Paul, MN 55108

Ms. Ruth Goddard
2448 Oxford Street
Roseville, MN 55113

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RECEIVED
MAY 15 1981
ADMINISTRATIVE
HEARINGS

State of Minnesota
Board of Teaching

In the Matter of Proposed Adoption and Amendment of Rules of the Board of Teaching Governing the Licensure Requirements for Special Education: Core Skill Areas, Special Education: Early Childhood, Developmental/ Adapted Physical Education, Elementary School Classroom Teachers, and Teachers in Middle Schools

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, purusant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Board of Teaching for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 4:00 p.m., this 29th day of April, 1981.

Nancy A. Orr
Nancy Orr

Subscribed and sworn to before me
this 13 day of May, 1981.

Luana Vadnais
Notary Public

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

STATE OF MINNESOTA

BOARD OF TEACHING

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION

I, Edward Hudoba, 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 September 18, 1981, 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, amendment, or repeal of 5 MCAR §§ 3.050 Elementary School Classroom Teachers, Grades 1-6; 3.0901 Special Education: Core Skill Areas; 3.0902 Special Education: Early Childhood; 3.0909 Developmental/Adapted Physical Education; 3.050 Elementary Schools; 3.054 Teachers in Middle Schools, presented for hearing by the Board of Teaching at the public hearing on June 6, 1981, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Erickson dated July 29, 1981,
>
> And, that the rules relating to 5 MCAR §§ 3.050 Elementary School Classroom Teachers, Grades 1-6; 3.0901 Special Education: Core Skill Areas; 3.0902 Special Education: Early Childhood; 3.0909 Developmental/Adapted Physical Education; 3.054 Teachers in Middle Schools be and are hereby approved and adopted, pursuant to the authority vested in us by M.S. 125.185, and Ray C. Olson, 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 18th day of September, 1981.

Edward P Hudoba
Secretary

ATTEST:

Kenneth A. Ames
Vice Chairman

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Sheila S. Fishman, 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.

Sheila S. Fishman
SPECIAL ASSISTANT ATTORNEY GENERAL

Dated: Sept 22, 1981

October 12, 1981
File #90

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

__X__ The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

SEE ATTACHED

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson
Title: Deputy Revisor
Phone: 296-1536

- - - -

Show all changes from the proposed rule by strike outs and underlining.

Page 1, line 13, strike "an"

Page 1, line 13, strike "teacher" and insert "teachers"

Page 1, line 39, strike ", and" and insert ". It"

Page 2, line 8, strike ", and" and insert ". It"

Page 2, line 11, strike the comma after "techniques"

Page 2, line 12, strike the comma after "styles" and insert ";"

Page 2, line 30, strike "and" before "scope" and insert "," after "scope"

Page 2, line 30, strike the semicolon after "curriculum"

Page 2, line 30, before "skills" insert "of"

Page 2, line 31, strike the semicolon after "schools" and insert ","

Page 3, line 15, strike "beginning" and insert "begin"

Page 3, line 31, strike ", and" and insert ". It"

Page 5, lines 7 and 8, insert an underlined semicolon at the end of each line

Page 5, line 9, insert "; and" at the end of the line

Page 9, after line 22, insert "D. Provisional licensure."

Page 9, lines 23 and 28, delete "D." and the headnote

Page 9, line 25, delete the comma after "license"

Page 12, line 11, strike "M.S." and insert "Minn. Stat. S"

Page 13, lines 14 to 17, insert an underlined semicolon at the end of each line

Page 13, line 18, insert "; and" at the end of the line

Page 13, lines 25 to 29, insert an underlined semicolon at the end of each line

Page 13, line 30, insert "; and" at the end of the line

Page 15, line 20, strike "hold" and insert "holding"

Rules as Adopted

5 MCAR § 3.050 Elementary school classroom teachers, grades 1-6.

A. All candidates recommended for licensure as elementary school classroom teachers (grades 1-6) shall hold a baccalaureate degree and shall have satisfactorily completed a program leading to the licensure of elementary school classroom teachers which has been approved by the Minnesota Board of Teaching.

B. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a general/liberal studies component consisting of at least one third of the baccalaureate degree requirement of the institution. The general/liberal studies component shall be designed to provide candidates recommended for licensure as an elementary school classroom teacher (grades 1-6) with knowledge, skills, and understandings within each of the following categories of this component:

1. Symbolics of information, which must include three areas within this category such as, but not limited to, composition, public speaking, languages, linguistics, history and structure of the English language, logic, and mathematics. The area of mathematics is required of all candidates recommended for licensure as elementary school classroom teachers.

2. Humanities, which must include three areas within this category such as, but not limited to, music, art, theatre, literature, and philosophy.

3. Natural and social sciences, which must include four areas within the category of natural and social sciences. At least one area of natural science such as, but not limited to, life science, earth science, and physical science is required of all candidates recommended for licensure as elementary school classroom teachers. At least one area of social science such as, but not limited to, anthropology, economics, geography, history, political science, psychology, sociology, and interdisciplinary studies is required of all candidates recommended for licensure as elementary school classroom teachers.

C. Each program leading to the licensure of elementary school classroom teachers (grades 1-6) submitted to the Board of Teaching for approval shall include a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in all of the following: foundational studies, organization and management of instruction, content and methods, pre-student teaching and student teaching experiences, and the profession of teaching.

1. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching, and includes all of the following:

a. The study of child growth and development from early childhood through early adolescence, including typical and atypical patterns of development.

b. The study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students as influenced by various cultures and family life styles.

c. The study of education and the school as an institution in the context of a changing pluralistic society.

2. Organization and management of instruction. This category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all students within a classroom, and includes all of the following:

a. Development of differentiated instructional strategies and techniques, and the application of these strategies and techniques to unique learning styles, differing physical, emotional, mental capabilities; and differing environments and cultures.

b. Skills to assess, diagnose, prescribe, evaluate, and report individual student achievement.

c. Organizational, management, and communication skills and strategies to facilitate individual and group learning, including development of positive self-concepts and group dynamics.

d. Selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media.

e. Development of skills to integrate elementary curriculum areas.

f. Implementation of instruction within school organizational patterns including the recognition of differentiated roles, responsibilities, and tasks of school personnel.

g. Implementation of techniques to evaluate the curriculum and instructional strategies utilized.

h. First aid training.

3. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of K-6 curriculum; and skills necessary to teach in the elementary schools; including provision for individual differences of students, in all of the following curriculum areas:

a. Art: to promote artistic development through knowing about, responding to, and producing art.

b. Communication skills.

(1) Language arts: to provide for the development and integration of listening, speaking, handwriting, spelling, language usage, and creative and practical writing.

(2) Literature: to provide for the development of reading interests and appreciation of literature through exposure to types of children's literature and modes of presentation, including storytelling.

(3) Reading: to provide for the development of pre and basic reading skills and the diagnosis and correction of reading difficulties.

(4) Application of language arts and reading to elementary curriculum areas.

c. Health: to promote attitudes and habits necessary to safe and healthful living.

d. Mathematics: to provide for the development of basic arithmetic operations, problem-solving skills, measurement techniques, including the metric system, geometric concepts, and computing devices.

e. Music: to sing, play, and conduct simple rhythm patterns and melodies; develop creative patterns for dancing and movement; provide for playing, making, and utilizing musical instruments; and beginning exposure to musical heritage.

f. Physical education: to provide experiences that promote physical and motor growth and development; team, individual, and life long physical activities.

g. Science: to develop processes of scientific inquiry for topics within school science curricula.

h. Social studies: to develop processes of gathering, organizing, reporting, and interpreting social science data.

i. Interdisciplinary studies: emerging topics of an interdisciplinary nature which may include, but are not limited to, environmental education, career education, family life education, and death education.

4. Pre-student teaching and student teaching experiences. This category consists of cooperative experiences between teacher preparation institutions and classroom teachers in a school setting in grades 1-3 and in grades 4-6 in which theory and practice are combined, and includes all of the following:

a. A series of formal observations of teaching and directed instructional experiences in an elementary school, prior to student teaching, which shall begin early in the professional education component.

b. Student teaching, which shall consist of full school day experiences for one academic quarter or the equivalent thereof in an elementary school in which the student teacher assumes responsibility for the management of the classroom and the implementation of the complete program for all students within a classroom for a minimum of one week. Full school day experience is defined as a normal load for a teacher in the school in which the student teaching takes place.

5. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

a. A minimum level of proficiency in the written English language.

b. Skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students.

c. Skills to evaluate self and peer teaching performance.

d. Responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession.

e. Legal rights of students, parents, administrators, school boards, and teachers.

f. Essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee.

g. Purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

D. An institution applying to the Board of Teaching for approval of its elementary school classroom teacher preparation program (grades 1-6) shall meet the provisions of 5 MCAR § 3.141. In addition, institutions are also authorized to submit for approval elementary school classroom teacher preparation programs (grades K-6) provided such programs meet the provisions of this rule and the provisions of 5 MCAR § 3.051, Kindergarten.

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

1. Possession by the applicant of a previously issued valid and appropriate entrance license, and

2. One year of elementary school teaching experience during the time that the applicant holds an appropriate entrance license.

F. The continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education/relicensure.

G. This rule is effective July 1, 1985, for all applicants for entrance licenses.

5 MCAR § 3.0901 Special education: core skill areas.

A. All candidates recommended for licensure in areas or fields which require completion of core skill area requirements in special education shall satisfactorily complete the core skill area licensure requirements enumerated in provision B. of this rule as part of the preparation program approved by the Minnesota Board of Teaching.

B. Core skill area requirements in special education shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations.

a. Understanding of human growth and development, which shall include:

(1) typical and atypical development

(2) stages from conception to death

(3) affective, language, cognitive, and sensorimotor areas

(4) factors influencing development, including physiological, social, physical environment, and psychological.

b. Understanding of learning and teaching theories.

c. Knowledge of construction, interpretation, application and limitation of standardized and nonstandardized assessment procedures.

d. Knowledge of handicapping conditions and their educational implications.

2. Curriculum and instruction.

a. Understanding of curriculum design and instructional strategies.

b. Understanding of adapting curriculum and instructional strategies to meet individual learning styles.

3. Special education instructional systems.

a. Knowledge of program delivery systems, including all levels of service.

b. Understanding of individual and group management strategies.

c. Understanding of effective use of school and outside resources in creating a positive learning environment.

d. Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's program.

e. Understanding of the child study/team planning process.

f. Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individual educational plan.

4. Communication/consultation.

a. Knowledge of institutional and administrative factors which facilitate or impede delivery of services.

b. Ability to effectively communicate the needs and rights of handicapped persons.

c. Ability to use interpersonal skills when working with parents, professionals, paraprofessionals, agencies, students and other persons or groups.

d. Understanding the roles and organizational structures of regular and special education and the part they play in providing total service for the student.

e. Ability to serve in a consultative capacity with individuals and groups, including parents and students.

5. Organizational, historical, and legal factors.

a. Knowledge of state and federal laws, rules, and regulations relating to regular and special education.

b. Understanding of due process and data privacy requirements.

c. Knowledge of historical and philosophical background of the education of handicapped persons and knowledge of attitudes toward handicapped persons.

d. Understanding of how to identify and access resources relevant to handicapped persons.

6. Abilities basic to all special education preparation.

a. Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.

b. Ability to function as a member of a team in designing appropriate educational programs for handicapped students.

c. Ability to apply team designed strategies in an educational setting.

d. Ability to design and apply instructional strategies in an educational setting.

e. Ability to identify and use non-school resources relevant to handicapped persons.

f. Ability to assess results of instruction.

C. An institution applying to the Minnesota Board of Teaching for approval of preparation programs which require inclusion of core skill area requirements enumerated in this rule shall demonstrate how provision B. of this rule is incorporated in each preparation program.

D. This rule is effective July 1, 1985, for all applicants for licensure in areas or fields which require completion of core skill area requirements in special education.

5 MCAR § 3.0902 Special education: early childhood.

A. All candidates recommended for licensure to teach Special Education: Early Childhood shall:

1. Hold a baccalaureate degree, and

2. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

3. Satisfactorily complete a Special Education: Early Childhood preparation program, approved by the Minnesota Board of Teaching, consisting of at least 54 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Special Education: Early Childhood shall provide candidates recommended for licensure with knowledge, skills, and understandings, distributed equally between instructional strategies for teaching children with normal development and children with handicapping conditions, in all of the following:

1. Typical and atypical development of infants, toddlers, and pre-primary children which includes integration and relationship of the following:

a. Understanding of the development of sensorimotor skills and associated disorders and delays, including self-help skills.

b. Understanding of early language development and associated disorders and delays, including knowledge of alternative forms of communication.

c. Understanding of cognitive development and associated disorders and delays.

d. Understanding of social and emotional development and associated disorders and delays.

2. Understanding of specific handicapping conditions and their developmental and educational implications for infants, toddlers, and pre-primary children.

3. Measurement procedures appropriate for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Ability to observe and analyze the total learning environment of the child.

b. Ability to utilize a variety of screening instruments or methods and knowledge of their limits.

c. Ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments.

d. Understanding of diagnostic strategies appropriate for children with handicapping conditions.

e. Ability to use interview techniques to gain and maintain information from parents, other family members, teachers, and other significant care-givers.

4. Organization and management of instruction, consisting of planning, implementing, and evaluating educational programs for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions in one-to-one and group situations, which shall include:

a. Ability to program effectively for the following developmental areas:

(1) Sensorimotor,

(2) Language,

(3) Cognitive,

(4) Social/emotional,

(5) Creative expression.

b. Ability to individualize educational programming.

c. Ability to select, evaluate, adapt, and develop curriculum, materials, and technology.

d. Ability to work with children in a variety of settings, including classrooms, community programs, and home-based programs.

e. Ability to involve the public and private agency personnel in the instructional program through referrals, continuing communication, preparation of reports, and development of interagency coordination and cooperation.

f. Ability to supervise nonlicensed personnel in the delivery of educational programs.

g. Ability to design and implement educational environments consistent with the concept of the least restrictive alternative.

5. Family-child-school relations for infants, toddlers, and pre-primary children with normal development and children with handicapping conditions, which shall include:

a. Understanding the implications of children in family dynamics.

b. Understanding the role of parents as primary informal teachers of their children.

6. Pre-practicum and practicum experiences with infants, toddlers, and pre-primary children, in a setting in which theory and practice are combined, which shall include:

a. A series of formal observations of teaching and directed instructional experiences, prior to a practicum experience.

b. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with normal development and their parents.

c. Practicum experience, which shall consist of a minimum of 180 clock hours of supervised teaching experiences with children with handicapping conditions and their parents.

Upon completion of pre-practicum and practicum experiences, candidates recommended for licensure shall have had such experiences with normal developing and handicapped infants, toddlers, and pre-primary children with a variety of disorders and served through a variety of program models, such as home-based or pre-school class.

C. An institution applying to the Board of Teaching for approval of its Special Education: Early Childhood teacher preparation program shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Special Education: Early Childhood shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Special Education: Early Childhood. Such evaluation shall include previous teaching experience and previous teacher preparation.

D.1. Provisional licensure. Effective January 1, 1982, a provisional two-year non-renewable license shall be issued to an applicant who holds a valid entrance, continuing, or life license, and provides evidence of completion of at least one year of teaching experience in a special education: early education program, as verified by the employing school official.

OR

D.2. Provisional licensure. A provisional license shall be issued to an applicant who holds a valid entrance, continuing, or life teaching license and who has completed a minimum of 15 quarter hours, or the equivalent, selected from B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years. Successive two-year renewals of provisional licensure in Special Education: Early Childhood shall be issued to an applicant who provides evidence of completion of a minimum of 15 quarter hours, or the equivalent, selected from A.2. and B., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Special Education: Early Childhood. Provisional licensure shall remain in effect until July 1, 1993, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. The provisions of D.1. of this rule shall remain in effect until July 1, 1985, at which time provision D.1. shall be repealed without further action by the Minnesota Board of Teaching. Effective July 1, 1985, all applicants for teacher licensure to teach special education: early childhood must meet the provisions of this rule.

5 MCAR § 3.0909 Developmental/adapted physical education.

A. All candidates recommended for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten - 12) shall:

1. Hold a baccalaureate degree, and

2. Hold a valid license as a teacher of physical education, grades K-12, and

3. Satisfactorily complete core skill area requirements in special education enumerated in 5 MCAR § 3.0901, and

4. Satisfactorily complete a Developmental/Adapted Physical Education teacher preparation program, approved by the Minnesota Board of Teaching, consisting of at least 27 quarter hours, or the equivalent.

B. Each program leading to the licensure of teachers of Developmental/Adapted Physical Education (grades prekindergarten - 12) shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Theoretical foundations of developmental/adapted physical education, consisting of the sciences of biology, anatomy, and/or human physiology, which shall include:

a. Understanding of sequences of motor development from early childhood through adolescence, including typical and atypical patterns of development.

b. Understanding of physically handicapping conditions which interfere with motor function.

c. Understanding of physical rehabilitation as applied to physical education programs for handicapped and special needs students.

2. Organization and management of instruction, consisting of planning, implementing, and evaluating physical education instruction for handicapped and special needs students (grades prekindergarten - 12), which shall include:

a. Understanding of scope, sequence, and implementation of developmental/adapted physical education curriculum.

b. Ability to identify, assess, and evaluate physical and motor development of handicapped and special needs students.

c. Ability to develop, adapt, select, and utilize a variety of instructional resources to implement a developmental/adapted physical education curriculum.

d. Knowledge of the application of research to developmental/adapted physical education curriculum.

e. Ability to adapt physical education activities and curriculum for handicapped and special needs students.

f. Ability to select and adapt facilities and equipment for handicapped and special needs students.

g. Ability to supervise nonlicensed personnel in the delivery of developmental/adapted physical education programs for handicapped and special needs students.

h. Teaching experiences with handicapped and special needs students, including students in regular physical education classes and students in self-contained special education classes, and experiences in two or more of the handicapped categories set forth in M.S. 120.03.

C. An institution applying to the Board of Teaching for approval of its Developmental/Adapted Physical Education preparation program (grades prekindergarten - 12) shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of Developmental/Adapted Physical Education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. and B., above, evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of Developmental/Adapted Physical Education. Such evaluation shall include previous teaching experience and previous teacher preparation.

D. Provisional licensure. A provisional license shall be issued to an applicant who meets the requirements of A.1. and A.2., above, and who has completed a minimum of 15 quarter hours or the equivalent selected from B.1. and B.2., above, in a program approved by the Minnesota Board of Teaching leading to the licensure of teachers of Developmental/Adapted Physical Education. Previous teaching experience and/or previous teacher preparation evaluated according to the provisions of C., above, may apply toward provisional licensure. The provisional license shall be valid for two years, after which full licensure as specified in A., above, shall be required. Provisional licensure shall remain in effect until July 1, 1990, at which time provisional licensure shall be repealed without further action by the Minnesota Board of Teaching.

E. Continuing licensure. The continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

F. This rule is effective July 1, 1985, for all applicants for licensure to teach Developmental/Adapted Physical Education (grades prekindergarten - 12).

5 MCAR § 3.050 Elementary schools. (Repealed)

Amendments as Adopted

5 MCAR § 3.054 Teachers in middle schools.

A. All candidates recommended for licensure as teachers in middle schools shall:

1. Hold a baccalaureate degree, and

2. Hold a valid Minnesota license as an elementary or secondary classroom teacher, and

3. Except as provided in B. of this rule, satisfactorily complete a preparation program, approved by the Board of Teaching, leading to the licensure of middle school teachers, as follows:

a. A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) Philosophy and organization of the middle school

(2) Adolescent psychology

(3) Interdisciplinary planning

(4) Special learning and behavior problems

(5) Teaching experience with adolescents

(6) A minimum of 12 quarter hours or the equivalent of course work in a single academic licensure field.

b. A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

(1) Philosophy and organization of the middle school

(2) Pre-adolescent psychology

(3) Developmental reading

(4) Interdisciplinary planning

(5) Remedial reading

(6) Special learning and behavior problems

(7) Teaching experience with pre-adolescents.

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

C. Minnesota colleges and universities approved to prepare teachers and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school teachers submitted for approval have been developed with participation from elementary and secondary teachers, 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. Nothing in this rule shall prohibit Minnesota colleges and universities which offer approved programs leading to the licensure of teachers in middle schools from collaborating with local school districts to develop jointly the program of instruction enumerated in A.1. and A.2., above, which will meet the needs of local school districts. Such programs must meet the requirements of the approved middle school licensure program offered by the college or university. Recommendation of candidates for licensure who complete such programs shall be the responsibility of the college or university through which the program was developed.

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

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

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

H. The first and subsequent continuing middle school teaching 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 classroom continuing teaching licenses.

I. Persons holding a valid Minnesota secondary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subjects or fields in which secondary school licensure is held.

J. Persons holding a valid Minnesota elementary school classroom teaching license and who meet the requirements set forth in provision A. of this rule shall be granted a license to teach full-time in any middle school the subject or field in which the requirement of A.3.a.(6) of this rule has been completed.

K. Persons holding a valid Minnesota secondary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which valid Minnesota secondary classroom teaching licensure is held.

L. Persons hold a valid Minnesota elementary classroom teaching license who have a minimum of three years of teaching experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent shall, upon application, be issued a license to teach full-time in any middle school those subjects or fields in which this teaching experience in a Minnesota middle school was completed.

M. From July 1, 1978, until July 1, 1983, any person licensed by the Minnesota Board of Teaching for any of the grade levels in a middle school where the person is assigned to teach is granted authority to teach areas and subjects specified by the duly issued licenses at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

N. Except for provisions K., L., and M., all provisions of this rule shall become effective July 1, 1983.