

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 793

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-18-82
DATE FOR REVIEW 3-27-82
DATE DUE 4-1[redacted]-82

Adopted w/a hearing ____
Adopted w/o hearing ✓
Temporary rule ____

Approved 3-30-82 Disapproved ____ Returned to Agency 4-2-82

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State 4-1-82 Revisor approved 3/18/82 disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.9.82 Date

____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking 11.10.81
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavits of Mailing Notice or rulemaking
11.25.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.30.81 At least 30/[redacted] days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

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

✓ Agency's Findings of Fact

____ 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

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA
Office Memorandum

TO : JOHN J. FEDA
Secretary, State Board of Education

DATE: 3/30/82

ATTN: CHARLES T. MOTTL, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: In the Matter of the Proposed Adoption of Amendments of the Rule of the State Board of Education Governing the Licensure of Counselors in Middle Schools 5 MCAR § 1.0531

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:drw

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
747 Capitol Square Bldg.

TO : Special Ass't. Attorney General
G25 Administration Building

DATE: March 11, 1982

FROM : Lois E. Steinhaus L.E.S.
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of the Rule Governing the Licensure of Counselors in Middle Schools 5 MCAR S 1.0531

Rules Without a Public Hearing

Enclosed is a copy or more than one if indicated, of the following materials:

1. Rules as Adopted (original plus three; ~~includes one with changes~~ no changes from proposed to adopted)
2. Order Adopting Rules (original plus one)
3. Certificate of Board's Resolution Adopting Rules
4. Order for Notice of Intent to Adopt Rules Without Public Hearing
5. Certificate of Board's Authorizing Resolution
6. Notice of Intent to Adopt Rules Without Public Hearing
7. Affidavit of Mailing
   Affidavit of the Additional Notice....Rulemaking Mailing List Certificate
8. Rules as Proposed - State Register (copy of appropriate pages) and as mailed ; also as certified by Office of the Revisor of Statutes
9. Findings of Fact and Conclusions
10. Statement of Need and Reasonableness
11. Correspondence
12. Notice of Intent to Solicit Outside Opinion n/a
13. Affidavit of Mailing Notice of Submission to the Attorney General n/a

Please let me know when your approval has been completed and I will have someone come and pick up the record. Thank you.

Rule as Adopted

5 MCAR § 1.0531 Counselors in middle schools.

A.-G. [Unchanged.]

H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling 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 as a middle school counselor.

J. Paragraphs A.-G. shall be effective July 1, 1983.

Relettering. Reletter 5 MCAR § 1.0531 H. as I.

State Board of Education
Department of Education
Special Services Division

Adopted Amendments to the Rule Governing the Licensure of Counselors in Middle Schools (5 MCAR S 1.0531)

Rule as Adopted

5 MCAR S 1.0531 Counselors in middle schools.

A.-G. [Unchanged.]

H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling 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 as a middle school counselor.

I. [Repealed.]

J. Paragraphs A.-G. shall be effective July 1, 1983.

Relettering. Reletter 5 MCAR S 1.0531 H. as I.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: State Board of Education, Department of Education, Special Services Division

Rule Numbers: 5 MCAR S 1.0531

Rule Title: Adopted Amendments to the Rule Governing the Licensure of Counselors in Middle Schools

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: None

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
March 30 19 82
WARREN SPANNAUS, ATTORNEY GENERAL
BY Ted DeMartino
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 1 1982
Joan Anderson Growe
Secretary of State

3:55 P.M.

March 18, 1982
Ar0107

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.

After paragraph H., insert "I. [Repealed.]" so the Secretary of State's file copy will show what happened to the old I. This insertion is not a change from the rule as proposed and does not have to be shown when the notice of adoption is published in the State Register.

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

- -

_____ The changes requested by the revisor are approved by the agency.

_____ The changes requested by the revisor are not approved by the agency

_____
Agency's Representative

- -

_____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

_____
Assistant Attorney General

Rule as Proposed

5 MCAR S 1.0531 Counselors in middle schools.

A.-G. [Unchanged.]

H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling 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 as a middle school counselor.

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

J. Paragraphs A.-G. shall be effective July 1, 1983.

Relettering. Reletter 5 MCAR S 1.0531 H. as I.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

EVR

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency State Board of Education

Division Department of Education, Special Services Division

Agency Contact Lois Steinhaus Phone Number 64428

Title: Proposed Rules Governing Experienced Counselors in Middle Schools

Type of Rules: Permanent X Temporary_____

Incorporations by References: None

Rule Number	Material Incorporated
	Author
	Title
	Place
	Publisher
	Date
	Cost
	Places Available

See Additional references on back Yes____ No____

Duplication of Statutory Language None

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Elizabeth V. Rice
Elizabeth V. Rice

Title: Assistant Revisor

Phone: 296-2798

State of Minnesota
State Board of Education

In the Matter of the Proposed Adoption of Amendments of the Rule of the State Board of Education Governing the Licensure of Counselors in Middle Schools 5 MCAR § 1.0531

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rule without a public hearing was published in the State Register on November 30, 1981, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. § 15.0412, subd. 4 on November 25, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, and determining the need for and reasonableness of the above-captioned rule.

NOW, THEREFORE IT IS ORDERED that this rule identified as 5 MCAR § 1.0531 is adopted this 9th day of March, 1982, pursuant to authority vested in the Board by Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980).

STATE OF MINNESOTA

John J. Feda
Secretary, State Board of Education

State of Minnesota
Department of Education

State Board of Education
Special Services Division

In the Matter of the Proposed Adoption of Amendments of the Rule of the State Board of Education Governing the Licensure of Counselors in Middle Schools

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 10th day of November, 1981, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Education for that purpose and be published in the State Register.

State of Minnesota
Board of Education

John J. Finder
Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, John J. Feda, do hereby certify that I am a member and the secretary of the Board of Education, 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 Education duly and properly called and held on the 10th day of November, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that John J. Feda, secretary of the Board of Education, be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing amendments to the rule governing the licensure of counselors in middle schools, to sign the Notice thereof, and to perform any and all acts incidental thereof. In the event a public hearing becomes necessary, he or his designee hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rule as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of November, 1981.

John J. Feda

John J. Feda, Secretary
State Board of Education

Patricia Weber

Attest by one other Board member

State Board of Education
Department of Education
Special Services Division

In the Matter of the Proposed
Adoption of Amendments of the
Rule of the State Board of
Education Governing the Licensure
of Counselors in Middle Schools
5 MCAR § 1.0531

Notice of Intent to Adopt Rule
Without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

The proposed rule governs the licensure of counselors in middle schools as authorized by Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980), which establish authority for the State Board of Education to license school counselors.

Proposed 5 MCAR § 1.0531 H. establishes procedures for persons to be issued middle school counselor licensure on the basis of three years of counseling experience in a Minnesota middle school prior to July 1, 1983. Such experience must be verified by the employing school superintendent.

Proposed 5 MCAR § 1.0531 I. and J. are renumbering requirements made necessary by the inclusion of proposed H., above.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

George B. Droubie, Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 296-2046

Authority for the adoption of this rule is contained in Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from George B. Droubie upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, and the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to George B. Droubie.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by contacting George B. Droubie.

State of Minnesota

John J. Feda
Secretary

State Board of Education
Department of Education
Special Services Division

In the Matter of the Proposed
Adoption of Amendments of the
Rule of the State Board of
Education Governing the Licensure
of Counselors in Middle Schools
5 MCAR § 1.0531

Notice of Intent to Adopt Rule
Without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

The proposed rule governs the licensure of counselors in middle schools as authorized by Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980), which establish authority for the State Board of Education to license school counselors.

Proposed 5 MCAR § 1.0531 H. establishes procedures for persons to be issued middle school counselor licensure on the basis of three years of counseling experience in a Minnesota middle school prior to July 1, 1983. Such experience must be verified by the employing school superintendent.

Proposed 5 MCAR § 1.0531 I. and J. are renumbering requirements made necessary by the inclusion of proposed H., above.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

George B. Droubie, Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 296-2046

Authority for the adoption of this rule is contained in Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from George B. Droubie upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, and the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to George B. Droubie.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by contacting George B. Droubie.

State of Minnesota

John J. Feda
Secretary

State of Minnesota
Department of Education

State Board of Education
Special Services Division

IN THE MATTER OF: The Proposed Adoption of Amendments to the Rules of the State Board of Education Governing the Licensure of Counselors in Middle Schools 5 MCAR § 1.0531 Without Public Hearing

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

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

That on the 25th day of November, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules without Public Hearing, by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations named on the certified list (see attached Certificate) who have requested that their names be placed on file with the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education.

Harold E Klecker

Subscribed and sworn to before me

this 1 day of December

1981.

Luana Vadnais

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

State of Minnesota
Department of Education

State Board of Education
Special Services Division

IN THE MATTER OF: The Proposed Adoption of Amendments to the Rules of the State Board of Education Governing the Licensure of Counselors in Middle Schools 5 MCAR § 1.0531 Without Public Hearing

Affidavit of Additional Notice of the State Board of Education Mailing List

I hereby certify that in addition to the Notice required for persons on the State Board of Education rulemaking mailing list, of persons who have specifically requested notice of rulemaking proceedings, a Notice was mailed to all persons on the Education Statistics memo series mailing list, as of 1 o'clock P .M., this 25th day of November, 1981, which includes school superintendents, Directors of ECSUs, AVTIs, Vocational Centers and Joint Powers Districts.

State Board of Education

John J. Feda
Commissioner of Education

Subscribed and sworn to before me
this 1 day of December
19 81.

Luana Vadnais
Ramsey County, Minnesota
My commission expires _____.

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

State of Minnesota
Department of Education

State Board of Education
Special Services Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption
of Amendments to the Rules of the State
Board of Education Governing the Licensure
of Counselors in Middle Schools 5 MCAR § 1.0531
Without Public Hearing

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education is accurate and complete as of 1 o'clock P .M. this 24th day of November, 19 81.

STATE BOARD OF EDUCATION

By Linda Albers

15. for failure to renew a beauty shop license on or before the expiration date, the penalty shall be $50.

16. for processing requests for verification of hours and Minnesota licensure, the fee shall be $15.

17. for checks returned because of insufficient funds, the penalty shall be $10.

C. Failure to renew an individual license. If a licensee has not renewed an individual license within 90 days after the expiration date, that person shall be required to retake the state examination (practical and written) before a license will be reissued.

4 MCAR § 10.026 ~~Out of state students~~ Additional application requirements. [Temporary]

D. ~~An~~ Any applicant who ~~cannot read or write the English language sufficiently to write the written examination may be exempt from the written examination and in its place be subjected to an oral one. Before such a person is admitted to such an examination, the applicant~~ requests an interpreter's assistance during the written examination or who applies for a license through reciprocity and whose native language is not English ~~must~~ shall appear before the ~~State Board for questioning~~ Office of Consumer Services, Cosmetology Unit, prior to the written examination, to ~~verify~~ demonstrate to the satisfaction of the ~~State Board that said applicant has received in the country from which he comes a tenth grade school education or equivalent thereof, as required under our law and~~ director that he or she ~~cannot~~ can read ~~or write the English language~~ and understand English to the extent necessary to follow written directions and to safely use cosmetology products.

E. All applicants shall have completed a tenth grade education or its equivalent.

4 MCAR § 10.028 Reciprocity. [Temporary] ~~In addition to the requirement of Minn. Stat. § 155.14~~ An applicant~~,~~ applying for a license through reciprocity ~~must also~~ shall pay a fee of $15 and comply with the following requirements:

A. The applicant shall provide documentation of current ~~license~~ licensure from another state ~~or~~, foreign country, territory, or the District of Columbia, and of having lawfully practiced cosmetology there for a period of at least two years.

B. If the state, territory, or foreign country does not issue a license, the applicant ~~must~~ shall show documentary evidence and proof of having practiced lawfully for a period of two years, one year of which must be within the two years immediately prior to the date of ~~such~~ application.

C. An applicant for a manager-operator's license shall provide documentation of having practiced as a manager-operator for at least two years, one year of which must have been within two years immediately prior to the date of application.

4 MCAR § 10.041 General operation. [Temporary]

H. Manager-operator, operator and ~~manicurists~~ manicurist licenses ~~expire on December 31st of each year~~ issued for 1981 may, at the discretion of the director, be extended beyond the original expiration date of December 31, 1981. Any extension shall terminate on or before March 31, 1982, the exact expiration date to be determined by the director, who will notify all affected licensees. Notwithstanding any extension, the 1982 licensing period shall be deemed to have begun on January 1, 1982, and fees shall be collected on that basis. One-third of the current licenses shall be renewed for one year, one-third for two years, and one-third for three years. Assignment of a renewal period shall be made alphabetically. The renewal fee shall be $10 for one year, $20 for two years, and $30 for three years. All licenses issued after January 1, 1982, and all renewal licenses issued after March 31, 1982 shall be for three years at a fee of $30.

State Board of Education
Department of Education
Special Services Division

Proposed Amendments to the Rule Governing the Licensure of Counselors in Middle Schools (5 MCAR § 1.0531)

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

The proposed rule governs the licensure of counselors in middle schools as authorized by Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980), which establish authority for the State Board of Education to license school counselors.

Proposed 5 MCAR § 1.0531 H. establishes procedures for persons to be issued middle school counselor licensure on the basis of three years of counseling experience in a Minnesota middle school prior to July 1, 1983. Such experience must be verified by the employing school superintendent.

Proposed 5 MCAR § 1.0531 I. and J. are renumbering requirements made necessary by the inclusion of proposed H., above.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

George B. Droubie, Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 296-2046

Authority for the adoption of this rule is contained in Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from George B. Droubie upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, and the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to George B. Droubie.

A copy of the proposed rule is attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting George B. Droubie.

November 10, 1981

John J. Feda, Secretary

Rule as Proposed

5 MCAR § 1.0531 Counselors in middle schools.

A.-G. [Unchanged.]

H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling 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 as a middle school counselor.

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

J. Paragraphs A.-G. shall be effective July 1, 1983.

Relettering. Reletter 5 MCAR § 1.0531 H. as I.

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.

State of Minnesota
State Board of Education

In the Matter of the Proposed
Adoption of Amendments of the
Rule of the State Board of
Education Governing the Licensure
of Counselors in Middle Schools
5 MCAR § 1.0531

FINDINGS OF FACT AND
CONCLUSIONS

FINDINGS OF FACT

1. At its meeting of November 10, 1981, the State Board of Education (hereinafter the "Board") proposed that the above-entitled amendment to rule be adopted after compliance with the procedure which authorizes an agency to propose and adopt rules without a public hearing.

2. Pursuant thereto, the Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register on November 30, 1981, together with a copy of the proposed rule.

3. The Board's authority to promulgate the proposed rule is contained in Minn. Stat. §§ 121.11, subd. 12 and 125.05, subd. 1 (1980) which establish authority for the Board to license school counselors.

4. The Statement of Need and Reasonableness for proposed rule 5 MCAR § 1.0531 sets forth the need for and the reasonableness of the rule to be adopted herein.

5. The Statement of Need and Reasonableness is incorporated into these findings and becomes a part hereof as though fully set forth herein.

6. Copies of the Notice of Intent to Adopt the amendment to 5 MCAR § 1.0531 Without Public Hearing and of the proposed amendment were mailed on November 25, 1981, to names appearing on the Department of Education rule-making mailing list.

7. No one requested a public hearing within the 30 day comment period.

8. Three items of correspondence were received pertaining to this topic. One letter expressed concern and opposition to the proposed amendment but did not request a public hearing. Two other letters gave support to the proposed rule amendment.

CONCLUSIONS

1. The Board gave due, timely, and adequate legal notice of its intent to adopt this amendment to rule without a public hearing.

2. No one requested a public hearing during the 30 day comment period.

3. The Board has the statutory authority to promulgate the proposed amendment of rule.

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

5. The Board has demonstrated the need for and the reasonableness of the proposed amendment of rule by an affirmative presentation of facts.

Dated this 9th day of March, 1982.

Secretary, State Board of Education

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, John J. Feda, do hereby certify that I am secretary of the Board of Education, 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 Education, duly and properly called and held on the 9th day of March, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rule governing the licensure of middle school counselors 5 MCAR § 1.0531 be and it hereby is approved and adopted pursuant to the authority vested in us by Minn. Stat. §§ 121.11, subd. 12, and 125.05, subd. 1 (1980), and that John J. Feda, the secretary of the Board of Education, be and hereby is authorized to sign an order adopting this rule and further is authorized to perform the necessary acts to provide that this rule has the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of March, 1982.

John J. Feda, Secretary
State Board of Education

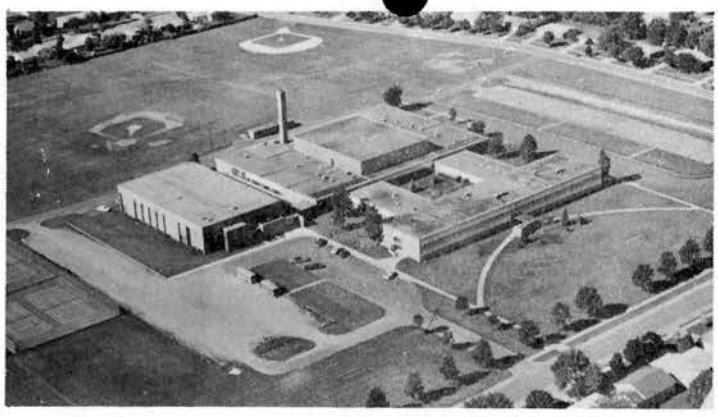
Patricia A. Neher
Member, State Board of Education

State of Minnesota
Board of Education

Statement of Need and Reasonableness for
Proposed Amendments to 5 MCAR § 1.0531

Concerning: The proposed adoption of amendments to the rule governing the licensure of counselors in middle schools.

The addition of subdivision H. is necessary to provide a means by which persons who have been counseling in a middle school, as authorized by provision I. of this rule, to be granted licenses as counselors in middle schools. It is reasonable to determine that three years of counseling experience is an appropriate period of time for persons to demonstrate the ability to counsel 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 counselors to enable these persons to provide counseling services to students within this organizational pattern. The Board of Teaching has recently enacted a similar provision for teachers in middle schools. It is reasonable to provide such equity in licensing to elementary and secondary school counselors who have counseling experience in a middle school.



FAIRMONT MIDDLE SCHOOL
714 Victoria, Fairmont, MN 56031
DOUGLAS RICHARDS, Principal
Telephone (507) 238-4487

December 2, 1981



Mr. George B. Droubie
Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Dear Mr. Droubie

I received a copy of the proposed amendments for the rules governing the certification of middle school counselors. Needless to say, I am pleased with this proposal, for I am a middle school counselor and have been since our school system went to K-2, 3-5, 6-8, 9-12 classification.

I wish to commend your staff and the State Board of Teaching for recommending this change in certification requirements.

Sincerely,

Donald E. Dahlke

Donald E. Dahlke
Counselor

DED:lmb

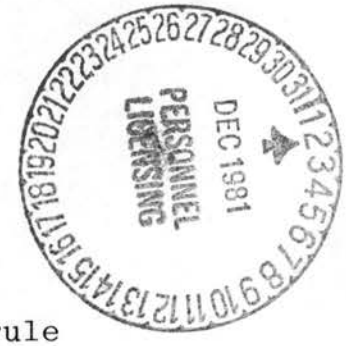
M.S. Counselor

Phone 218-283-8468

Phone 218-283-4406

INDEPENDENT SCHOOL DISTRICT NO. 361
INTERNATIONAL FALLS PUBLIC SCHOOLS
JAMES F. ROBERTS, SUPERINTENDENT
DAVID H. PETERSON, ASSISTANT SUPERINTENDENT
4th Street and 6th Avenue
INTERNATIONAL FALLS, MINNESOTA 56649

November 30, 1981



George B. Droubie, Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Dear Mr. Droubie:

This letter is to comment on the proposed rule changes for counselors in the Middle School. It seems very apparent to me that the need to have special licensure for a Middle School counselor beyond that of an elementary counselor or secondary counselor is rather foolish. I am sure that the basic principles in each apply. It would seem to me that anyone that holds an elementary counselor license or a secondary counselor license would be grandfathered into licensure as a Middle School counselor. I would think that the reasons behind the rule change are obvious, but not stated. The apparent reason being to generate further courses to be offered by the colleges that prepare counselors. It seems that at a time when schools need flexibility, that the Board of Teaching would be less restrictive rather than more restrictive.

I hope that some consideration might be given to this.

Sincerely

James F Roberts

James F. Roberts
Superintendent

JFR/sb

X. O.M.
Judy

83433

Middle School Counselor

December 8, 1981

George B. Droubie, Manager
Personnel Licensing and Placement
610 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Dear Mr. Droubie,

I wish to express my concern, and opposition to Minnesota Statute 121.11, subd. 12, and 125.05, subd. 1 (1980).

I have written to you before regarding this matter, and should a hearing be held, I would like to suggest that the rule regarding middle school certification be changed to read:

> H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling experience in a Minnesota school that included elementary as well as secondary school counseling experience prior to July 1, 1983, as verified by the employing school superintendent, shall, upon application, be issued a license as a middle school counselor.

As I stated before, my experience for the first 12 years of counseling included grades k through 12. I might add that at the time there was no such thing as elementary school certification.

Also, my masters degree paper was done on elementary school children.

I am sure that I can get a statement to the effect that I worked with students of middle school level, but the fact remains that middle schools were not in vogue at the time, and therefore non-existent as a separate entity.

Very truly yours,

Joseph Fleming

Joseph Fleming
Counselor
I.S.D. 691
AURORA, MINNESOTA 55705

DEC 1981
PERSONNEL LICENSING

In the Matter of the Proposed
Adoption of Amendments of the
Rule of the State Board of
Education Governing the Licensure
of Counselors in Middle Schools
5 MCAR § 1.0531

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: March 15, 1982

Charles T. Mottl

CHARLES T. MOTTL
Special Assistant
Attorney General