

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 82/

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-20-82
DATE FOR REVIEW 10-29-82
DATE DUE 11-3-82

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

Approved 11-2-82 Disapproved _____ Returned to Agency 11-3-82

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

Date filed w/Secretary of State 11-2-82 Revisor approved 10/21/82 disapproved _____

_____ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.13.82 Date

✓ Notice of Intent to Solicit Outside Opinion 2/5/81 9/14/79

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
8.30.82 At least 30/~~20~~ 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

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

_____ 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

no requests

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RAY C. OLSON
Chairman, Bd. of Teaching

DATE: 11/2/82

ATTN: SHEILA S. FISHMAN, Spec. Ass't. Atty. Gen.

FROM: TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver & Traffic Safety Education, School Psychologists, Secondary School Teachers & Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Physical Education, Reading Consultants, Supervisory & Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public Shool Athletic Coaches, & Middle School Counselors

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;

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

MINNESOTA BOARD OF TEACHING
KENNETH L. PEATROSS
EXECUTIVE SECRETARY

8 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, MINNESOTA 55101
(612) 296-2415

October 19, 1982

Ms. Judith Wehrwein
Office of the Attorney General
204 Administration Building
St. Paul, Minnesota 55155

RE: In the Matter of the Proposed Adoption, Amendment, and Repeal of 5 MCAR §§ 3.1041, 3.0601, 3.081, 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.104, 3.060

Dear Ms. Wehrwein:

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 adopted by the Minnesota Board of Teaching pursuant to the noncontroversial rule making procedure. The rules were adopted by the Minnesota Board of Teaching on October 13, 1982.

All documents associated with the adoption of these rules are enclosed.

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

.1041

AG copy

Board of Teaching

Adopted Rules of the Board of Teaching Governing the Following: School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

Rules as Adopted

5 MCAR S 3.1041 School psychologist.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a school psychologist for grades prekindergarten to 12 must comply with 5 MCAR S 3.1041.

B. Licensure requirements. A candidate recommended for licensure as a school psychologist for grades prekindergarten to 12 shall:

1. hold an education specialist degree or the equivalent; and

2. satisfactorily complete the core skill requirements in special education enumerated in 5 MCAR S 3.0901; and

3. satisfactorily complete a school psychologist preparation program, consisting of a minimum of 90 graduate quarter credits, approved by the Board of Teaching.

C. Program requirements; regular education. Each program leading to the licensure of school psychologists for grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the following regular education areas: knowledge of education and the school as an institution in the context of a changing pluralistic society and knowledge of elementary and secondary curriculum areas.

D. Program requirements; school psychology. Each program leading to the licensure of school psychologists of grades prekindergarten to 12 must provide candidates recommended for

licensure with preparation in the areas set forth in 1. to 7.

1. To fulfill the psychological and educational foundations requirement, a program must provide candidates with preparation in the following:

a. ability to assist in the development and planning for differentiated instructional and behavioral strategies and techniques and to assist in the application of these strategies and techniques for children with unique learning styles, with differing physical, emotional, and mental capabilities, and from differing environments and cultures;

b. understanding of different types of exceptionality in education, including mental retardation, learning and cognitive disabilities, sensory and physical impairments, developmental delays, emotional disturbance, chronic health impairments affecting educational performance, and giftedness;

c. understanding of special education program alternatives as they relate to the delivery of services;

d. understanding of history and systems of psychology;

e. understanding of contemporary issues in the interpretation and application of knowledge in the field of psychology; and

f. knowledge of consultation models and methodology.

2. To fulfill the psychological and educational assessment requirement, a program must provide candidates with preparation in the following:

a. ability to conduct intellectual, cognitive, and behavioral assessments of preschool-age children, elementary students, and secondary students;

b. ability to measure a student's school achievement and aptitude;

c. ability to conduct formal and informal observation and analysis of student-teacher-peer interaction, learning environments, instructional strategies, and support systems;

d. ability to apply methods and skills for interviewing students, parents, and school personnel;

e. ability to assess the personality, social and

emotional adjustment of children and adolescents;

f. ability to conduct developmental assessments of preschool-age children;

g. ability to recognize the need to adapt instruments and procedures to accommodate the specialized needs of students and to identify resources to accomplish the necessary adaptations;

h. ability to assess adaptive behaviors and living skills, particularly in relation to mental handicaps;

i. understanding of basic theory and principles of measurement, test construction, reliability, and validity; and

j. ability to evaluate the appropriateness and psychometric adequacy of test instruments.

3. To fulfill the psychological intervention and corrective services for educational and psychological problems requirements, a program must provide candidates with preparation in the following:

a. ability to provide individual and group counseling;

b. ability to develop and implement behavior management plans and other corrective services; and

c. ability to consult with and provide in-service to parents, teachers, and school administrators on psychological issues and educational practices.

4. To fulfill the typical and atypical human growth and development from early childhood through adolescence requirement, a program must provide candidates with preparation in core skill requirements set forth in 5 MCAR S 3.0901 and in all of the following:

a. learning and cognitive processes;

b. personality and social processes;

c. physical and motor development; and

d. emotional development.

5. To fulfill the research and evaluation requirement, a program must provide candidates with preparation in the following:

a. ability to design and implement studies and analyze

data to evaluate educational programs and practices; and

b. ability to evaluate an individual student's educational program.

6. To fulfill the profession of psychology requirement, a program must provide candidates with preparation in the following:

a. understanding of issues in the practice of school psychology such as ethics, laws and rules, role, psychological reports, and service delivery models;

b. ability to communicate and interact with staff members, resource personnel, parents, school administrators, and other members of the community in order to meet the individual needs of students;

c. knowledge of methods to evaluate self-performance and provide professional supervision;

d. ability to interpret psychological reports to teachers and parents regarding the implication of psychological findings;

e. knowledge of resources relating to psychological services available in the community;

f. ability to apply nondiscriminatory procedures for assessment and other school psychological services, including the impact of sensory and other handicapping conditions;

g. understanding of situations which suggest or require the involvement of other professionals for assessment and planning, including medical facilities and centers providing specialized services to handicapped children; and

h. ability to use knowledge of group processes to facilitate team meetings.

7. To fulfill the observation and practicum in school psychological services requirement, a program must provide candidates with preparation in the following:

a. Observation experiences prior to practicum shall include a series of formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school. These experiences must also include observation of a

variety of special education program alternatives as they relate to the delivery of services and formal observation of school psychological practice performed by a licensed school psychologist.

b. The required practicum shall consist of at least 600 contact hours, at least 400 of which must be spent in a school setting. The practicum shall be done on at least a half-time basis, and the principal supervision must be provided by a practicing school psychologist. A currently practicing school psychologist is defined as a fully licensed person working at least half-time in the practice of school psychology or the preparation of school psychologists. Local supervision in a practicum setting may be provided by other psychological personnel.

The required practicum shall include at least 400 contact hours in school psychological practice at prekindergarten, elementary, and secondary grade levels. The 400 hours shall be distributed so that no less than 100 hours are spent at each level.

At least 200 contact hours of the required practicum shall be spent in a setting providing clinical psychological services, such as personality assessment, counseling with individuals and families, behavior management and other corrective services. This portion of the practicum shall include supervision by a clinically prepared and licensed psychologist.

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

F. Provisional license. A two-year provisional license shall be issued to an applicant upon submission of evidence of meeting all of the following conditions:

1. a master's degree in school psychology, or a master's, education specialist, or doctorate in clinical psychology, child psychology, or educational psychology; and

2. completion of a minimum of 45 quarter credits in the area of preparation outlined in D.1.-7.; the requirements must

be met for at least three of the seven areas of preparation in D.1.-7. and at least one area of preparation must be D.2. and at least one area of preparation must be either D.3., or D.7.; and

3. a plan for a collaborative relationship for the duration of the provisional license. Collaboration is defined as a professional supervisory relationship with a currently licensed school psychologist practicing at least half-time. This collaborative relationship must include bi-monthly meetings whereby the collaborating psychologist shall review and endorse the quality of services to be provided by the provisionally licensed person.

One two-year renewal of the provisional license shall be issued to an applicant who completes a minimum of an additional 12 quarter hours or its equivalent in a state-approved preparation program leading to the licensure of school psychologists.

5 MCAR S 3.0601 Secondary school teachers and teachers of kindergarten to grade 12 subjects.

A. Applicability. All persons whose ~~application is~~ applications are received on or after July 1, ~~1985~~ 1987 for an entrance license as a secondary school teacher or teacher of kindergarten to grade 12 subject must comply with 5 MCAR S 3.0601.

B. Uses of a license as secondary school classroom teacher. A secondary school classroom teaching license shall qualify the holder to teach in any secondary school those subjects or fields in which a college major has been completed, or where the assignment is for one-half time or less during the school day, those subjects or fields in which either a college major or minor approved by the Board of Teaching which leads to licensure, has been completed. This license also qualifies the holder to teach in the seventh and eighth grades of any elementary school in those subjects or fields for which valid licensure is held.

C. Licensure in areas of minor preparation. Any secondary school teacher licensed to teach after September 1, 1966, with

minor preparation in a subject or field shall, within seven years after the initial licensure, acquire the minimum established by the Board of Teaching for major preparation in order to continue to be licensed to teach in the subject or field.

D. Licensure requirements. All candidates recommended for licensure to teach in a secondary school or in kindergarten to grade 12 subjects shall hold a baccalaureate degree and have satisfactorily completed an approved program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects.

E. Program requirements. Each program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects shall include a minimum of 27 quarter hours or the equivalent in a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in the areas set forth in 1.-4.

1. Foundational studies consist of basic knowledge which underlies the study of education and teaching. It includes all of the following:

a. the study of human growth and development, including typical and atypical patterns of development, with emphasis on adolescent growth and development for secondary school teachers or growth and development from early childhood through adolescence for kindergarten through grade 12 teachers;

b. the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

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

2. The organization and management of instruction category consists of basic knowledge, skills, and understandings for planning, implementing, and evaluating instruction for all

students within a classroom. It includes all of the following:

a. knowledge of content, materials, and scope and sequence of curriculum, and skills necessary to teach, both including provision for individual differences of students, in each licensure field and at each licensure level for which the candidate for licensure is preparing to teach;

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

c. skills to assess, diagnose, prescribe, evaluate, and report individual student achievement;

d. organizational, management, and communication skills and strategies to facilitate individual and group learning;

e. selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media;

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; and

h. knowledge of the impact of reading ability on student achievement in content areas, and skills to assist students to read more effectively in specific content areas.

3. The prestudent teaching and student teaching experiences category consists of experiences in grades 7 to 9 and in grades 10 to 12 in a school setting in which theory and practice are combined. It includes both of the following:

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

b. student teaching, which shall consist of full-school-day experiences for one academic quarter or the equivalent in a secondary school in which the student teacher assumes responsibility for the management and the implementation of the complete instructional program. The student teaching experience may include student teaching in one or more licensure fields. Candidates to be recommended for licensure in kindergarten to grade 12 subjects shall complete student teaching experiences in an elementary school and in a secondary school for a minimum total of one academic quarter or the equivalent.

4. The profession of teaching category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It 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, licensure, and relicensure of teachers, and the teacher as a public employee; and

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

F. Vocational licenses. A vocational license may be issued to an applicant who meets the criteria stated in vocational rules of the State Board of Education as adopted by the Board of

.081

Teaching.

G. Minimum programs of preparation. The following requirements shall constitute minimum programs of preparation to be set up by the colleges for secondary teachers unless otherwise indicated. Whenever specific course titles are indicated, it is understood that the course or its equivalent is acceptable. Licensure will be granted to persons who are recommended by a college or university maintaining the following approved programs of preparation. The standard requirements for credits in professional education shall apply except where requirements are specifically mentioned.

5 MCAR S 3.081 Business and office education teachers; requirements for major based on a four-year program.

A. General.

1. It is desirable that all business and office education teachers have course work in the philosophy of vocational education and relevant occupational work experience.

2. Major preparation in business and office education shall consist of not less than 30 percent of the graduation requirements of a four-year degree program if the area of specialization in B. is followed or 33 percent of the graduation requirements of a four-year degree program if the comprehensive program in C. is followed.

3. The core program shall consist of the following areas of study:

a. economics, including macroeconomics and microeconomics;

b. accounting, principles of;

c. business law, principles of;

d. business communications, principles of;

e. business organization and management, principles of;

f. marketing, principles of;

g. data processing, principles of; and

h. typewriting, for which an equivalence in lieu of credit is acceptable.

In addition to the core program there will be preparation

in either an area of specialization as provided in B., or in the comprehensive program as provided in C..

B. Specialization. If work is selected in this area in conjunction with the core program, the area of study for each specialization shall include the following:

1. Accounting and data processing: advanced accounting and additional electives in accounting and data processing;

2. Secretarial: advanced shorthand or equivalent, advanced typewriting, and additional electives in secretarial and office education;

3. Clerical: advanced typewriting, office machines, office management, and additional electives in business administration, business education, or economics;

4. Basic business or economics: additional electives in economics or business administration, except typewriting, shorthand, and office procedures;

5. Distributive education for teachers: technical distributive area, including such matters as salesmanship, merchandising, business management, personnel management, retailing; and organization and administration of distributive education.

C. Comprehensive program.

1. Business education-all. For programs leading to licensure in business education-all, areas of study are to be selected from B.1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall include the following required areas: advanced typewriting or equivalent, advanced shorthand or equivalent, office machines, and office procedures.

2. Business education-except shorthand. For programs leading to licensure in business education-except shorthand, areas of study are to be selected from B.1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall include the following required areas: advanced typewriting or equivalent, office machines, and office procedures.

Relettering. Reletter 5 MCAR S 3.072 C. as 5 MCAR S 3.072 B. Reletter 5 MCAR S 3.091 E. as 5 MCAR S 3.091 D.

Repealer. Rules 5 MCAR SS 3.072 B.; 3.091 D.; 3.101; 3.102; 3.103; 3.106; 3.108; and 3.114 are repealed. ~~Rules~~ Rule 5 MCAR ~~SS 3.060, 3.083, and~~ S 3.104 ~~are~~ is repealed effective July 1, 1985. Rule 5 MCAR S 3.060 is repealed effective July 1, 1987.

Withdrawal. The proposed rules, 5 MCAR SS 3.007, 3.0831, and the proposed amendments to 5 MCAR S 3.065 as noticed in the August 30, 1982 issue of the State Register at 7 S.R. 248, 249, and 254 are withdrawn.

APPROVED AS TO LEGALITY

Nov. 2 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Martinez

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 2 1982
Joan Anderson Growe
Secretary of State

3:00
P.M.

Rules as Proposed (all new material)

5 MCAR S 3.007 Procedures for voluntary surrender of teaching licenses.

A. Materials required to surrender license. A person holding a teaching license granted by the Board of Teaching may voluntarily surrender the license by submitting to the Executive Secretary of the Board of Teaching the following:

1. a written request to surrender which specifies the teaching license or licenses to be surrendered;

2. the applicant copy of the teaching license;

3. the school district copy of the license, together with a written statement that the employing school superintendent has been notified that the school district copy of the license has been removed from the school district files; and

4. the required processing fee set forth in 5 MCAR S 3.003.

B. Surrender date. When the Executive Secretary receives the materials listed in A. by April 1, the date of surrender is July 1 of that year. When the materials are received after April 1, the date of surrender is July 1 of the following calendar year.

C. When surrender is prohibited. A person may not voluntarily surrender a license if any of the following exists:

1. the school board has commenced proceedings to terminate the continuing contract, pursuant to Minn. Stat. S 125.12, subd. 6 or 8, or 125.17, subd. 4;

2. the Board of Teaching has commenced proceedings to suspend or revoke the license pursuant to Minnesota Statutes, sections 125.09 and 214.10 or 5 MCAR S 3.130; or

3. any educational agency or board has commenced proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

D. Entrance license after surrender. A person whose Minnesota teaching license has been voluntarily surrendered may apply for entrance licensure in the subject or field for which licensure was previously surrendered. An entrance license shall

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:
SNR/Thl

be granted to the applicant if the following criteria are met:

1. a licensure rule exists in the subject or field for which licensure was previously surrendered;

2. the applicant meets the entrance licensure standards which are in effect in the subject or field at the time of application and meets procedures set forth in Board of Teaching rules applicable to an entrance license; and

3. the required processing fee set forth in 5 MCAR S 3.003 accompanies the application for entrance licensure.

E. Construction of rule. Nothing in A.-D. shall prohibit a person from holding or applying for a license in any subject or field upon surrender of a license in another subject or field.

5 MCAR S 3.0831 Driver and traffic safety education.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR S 3.0831.

B. Licensure requirements. A candidate recommended for licensure to teach driver and traffic safety education shall:

1. hold a baccalaureate degree, and

2. hold a valid Minnesota teaching license, and

3. satisfactorily complete a driver and traffic safety education teacher preparation program approved by the Board of Teaching, consisting of at least 20 quarter hours or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of driver and traffic safety education must provide candidates recommended for licensure with the knowledge, skills, and understandings set forth in 1. and 2.

1. The program must provide a minimum of 14 quarter hours, or the equivalent, in all of the following:

a. methods and materials for classroom instruction, which must include scope, sequence, and content; traffic laws; psychological and physiological aspects of the driver; alcohol, drugs, and driving; speed and energy conservation; traffic mix with other highway users; the decision making process; and supplementary materials;

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

b. methods and materials for laboratory instruction, which must include scope, sequence, and content for in-car, multi-vehicle, and simulator instruction; and, instructional strategies and techniques of evaluation;

c. organization and administration of driver and traffic safety education programs, which must include scope, sequence, and content of two, three, and four phase programs; vehicle and facilities administration; curriculum improvement; state rules; staffing; budgeting; evaluation and reporting; school-community relations; and record keeping; and

d. practicum experience in an approved driver education program, which must include classroom and laboratory teaching activities.

2. The program must provide a minimum of six quarter hours, or the equivalent, selected from any two of the following:

a. principles of kindergarten to grade 12 traffic safety education;

b. special areas of instruction, which must include special populations; simulation, multiple vehicle, or multi-media; individualized driver education; advanced driver education; adult driver education; and motorcycle rider education;

c. human factors, which must include behavioral influence on accident prevention, drugs and traffic safety, and first aid;

d. environmental factors, which must include traffic engineering, traffic law and enforcement, and traffic communication; and

e. vehicular factors, which must include basic automotive systems, motor vehicle safety standards, and driver consumerism.

D. Program approval for institutions. An institution applying to the Board of Teaching for approval of its driver and traffic safety education preparation program must meet the provisions of 5 MCAR S 3.141.

E. Continuing licensure. The continuing license shall be

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

issued and renewed according to rules of the Board of Teaching governing continuing education and relicensure.

5 MCAR S 3.1041 School psychologist.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a school psychologist for grades prekindergarten to 12 must comply with 5 MCAR S 3.1041.

B. Licensure requirements. A candidate recommended for licensure as a school psychologist for grades prekindergarten to 12 shall:

1. hold an education specialist degree or the equivalent; and

2. satisfactorily complete the core skill requirements in special education enumerated in 5 MCAR S 3.0901; and

3. satisfactorily complete a school psychologist preparation program, consisting of a minimum of 90 graduate quarter credits, approved by the Board of Teaching.

C. Program requirements; regular education. Each program leading to the licensure of school psychologists for grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the following regular education areas: knowledge of education and the school as an institution in the context of a changing pluralistic society and knowledge of elementary and secondary curriculum areas.

D. Program requirements; school psychology. Each program leading to the licensure of school psychologists of grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the areas set forth in 1. to 7.

1. To fulfill the psychological and educational foundations requirement, a program must provide candidates with preparation in the following:

a. ability to assist in the development and planning for differentiated instructional and behavioral strategies and techniques and to assist in the application of these strategies and techniques for children with unique learning styles, with differing physical, emotional, and mental capabilities, and from

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

differing environments and cultures;

b. understanding of different types of exceptionality in education, including mental retardation, learning and cognitive disabilities, sensory and physical impairments, developmental delays, emotional disturbance, chronic health impairments affecting educational performance, and giftedness;

c. understanding of special education program alternatives as they relate to the delivery of services;

d. understanding of history and systems of psychology;

e. understanding of contemporary issues in the interpretation and application of knowledge in the field of psychology; and

f. knowledge of consultation models and methodology.

2. To fulfill the psychological and educational assessment requirement, a program must provide candidates with preparation in the following:

a. ability to conduct intellectual, cognitive, and behavioral assessments of preschool-age children, elementary students, and secondary students;

b. ability to measure a student's school achievement and aptitude;

c. ability to conduct formal and informal observation and analysis of student-teacher-peer interaction, learning environments, instructional strategies, and support systems;

d. ability to apply methods and skills for interviewing students, parents, and school personnel;

e. ability to assess the personality, social and emotional adjustment of children and adolescents;

f. ability to conduct developmental assessments of preschool-age children;

g. ability to recognize the need to adapt instruments and procedures to accommodate the specialized needs of students and to identify resources to accomplish the necessary adaptations;

h. ability to assess adaptive behaviors and living skills, particularly in relation to mental handicaps;

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

i. understanding of basic theory and principles of measurement, test construction, reliability, and validity; and

j. ability to evaluate the appropriateness and psychometric adequacy of test instruments.

3. To fulfill the psychological intervention and corrective services for educational and psychological problems requirements, a program must provide candidates with preparation in the following:

a. ability to provide individual and group counseling;

b. ability to develop and implement behavior management plans and other corrective services; and

c. ability to consult with and provide in-service to parents, teachers, and school administrators on psychological issues and educational practices.

4. To fulfill the typical and atypical human growth and development from early childhood through adolescence requirement, a program must provide candidates with preparation in core skill requirements set forth in 5 MCAR S 3.0901 and in all of the following:

a. learning and cognitive processes;

b. personality and social processes;

c. physical and motor development; and

d. emotional development.

5. To fulfill the research and evaluation requirement, a program must provide candidates with preparation in the following:

a. ability to design and implement studies and analyze data to evaluate educational programs and practices; and

b. ability to evaluate an individual student's educational program.

6. To fulfill the profession of psychology requirement, a program must provide candidates with preparation in the following:

a. understanding of issues in the practice of school psychology such as ethics, laws and rules, role, psychological reports, and service delivery models;

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

b. ability to communicate and interact with staff members, resource personnel, parents, school administrators, and other members of the community in order to meet the individual needs of students;

c. knowledge of methods to evaluate self-performance and provide professional supervision;

d. ability to interpret psychological reports to teachers and parents regarding the implication of psychological findings;

e. knowledge of resources relating to psychological services available in the community;

f. ability to apply nondiscriminatory procedures for assessment and other school psychological services, including the impact of sensory and other handicapping conditions;

g. understanding of situations which suggest or require the involvement of other professionals for assessment and planning, including medical facilities and centers providing specialized services to handicapped children; and

h. ability to use knowledge of group processes to facilitate team meetings.

7. To fulfill the observation and practicum in school psychological services requirement, a program must provide candidates with preparation in the following:

a. Observation experiences prior to practicum shall include a series of formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school. These experiences must also include observation of a variety of special education program alternatives as they relate to the delivery of services and formal observation of school psychological practice performed by a licensed school psychologist.

b. The required practicum shall consist of at least 600 contact hours, at least 400 of which must be spent in a school setting. The practicum shall be done on at least a half-time basis, and the principal supervision must be provided by a practicing school psychologist. A currently practicing

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school psychologist is defined as a fully licensed person working at least half-time in the practice of school psychology or the preparation of school psychologists. Local supervision in a practicum setting may be provided by other psychological personnel.

The required practicum shall include at least 400 contact hours in school psychological practice at prekindergarten, elementary, and secondary grade levels. The 400 hours shall be distributed so that no less than 100 hours are spent at each level.

At least 200 contact hours of the required practicum shall be spent in a setting providing clinical psychological services, such as personality assessment, counseling with individuals and families, behavior management and other corrective services. This portion of the practicum shall include supervision by a clinically prepared and licensed psychologist.

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

F. Provisional license. A two-year provisional license shall be issued to an applicant upon submission of evidence of meeting all of the following conditions:

1. a master's degree in school psychology, or a master's, education specialist, or doctorate in clinical psychology, child psychology, or educational psychology; and

2. completion of a minimum of 45 quarter credits in the area of preparation outlined in D.1.-7.; the requirements must be met for at least three of the seven areas of preparation in D.1.-7. and at least one area of preparation must be D.2. and at least one area of preparation must be either D.3., or D.7.; and

3. a plan for a collaborative relationship for the duration of the provisional license. Collaboration is defined as a professional supervisory relationship with a currently licensed school psychologist practicing at least half-time. This collaborative relationship must include bi-monthly meetings whereby the collaborating psychologist shall review and endorse

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the quality of services to be provided by the provisionally licensed person.

One two-year renewal of the provisional license shall be issued to an applicant who completes a minimum of an additional 12 quarter hours or its equivalent in a state-approved preparation program leading to the licensure of school psychologists.

5 MCAR S 3.0601 Secondary school teachers and teachers of kindergarten to grade 12 subjects.

A. Applicability. All persons whose application is received on or after July 1, 1985 for an entrance license as a secondary school teacher or teacher of kindergarten to grade 12 subject must comply with 5 MCAR S 3.0601.

B. Uses of a license as secondary school classroom teacher. A secondary school classroom teaching license shall qualify the holder to teach in any secondary school those subjects or fields in which a college major has been completed, or where the assignment is for one-half time or less during the school day, those subjects or fields in which either a college major or minor approved by the Board of Teaching which leads to licensure, has been completed. This license also qualifies the holder to teach in the seventh and eighth grades of any elementary school in those subjects or fields for which valid licensure is held.

C. Licensure in areas of minor preparation. Any secondary school teacher licensed to teach after September 1, 1966, with minor preparation in a subject or field shall, within seven years after the initial licensure, acquire the minimum established by the Board of Teaching for major preparation in order to continue to be licensed to teach in the subject or field.

D. Licensure requirements. All candidates recommended for licensure to teach in a secondary school or in kindergarten to grade 12 subjects shall hold a baccalaureate degree and have satisfactorily completed an approved program leading to licensure in a teaching field as prescribed in Board of Teaching

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rules governing secondary education and kindergarten to grade 12 subjects.

E. Program requirements. Each program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects shall include a minimum of 27 quarter hours or the equivalent in a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in the areas set forth in 1.-4.

1. Foundational studies consist of basic knowledge which underlies the study of education and teaching. It includes all of the following:

a. the study of human growth and development, including typical and atypical patterns of development, with emphasis on adolescent growth and development;

b. the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

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

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

a. knowledge of content, materials, and scope and sequence of curriculum, and skills necessary to teach, both including provision for individual differences of students, in each licensure field and at each licensure level for which the candidate for licensure is preparing to teach;

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

c. skills to assess, diagnose, prescribe, evaluate,

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and report individual student achievement;

d. organizational, management, and communication skills and strategies to facilitate individual and group learning;

e. selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media;

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; and

h. knowledge of the impact of reading ability on student achievement in content areas, and skills to assist students to read more effectively in specific content areas.

3. The prestudent teaching and student teaching experiences category consists of experiences in grades 7 to 9 and in grades 10 to 12 in a school setting in which theory and practice are combined. It includes both of the following:

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

b. student teaching, which shall consist of full-school-day experiences for one academic quarter or the equivalent in a secondary school in which the student teacher assumes responsibility for the management and the implementation of the complete instructional program. The student teaching experience may include student teaching in one or more licensure fields. Candidates to be recommended for licensure in kindergarten to grade 12 subjects shall complete student teaching experiences in an elementary school and in a secondary school for a minimum total of one academic quarter or the equivalent.

4. The profession of teaching category consists of basic

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knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It 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, licensure, and relicensure of teachers, and the teacher as a public employee; and

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

F. Vocational licenses. A vocational license may be issued to an applicant who meets the criteria stated in vocational rules of the State Board of Education as adopted by the Board of Teaching.

G. Minimum programs of preparation. The following requirements shall constitute minimum programs of preparation to be set up by the colleges for secondary teachers unless otherwise indicated. Whenever specific course titles are indicated, it is understood that the course or its equivalent is acceptable. Licensure will be granted to persons who are recommended by a college or university maintaining the following approved programs of preparation. The standard requirements for credits in professional education shall apply except where requirements are specifically mentioned.

Rules as Proposed

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5 MCAR S 3.065 Science for grades 5 to 9 and grades 7 to 12.

A. Sciences defined. For the purposes of this rule the sciences shall comprise the following areas: earth science, including geology, astronomy, and meteorology; physical science, including chemistry and physics; life sciences, including botany, zoology, and other appropriate realms of biology; broad area science, including basic elements of life, earth, and physical sciences.

B. Basic licensure requirements. All candidates for licenses to teach science, which includes earth science, physical science, ~~and~~ life science, and broad area science, shall hold a baccalaureate degree and have satisfactorily completed a program which has been approved by the ~~state department of education~~ Board of Teaching for science teachers in grades 5 to 9 or in grades 7 to 12.

C. Licensure requirements; life and earth sciences. All candidates recommended for licensure as life science or earth science teachers shall have satisfactorily completed programs which provide experiences that enable them to develop broad basic knowledge and skills in earth science, in life science, and in physical science. The broad base shall include no less than 20 percent of the total baccalaureate program distributed equitably across the areas listed in A. ~~above~~, and in addition, either:

1. experiences which enable the candidate to acquire additional broad knowledge and skills in earth science, in life science, and in physical science to teach science in grades 5 to 9. These additional experiences shall be equivalent to no less than 20 percent of the total baccalaureate program and shall be distributed across the area in approximately equal proportions; or

2. experiences which enable the candidate to develop a high level of competency in ~~at least one of the three major disciplines necessary to teach that special area of science in~~ life science or in earth science, grades 7 to 12. These additional experiences shall be equivalent to no less than 20

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percent of the total baccalaureate program.

D. Licensure requirements; physical science. All candidates recommended for licensure as physical science teachers shall have satisfactorily completed a program in physical science which shall consist of no less than 40 percent of the total baccalaureate program in both chemistry and physics. No one area of physical science shall comprise less than 15 percent of the total baccalaureate program.

~~D.~~ E. Licensure based on minor preparation; life or earth science. All candidates who request licensure based on minor preparation in either life science or earth science shall have the experiences necessary to develop the broad basic competencies required of ~~all~~ life science and earth science teachers, as set out in ~~§ 3.065~~ C., plus at least the additional preparation in the specific science area in which they desire to teach equivalent to ~~that specified in § 3.065 C.1. for that~~ area at least ten percent of the total baccalaureate program.

~~E.~~ F. Licensure based on minor preparation; physical science. All candidates who request licensure based on minor preparation in physical science may, upon compliance with the following, be licensed in either chemistry or physics. ~~All candidates who request such licensure shall have the experiences necessary to develop the broad basic competencies required of all science teachers, as set out in § 3.065 C. In addition,~~ Such candidates shall have preparation in the subject area of ~~(~~chemistry or physics~~)~~ for which they seek licensure equal to at least ~~ten~~ 15 percent of their total baccalaureate program.

~~F.~~ G. Program development; evidence of participation. Evidence shall be provided to show that programs submitted for approval have been developed with participation from the college departments involved with the proposed teacher education programs, ~~from~~ elementary school teachers, secondary school teachers, ~~and~~ school administrators ~~as well as from~~, students, and interested citizens.

~~G.~~ H. Program requirements. Programs submitted for approval shall include all of the following:

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1. a rationale which sets forth the view of the institution with respect to the role of teachers of science;

2. evidence that the program is based on a study conducted to determine the academic work which is necessary to prepare candidates to teach in the areas of science normally offered at the levels for which licensure is being requested;

3. an enumeraton of specific teacher competencies to be developed in the proposed program. Included among others shall be competencies in the following areas:

a. personal human qualities that will facilitate interpersonal relatonships and enhance student learning;

b. knowledge of the intellectual and philosophical nature of science;

c. knowledge and experience necessary to illustrate the cultural and historical significance of science to social conditions;

d. application of analytical methods of science in multidisciplinary approaches to studying and solving problems of science and of society;

e. knowledge and skill necessary to seek out and study new concepts, together with the ability to synthesize these concepts, meaningfully and to communicate them to persons for whom the ideas are also new; and

f. the selection, adaptation, evaluation, and use of strategies and materials for the teaching of science so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of the science disciplines;

4. a description of program components which include statements which relate individual program components to the competencies, knowledge, and skills to be developed by candidates; and

5. a plan for assessing the level of performance of each candidate recommended for licensure which ascertains the

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individual candidate's development of the required competencies.

H. I. General program requirement. Programs shall be approved which vary in curricular design provided that program components meet the requirements in A., B., C., D., E., F. and G., above, and H. and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

I. J. Continuing licensure. The continuing license may be renewed according to general rules of the Board of Teaching pertaining to continuing education.

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

5 MCAR S 3.081 Business and office education teachers; requirements for major based on a four-year program.

A. General.

1. It is desirable that all business and office education teachers have course work in the philosophy of vocational education and relevant occupational work experience.

2. Major preparation in business and office education shall consist of not less than 30 percent of the graduation requirements of a four-year degree program if the area of specialization in B. is followed (~~S 3.081 B.~~) or 33 percent of the graduation requirements of a four-year degree program if the comprehensive program (~~S 3.081~~ in C.) is followed.

3. ~~Core program requirement.~~ The core program shall consist of the following area areas of study:

a. economics, (including macroeconomics and microeconomics);

b. accounting, principles of;

c. business law, principles of;

d. business communications, principles of;

e. business organization and management, principles of;

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f. marketing, principles of;

g. data processing, principles of; and

h. typewriting, for which ~~(~~an equivalence in lieu of credit is acceptable~~)~~.

In addition to the core program there will be preparation in either an area of specialization ~~(~~§ 3-081 as provided in B.~~)~~, or in the comprehensive program ~~(~~§ 3-081 as provided in C.~~)~~.

B. Specialization. If work is selected in this area in conjunction with the core program, the area of study for each specialization shall include the following:

1. Accounting and data processing: advanced accounting and additional electives in accounting and data processing;

2. Secretarial: advanced shorthand or equivalent, advanced typewriting, and additional electives in secretarial and office education;

3. Clerical: advanced typewriting, office machines, office management, and additional electives in business administration, business education, or economics;

4. Basic business ~~and/~~ or economics: ~~Economics (three courses beyond principles of economics)~~ additional electives in economics or business administration, ~~(~~except typewriting, shorthand, and office procedures~~)~~;

5. Distributive education ~~(~~for teachers~~)~~: technical distributive area, including such matters as salesmanship, merchandising, business management, personnel management, retailing; and organization and administration of distributive education.

C. Comprehensive program.

1. Business education-all. For programs leading to licensure in business education-all, areas of study are to be selected from § 3-081 B., ~~sub-items~~ 1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall ~~including~~ include the following required areas: advanced typewriting or equivalent, advanced shorthand or equivalent, office machines, and office procedures.

2. Business education-except shorthand. For programs

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leading to licensure in business education-except shorthand, areas of study are to be selected from B.1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall include the following required areas: advanced typewriting or equivalent, office machines, and office procedures.

~~D. Vocational licensure.~~

~~1. Specific requirements for licensure for teaching vocational office education and distributive education are outlined in the Minnesota state plan for vocational education.~~

~~2. Four thousand (4,000) hours of occupational experience (or college cooperative occupational experience equivalent) in appropriate areas of preparation are required for vocational licensure.~~

Relettering. Reletter 5 MCAR S 3.072 C. as 5 MCAR S 3.072 B. Reletter 5 MCAR S 3.091 E. as 5 MCAR S 3.091 D.

Repealer. Rules 5 MCAR SS 3.072 B.; 3.091 D.; 3.101; 3.102; 3.103; 3.106; 3.108; and 3.114 are repealed. Rules 5 MCAR SS 3.060, 3.083, and 3.104 are repealed effective July 1, 1985.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Agency Board of Teaching

Division

Agency Contact Kenneth L. Peatross Phone Number 296-2415

Title: Proposed rules governing licensure of teachers of driver and traffic safety education, school psychologists, secondary school teachers and teachers of kindergarten to grade 12 subjects, teachers of science for grades 5 to 9 and grades 7 to 12, teachers of business and office education, and procedures for voluntary surrender of teaching licenses.

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: EV Rice / TMW
Elizabeth V. Rice

Title: Assistant Revisor

Phone: 296-2798

State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 30, 1982, 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 August 25, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period for proposed rules 5 MCAR §§ 3.1041, 3.0601, 3.081, 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, and 3.104, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED that these rules identified as 5 MCAR §§ 3.1041, 3.0601, 3.081, 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, and 3.104, are adopted this 13th day of October, 1982, pursuant to authority vested in the Board by Minn. Stat. 125.185, subd. 4 (1980), and Minn. Stat. 125.05, subd. 1 (1980).

NOW, THEREFORE, IT IS ALSO ORDERED that these rules identified as 5 MCAR §§ 3.007, 3.0831, 3.065, and 3.083 are withdrawn.

STATE OF MINNESOTA
BOARD OF TEACHING

Ray C. Olson

Ray C. Olson, Chairman

Kenneth A. Ames

Kenneth A. Ames, Vice Chairman

Minnesota Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Relating to the Licensure of Teachers of Driver and Traffic Safety Education

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the adoption of a rule governing the licensure of Teachers of Driver and Traffic Safety Education. 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.

February 11, 1980

Kenneth L Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

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, Executive Secretary

Date: February 5, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

Minnesota Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Governing the Licensure of Teachers of Business and Office Education.

Notice is hereby given that the Minnesota Board of Teaching is considering adopting and/or amending a rule governing the licensure of Teachers of Business and Office Education.

The proposed rule is 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 rule 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 rule. 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

State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

Order for Notice of Intent to Adopt Rules Without Public Hearing

IT IS ORDERED this 29th day of July, 1982, that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matters 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

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 15th day of January, 1982; 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 sign an Order of the Board directing that Notice be given of the Board's intent to adopt, amend, or repeal without a public hearing rules governing Qualifications, Physical Education and Health Teachers; Reading; Supervisory and Consultative Personnel in the Elementary and Secondary Schools; Counselors, Secondary School; Counselors, Elementary School; School Nurse; Public School Athletic Coaches; Counselors in Middle Schools; Procedures for the Voluntary Surrender of Teaching Licenses; Driver and Traffic Safety Education; School Psychologist; Secondary School Teachers and Teachers of K-12 Subjects; Science for Grades 5-9 and Grades 7-12; Business and Office Education Teachers; to sign the Notice thereof, and to perform any and all acts incident thereto. In the event that a public hearing becomes necessary, he is granted the authority and directed to call a hearing for the purpose

of promulgating said rules as well as perform any and all acts incident 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 15th day of January, 1982.

Ray C. Olson
Chairman, Minnesota Board of Teaching

Freya O. Hanson
Attest by one other officer

State of Minnesota

Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Board of Teaching proposes to adopt, amend, or repeal the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980 and Supp. 1981 and 1982).

The proposed adoption, amendment, or repeal of the attached rules of the Board of Teaching is authorized by and pursuant to the provisions of Minn. Stat. §§ 125.03; 125.05; 125.185; 15.0412, subd. 3 (1980 and Supp. 1981 and 1982).

Persons interested in these rules shall have 30 days to submit comments on any one or all of the proposed rules. The proposed rules 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 any one or all of the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required for any one or all of the proposed rules, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivision 4-4g.

Persons who wish to submit comments or a written request for a public hearing on a particular rule or rules should submit such comments or request(s) to:

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kenneth L. Peatross upon request.

If no hearing is required, the proposed rules, this Notice, the rules as proposed for adoption, the Statement of Need and Reasonableness, and all written comments received will be delivered to the Attorney General. The Attorney General shall approve or disapprove the rules as to form and legality, including the issue of substantial change within 14 days. 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 rules as proposed for adoption, should submit a written statement of such request to Kenneth L. Peatross.

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

Copies of this Notice and the proposed rules are available and may be obtained by contacting Kenneth L. Peatross.

State of Minnesota

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary

Date: 7/29/82

Rules as Proposed (all new material)

5 MCAR S 3.007 Procedures for voluntary surrender of teaching licenses.

A. Materials required to surrender license. A person holding a teaching license granted by the Board of Teaching may voluntarily surrender the license by submitting to the Executive Secretary of the Board of Teaching the following:

1. a written request to surrender which specifies the teaching license or licenses to be surrendered;

2. the applicant copy of the teaching license;

3. the school district copy of the license, together with a written statement that the employing school superintendent has been notified that the school district copy of the license has been removed from the school district files; and

4. the required processing fee set forth in 5 MCAR S 3.003.

B. Surrender date. When the Executive Secretary receives the materials listed in A. by April 1, the date of surrender is July 1 of that year. When the materials are received after April 1, the date of surrender is July 1 of the following calendar year.

C. When surrender is prohibited. A person may not voluntarily surrender a license if any of the following exists:

1. the school board has commenced proceedings to terminate the continuing contract, pursuant to Minn. Stat. S 125.12, subd. 6 or 8, or 125.17, subd. 4;

2. the Board of Teaching has commenced proceedings to suspend or revoke the license pursuant to Minnesota Statutes, sections 125.09 and 214.10 or 5 MCAR S 3.130; or

3. any educational agency or board has commenced proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

D. Entrance license after surrender. A person whose Minnesota teaching license has been voluntarily surrendered may apply for entrance licensure in the subject or field for which licensure was previously surrendered. An entrance license shall

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be granted to the applicant if the following criteria are met:

1. a licensure rule exists in the subject or field for which licensure was previously surrendered;

2. the applicant meets the entrance licensure standards which are in effect in the subject or field at the time of application and meets procedures set forth in Board of Teaching rules applicable to an entrance license; and

3. the required processing fee set forth in 5 MCAR S 3.003 accompanies the application for entrance licensure.

E. Construction of rule. Nothing in A.-D. shall prohibit a person from holding or applying for a license in any subject or field upon surrender of a license in another subject or field.

5 MCAR S 3.0831 Driver and traffic safety education.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR S 3.0831.

B. Licensure requirements. A candidate recommended for licensure to teach driver and traffic safety education shall:

1. hold a baccalaureate degree, and

2. hold a valid Minnesota teaching license, and

3. satisfactorily complete a driver and traffic safety education teacher preparation program approved by the Board of Teaching, consisting of at least 20 quarter hours or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of driver and traffic safety education must provide candidates recommended for licensure with the knowledge, skills, and understandings set forth in 1. and 2.

1. The program must provide a minimum of 14 quarter hours, or the equivalent, in all of the following:

a. methods and materials for classroom instruction, which must include scope, sequence, and content; traffic laws; psychological and physiological aspects of the driver; alcohol, drugs, and driving; speed and energy conservation; traffic mix with other highway users; the decision making process; and supplementary materials;

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b. methods and materials for laboratory instruction, which must include scope, sequence, and content for in-car, multi-vehicle, and simulator instruction; and, instructional strategies and techniques of evaluation;

c. organization and administration of driver and traffic safety education programs, which must include scope, sequence, and content of two, three, and four phase programs; vehicle and facilities administration; curriculum improvement; state rules; staffing; budgeting; evaluation and reporting; school-community relations; and record keeping; and

d. practicum experience in an approved driver education program, which must include classroom and laboratory teaching activities.

2. The program must provide a minimum of six quarter hours, or the equivalent, selected from any two of the following:

a. principles of kindergarten to grade 12 traffic safety education;

b. special areas of instruction, which must include special populations; simulation, multiple vehicle, or multi-media; individualized driver education; advanced driver education; adult driver education; and motorcycle rider education;

c. human factors, which must include behavioral influence on accident prevention, drugs and traffic safety, and first aid;

d. environmental factors, which must include traffic engineering, traffic law and enforcement, and traffic communication; and

e. vehicular factors, which must include basic automotive systems, motor vehicle safety standards, and driver consumerism.

D. Program approval for institutions. An institution applying to the Board of Teaching for approval of its driver and traffic safety education preparation program must meet the provisions of 5 MCAR S 3.141.

E. Continuing licensure. The continuing license shall be

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issued and renewed according to rules of the Board of Teaching governing continuing education and relicensure.

5 MCAR S 3.1041 School psychologist.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a school psychologist for grades prekindergarten to 12 must comply with 5 MCAR S 3.1041.

B. Licensure requirements. A candidate recommended for licensure as a school psychologist for grades prekindergarten to 12 shall:

1. hold an education specialist degree or the equivalent; and

2. satisfactorily complete the core skill requirements in special education enumerated in 5 MCAR S 3.0901; and

3. satisfactorily complete a school psychologist preparation program, consisting of a minimum of 90 graduate quarter credits, approved by the Board of Teaching.

C. Program requirements; regular education. Each program leading to the licensure of school psychologists for grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the following regular education areas: knowledge of education and the school as an institution in the context of a changing pluralistic society and knowledge of elementary and secondary curriculum areas.

D. Program requirements; school psychology. Each program leading to the licensure of school psychologists of grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the areas set forth in 1. to 7.

1. To fulfill the psychological and educational foundations requirement, a program must provide candidates with preparation in the following:

a. ability to assist in the development and planning for differentiated instructional and behavioral strategies and techniques and to assist in the application of these strategies and techniques for children with unique learning styles, with differing physical, emotional, and mental capabilities, and from

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differing environments and cultures;

b. understanding of different types of exceptionality in education, including mental retardation, learning and cognitive disabilities, sensory and physical impairments, developmental delays, emotional disturbance, chronic health impairments affecting educational performance, and giftedness;

c. understanding of special education program alternatives as they relate to the delivery of services;

d. understanding of history and systems of psychology;

e. understanding of contemporary issues in the interpretation and application of knowledge in the field of psychology; and

f. knowledge of consultation models and methodology.

2. To fulfill the psychological and educational assessment requirement, a program must provide candidates with preparation in the following:

a. ability to conduct intellectual, cognitive, and behavioral assessments of preschool-age children, elementary students, and secondary students;

b. ability to measure a student's school achievement and aptitude;

c. ability to conduct formal and informal observation and analysis of student-teacher-peer interaction, learning environments, instructional strategies, and support systems;

d. ability to apply methods and skills for interviewing students, parents, and school personnel;

e. ability to assess the personality, social and emotional adjustment of children and adolescents;

f. ability to conduct developmental assessments of preschool-age children;

g. ability to recognize the need to adapt instruments and procedures to accommodate the specialized needs of students and to identify resources to accomplish the necessary adaptations;

h. ability to assess adaptive behaviors and living skills, particularly in relation to mental handicaps;

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i. understanding of basic theory and principles of measurement, test construction, reliability, and validity; and

j. ability to evaluate the appropriateness and psychometric adequacy of test instruments.

3. To fulfill the psychological intervention and corrective services for educational and psychological problems requirements, a program must provide candidates with preparation in the following:

a. ability to provide individual and group counseling;

b. ability to develop and implement behavior management plans and other corrective services; and

c. ability to consult with and provide in-service to parents, teachers, and school administrators on psychological issues and educational practices.

4. To fulfill the typical and atypical human growth and development from early childhood through adolescence requirement, a program must provide candidates with preparation in core skill requirements set forth in 5 MCAR S 3.0901 and in all of the following:

a. learning and cognitive processes;

b. personality and social processes;

c. physical and motor development; and

d. emotional development.

5. To fulfill the research and evaluation requirement, a program must provide candidates with preparation in the following:

a. ability to design and implement studies and analyze data to evaluate educational programs and practices; and

b. ability to evaluate an individual student's educational program.

6. To fulfill the profession of psychology requirement, a program must provide candidates with preparation in the following:

a. understanding of issues in the practice of school psychology such as ethics, laws and rules, role, psychological reports, and service delivery models;

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b. ability to communicate and interact with staff members, resource personnel, parents, school administrators, and other members of the community in order to meet the individual needs of students;

c. knowledge of methods to evaluate self-performance and provide professional supervision;

d. ability to interpret psychological reports to teachers and parents regarding the implication of psychological findings;

e. knowledge of resources relating to psychological services available in the community;

f. ability to apply nondiscriminatory procedures for assessment and other school psychological services, including the impact of sensory and other handicapping conditions;

g. understanding of situations which suggest or require the involvement of other professionals for assessment and planning, including medical facilities and centers providing specialized services to handicapped children; and

h. ability to use knowledge of group processes to facilitate team meetings.

7. To fulfill the observation and practicum in school psychological services requirement, a program must provide candidates with preparation in the following:

a. Observation experiences prior to practicum shall include a series of formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school. These experiences must also include observation of a variety of special education program alternatives as they relate to the delivery of services and formal observation of school psychological practice performed by a licensed school psychologist.

b. The required practicum shall consist of at least 600 contact hours, at least 400 of which must be spent in a school setting. The practicum shall be done on at least a half-time basis, and the principal supervision must be provided by a practicing school psychologist. A currently practicing

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school psychologist is defined as a fully licensed person working at least half-time in the practice of school psychology or the preparation of school psychologists. Local supervision in a practicum setting may be provided by other psychological personnel.

The required practicum shall include at least 400 contact hours in school psychological practice at prekindergarten, elementary, and secondary grade levels. The 400 hours shall be distributed so that no less than 100 hours are spent at each level.

At least 200 contact hours of the required practicum shall be spent in a setting providing clinical psychological services, such as personality assessment, counseling with individuals and families, behavior management and other corrective services. This portion of the practicum shall include supervision by a clinically prepared and licensed psychologist.

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

F. Provisional license. A two-year provisional license shall be issued to an applicant upon submission of evidence of meeting all of the following conditions:

1. a master's degree in school psychology, or a master's, education specialist, or doctorate in clinical psychology, child psychology, or educational psychology; and

2. completion of a minimum of 45 quarter credits in the area of preparation outlined in D.1.-7.; the requirements must be met for at least three of the seven areas of preparation in D.1.-7. and at least one area of preparation must be D.2. and at least one area of preparation must be either D.3., or D.7.; and

3. a plan for a collaborative relationship for the duration of the provisional license. Collaboration is defined as a professional supervisory relationship with a currently licensed school psychologist practicing at least half-time. This collaborative relationship must include bi-monthly meetings whereby the collaborating psychologist shall review and endorse

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the quality of services to be provided by the provisionally licensed person.

One two-year renewal of the provisional license shall be issued to an applicant who completes a minimum of an additional 12 quarter hours or its equivalent in a state-approved preparation program leading to the licensure of school psychologists.

5 MCAR S 3.0601 Secondary school teachers and teachers of kindergarten to grade 12 subjects.

A. Applicability. All persons whose application is received on or after July 1, 1985 for an entrance license as a secondary school teacher or teacher of kindergarten to grade 12 subject must comply with 5 MCAR S 3.0601.

B. Uses of a license as secondary school classroom teacher. A secondary school classroom teaching license shall qualify the holder to teach in any secondary school those subjects or fields in which a college major has been completed, or where the assignment is for one-half time or less during the school day, those subjects or fields in which either a college major or minor approved by the Board of Teaching which leads to licensure, has been completed. This license also qualifies the holder to teach in the seventh and eighth grades of any elementary school in those subjects or fields for which valid licensure is held.

C. Licensure in areas of minor preparation. Any secondary school teacher licensed to teach after September 1, 1966, with minor preparation in a subject or field shall, within seven years after the initial licensure, acquire the minimum established by the Board of Teaching for major preparation in order to continue to be licensed to teach in the subject or field.

D. Licensure requirements. All candidates recommended for licensure to teach in a secondary school or in kindergarten to grade 12 subjects shall hold a baccalaureate degree and have satisfactorily completed an approved program leading to licensure in a teaching field as prescribed in Board of Teaching

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rules governing secondary education and kindergarten to grade 12 subjects.

E. Program requirements. Each program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects shall include a minimum of 27 quarter hours or the equivalent in a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in the areas set forth in 1.-4.

1. Foundational studies consist of basic knowledge which underlies the study of education and teaching. It includes all of the following:

a. the study of human growth and development, including typical and atypical patterns of development, with emphasis on adolescent growth and development;

b. the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

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

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

a. knowledge of content, materials, and scope and sequence of curriculum, and skills necessary to teach, both including provision for individual differences of students, in each licensure field and at each licensure level for which the candidate for licensure is preparing to teach;

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

c. skills to assess, diagnose, prescribe, evaluate,

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and report individual student achievement;

d. organizational, management, and communication skills and strategies to facilitate individual and group learning;

e. selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media;

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; and

h. knowledge of the impact of reading ability on student achievement in content areas, and skills to assist students to read more effectively in specific content areas.

3. The prestudent teaching and student teaching experiences category consists of experiences in grades 7 to 9 and in grades 10 to 12 in a school setting in which theory and practice are combined. It includes both of the following:

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

b. student teaching, which shall consist of full-school-day experiences for one academic quarter or the equivalent in a secondary school in which the student teacher assumes responsibility for the management and the implementation of the complete instructional program. The student teaching experience may include student teaching in one or more licensure fields. Candidates to be recommended for licensure in kindergarten to grade 12 subjects shall complete student teaching experiences in an elementary school and in a secondary school for a minimum total of one academic quarter or the equivalent.

4. The profession of teaching category consists of basic

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knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It 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, licensure, and relicensure of teachers, and the teacher as a public employee; and

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

F. Vocational licenses. A vocational license may be issued to an applicant who meets the criteria stated in vocational rules of the State Board of Education as adopted by the Board of Teaching.

G. Minimum programs of preparation. The following requirements shall constitute minimum programs of preparation to be set up by the colleges for secondary teachers unless otherwise indicated. Whenever specific course titles are indicated, it is understood that the course or its equivalent is acceptable. Licensure will be granted to persons who are recommended by a college or university maintaining the following approved programs of preparation. The standard requirements for credits in professional education shall apply except where requirements are specifically mentioned.

Rules as Proposed

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5 MCAR S 3.065 Science for grades 5 to 9 and grades 7 to 12.

A. Sciences defined. For the purposes of this rule the sciences shall comprise the following areas: earth science, including geology, astronomy, and meteorology; physical science, including chemistry and physics; life sciences, including botany, zoology, and other appropriate realms of biology; broad area science, including basic elements of life, earth, and physical sciences.

B. Basic licensure requirements. All candidates for licenses to teach science, which includes earth science, physical science, and life science, and broad area science, shall hold a baccalaureate degree and have satisfactorily completed a program which has been approved by the ~~state department of education~~ Board of Teaching for science teachers in grades 5 to 9 or in grades 7 to 12.

C. Licensure requirements; life and earth sciences. All candidates recommended for licensure as life science or earth science teachers shall have satisfactorily completed programs which provide experiences that enable them to develop broad basic knowledge and skills in earth science, in life science, and in physical science. The broad base shall include no less than 20 percent of the total baccalaureate program distributed equitably across the areas listed in A. ~~above~~, and in addition, either:

1. experiences which enable the candidate to acquire additional broad knowledge and skills in earth science, in life science, and in physical science to teach science in grades 5 to 9. These additional experiences shall be equivalent to no less than 20 percent of the total baccalaureate program and shall be distributed across the area in approximately equal proportions; or

2. experiences which enable the candidate to develop a high level of competency in ~~at least one of the three major disciplines necessary to teach that special area of science in~~ life science or in earth science, grades 7 to 12. These additional experiences shall be equivalent to no less than 20

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percent of the total baccalaureate program.

D. Licensure requirements; physical science. All candidates recommended for licensure as physical science teachers shall have satisfactorily completed a program in physical science which shall consist of no less than 40 percent of the total baccalaureate program in both chemistry and physics. No one area of physical science shall comprise less than 15 percent of the total baccalaureate program.

~~D.~~ E. Licensure based on minor preparation; life or earth science. All candidates who request licensure based on minor preparation in either life science or earth science shall have the experiences necessary to develop the broad basic competencies required of ~~all~~ life science and earth science teachers, as set out in § ~~3.065~~ C., plus at least the additional preparation in the specific science area in which they desire to teach equivalent to ~~that specified in § 3.065 C.1. for that area~~ at least ten percent of the total baccalaureate program.

~~E.~~ F. Licensure based on minor preparation; physical science. All candidates who request licensure based on minor preparation in physical science may, upon compliance with the following, be licensed in either chemistry or physics. ~~All candidates who request such licensure shall have the experiences necessary to develop the broad basic competencies required of all science teachers, as set out in § 3.065 C. In addition,~~ Such candidates shall have preparation in the subject area of ~~(~~chemistry or physics~~)~~ for which they seek licensure equal to at least ~~ten~~ 15 percent of their total baccalaureate program.

~~F.~~ G. Program development; evidence of participation. Evidence shall be provided to show that programs submitted for approval have been developed with participation from the college departments involved with the proposed teacher education programs, ~~from~~ elementary school teachers, secondary school teachers, ~~and~~ school administrators ~~as well as from~~, students, and interested citizens.

~~G.~~ H. Program requirements. Programs submitted for approval shall include all of the following:

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1. a rationale which sets forth the view of the institution with respect to the role of teachers of science;

2. evidence that the program is based on a study conducted to determine the academic work which is necessary to prepare candidates to teach in the areas of science normally offered at the levels for which licensure is being requested;

3. an enumeraton of specific teacher competencies to be developed in the proposed program. Included among others shall be competencies in the following areas:

a. personal human qualities that will facilitate interpersonal relatonships and enhance student learning;

b. knowledge of the intellectual and philosophical nature of science;

c. knowledge and experience necessary to illustrate the cultural and historical significance of science to social conditions;

d. application of analytical methods of science in multidisciplinary approaches to studying and solving problems of science and of society;

e. knowledge and skill necessary to seek out and study new concepts, together with the ability to synthesize these concepts, meaningfully and to communicate them to persons for whom the ideas are also new; and

f. the selection, adaptation, evaluation, and use of strategies and materials for the teaching of science so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of the science disciplines;

4. a description of program components which include statements which relate individual program components to the competencies, knowledge, and skills to be developed by candidates; and

5. a plan for assessing the level of performance of each candidate recommended for licensure which ascertains the

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individual candidate's development of the required competencies.

~~H.~~ I. General program requirement. Programs shall be approved which vary in curricular design provided that program components meet the requirements in A., B., C., D., E., F. and, G., ~~above,~~ and H. and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

~~I.~~ J. Continuing licensure. The continuing license may be renewed according to general rules of the Board of Teaching pertaining to continuing education.

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

5 MCAR S 3.081 Business and office education teachers; requirements for major based on a four-year program.

A. General.

1. It is desirable that all business and office education teachers have course work in the philosophy of vocational education and relevant occupational work experience.

2. Major preparation in business and office education shall consist of not less than 30 percent of the graduation requirements of a four-year degree program if the area of specialization in B. is followed ~~(S 3.081 B.)~~ or 33 percent of the graduation requirements of a four-year degree program if the comprehensive program ~~(S 3.081~~ in C.) is followed.

3. ~~Core program requirement.~~ The core program shall consist of the following ~~area~~ areas of study:

a. economics, ~~(~~including macroeconomics and microeconomics~~)~~;

b. accounting, principles of;

c. business law, principles of;

d. business communications, principles of;

e. business organization and management, principles of;

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f. marketing, principles of;

g. data processing, principles of; and

h. typewriting, for which (an equivalence in lieu of credit is acceptable).

In addition to the core program there will be preparation in either an area of specialization (S 3-081 as provided in B.), or in the comprehensive program (S 3-081 as provided in C.).

B. Specialization. If work is selected in this area in conjunction with the core program, the area of study for each specialization shall include the following:

1. Accounting and data processing: advanced accounting and additional electives in accounting and data processing;

2. Secretarial: advanced shorthand or equivalent, advanced typewriting, and additional electives in secretarial and office education;

3. Clerical: advanced typewriting, office machines, office management, and additional electives in business administration, business education, or economics;

4. Basic business ~~and~~/ or economics: ~~Economics (three courses beyond principles of economics)~~ additional electives in economics or business administration, (except typewriting, shorthand, and office procedures);

5. Distributive education (for teachers): technical distributive area, including such matters as salesmanship, merchandising, business management, personnel management, retailing; and organization and administration of distributive education.

C. Comprehensive program.

1. Business education-all. For programs leading to licensure in business education-all, areas of study are to be selected from S 3-081 B., ~~sub-items~~ 1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall ~~including~~ include the following required areas: advanced typewriting or equivalent, advanced shorthand or equivalent, office machines, and office procedures.

2. Business education-except shorthand. For programs

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leading to licensure in business education-except shorthand, areas of study are to be selected from B.1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall include the following required areas: advanced typewriting or equivalent, office machines, and office procedures.

~~D. Vocational licensure.~~

~~1. Specific requirements for licensure for teaching vocational office education and distributive education are outlined in the Minnesota state plan for vocational education.~~

~~2. Four thousand (4,000) hours of occupational experience (or college cooperative occupational experience equivalent) in appropriate areas of preparation are required for vocational licensure.~~

Relettering. Reletter 5 MCAR S 3.072 C. as 5 MCAR S 3.072 B. Reletter 5 MCAR S 3.091 E. as 5 MCAR S 3.091 D.

Repealer. Rules 5 MCAR SS 3.072 B.; 3.091 D.; 3.101; 3.102; 3.103; 3.106; 3.108; and 3.114 are repealed. Rules 5 MCAR SS 3.060, 3.083, and 3.104 are repealed effective July 1, 1985.

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State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

AFFIDAVIT OF MAILING

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

That on the 25th day of August, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a 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 who have requested that their names be placed on file with the Minnesota Board of Teaching for the purpose of receiving notice of the proposed adoption of rules by this State Board.

Nancy A. Orr

Subscribed and sworn to before me
this 25 day of August, 1982.

Notary Public

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

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State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

AFFIDAVIT OF MAILING

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

That on the 25th day of August, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a 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 listed on the attached sheet who have not requested that their names be placed on file with the Minnesota Board of Teaching for the purpose of receiving notice of the proposed adoption of rules by this State Board.

Nancy A. Orr
Nancy A. Orr

Subscribed and sworn to before me
this 25 day of August, 1982.

Luana Vadnais
Notary Public

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

Listed below are people who received the Notice of Intent to Adopt Rules Without a Public Hearing from the Office of the Board of Teaching, but did not register their names to receive such notice:

434 Superintendents in the State of Minnesota

460 Continuing Education Chairmen in the State of Minnesota

74 Persons who have registered their names to be on the Board of Teaching monthly mailing list (minutes and agenda)

26 Deans and Chairmen of Colleges/Departments of Education in the State of Minnesota

State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.0412, Subd. 4, that their names be placed on file with and maintained by the Minnesota Board of Teaching for the purpose of receiving notice of the proposed adoption of rules of the Board of Teaching is accurate and complete as of 1 o'clock p.m. this 25th day of August, 1982.

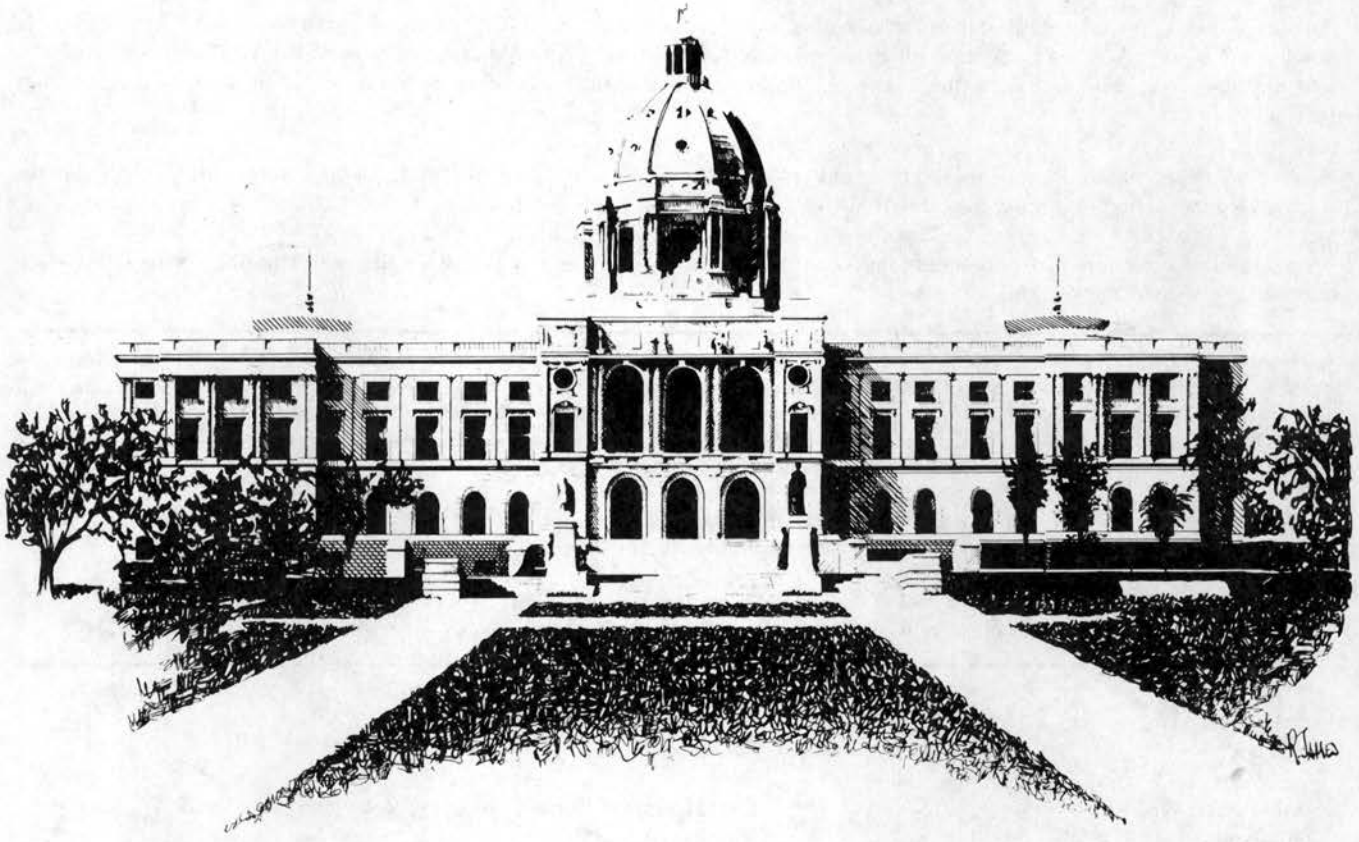
State of Minnesota
Board of Teaching

Nancy A. Orr

Nancy A. Orr

STATE REGISTER

STATE OF MINNESOTA



VOLUME 7, NUMBER 9

August 30, 1982

Pages 241-272

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 7		
10	Monday Aug 23	Monday Aug 30	Monday Sept 6
11	Monday Aug 30	Friday Sept 3	Monday Sept 13
12	Thursday Sept 2	Monday Sept 13	Monday Sept 20
13	Monday Sept 13	Monday Sept 20	Monday Sept 27

*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.

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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

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 1-9 244

PROPOSED RULES

Agriculture Department
Agronomy Services Division
Notice of Withdrawal of Proposed Rules Governing the Storage and Handling of Liquid and Dry Commercial Fertilizer 246

Housing Finance Agency
Notice of Correction of Proposed Rules Relating to Income Limits for the Home Improvement Loan Program without a Public Hearing 246

Board of Teaching
Proposed Rules Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches and Middle School Counselors [notice of intent to adopt rules without a public hearing].....248

ADOPTED RULES

Board of Animal Health
Adopted Rule Governing Importation of Swine into Minnesota.....257

Commerce Department
Insurance Division
Adopted Rules Requiring Annual Audited Financial Reports 257

Commerce Department
Insurance Division
Adopted Rules Governing Self-Insurance for Workers' Compensation 257

Natural Resources Department
Minerals Division
Adopted Rule Governing Permits to Prospect for and Leases to Mine Copper, Nickel and Associated Minerals.....258

Board of Pharmacy
Adopted Rules Relating to Licensure Fees, Internship, Pharmacy Equipment, Licensure Requirements, Continuing Education, Return of Drugs, Prescription Labeling, Controlled Substance Samples, Transfer of Prescriptions, Controlled Substances, Registration of Researchers, Prescription Order Communication, Emergency Kits, Labeling of Large Volume Parenterals, Waivers of Board Requirements, and Reorganization of Existing Rules.....258

Waste Management Board
Adopted Rules Governing Supplementary Review 260

SUPREME COURT

Decisions Filed Friday, August 13, 1982 261

Decisions Filed August 5, 1982.....262

Decisions Filed August 4, 1982.....263

Decisions Filed Friday, August 20, 1982 263

Opinions Filed Tuesday, August 17, 1982.....264

STATE CONTRACTS

Agriculture Department
Marketing and International Trade Division
Art and Publication Design Assistance.....265

Energy, Planning and Development Department
Governor's Council on Rural Development
Various Projects that Benefit Rural Minnesota.....265

Minnesota Correctional Facility—Red Wing
Certified Driver Education Instructor Services 266

Office of the Treasurer
Unclaimed Property Division
Consultant Regarding Unclaimed Property 266
Attorney Services for Unclaimed Property Compliance 266

OFFICIAL NOTICES

Commerce Department
Banking Division
Bulletin No. 2636: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of September 1982 267

Commerce Department
Insurance Division
Outside Opinion Sought Regarding Proposed Rules Governing Merit Rating of Workers' Compensation Assigned Risks 267
Outside Opinion Sought Regarding Proposed Rules Governing Workers' Compensation Insurance Rates.....267

Finance Department
Notice of Maximum Interest Rates for Municipal Obligations for September 1982.....268

Waste Management Board
Pollution Control Agency
Proposed Hazardous Waste Disposal Facility Candidate Sites in Aitkin County and the Intrinsic Suitability Thereof [notice of and order for reopening of hearing record] 268
Proposed Hazardous Waste Disposal Facility Candidate Sites in Marshall County and the Intrinsic Suitability Thereof [notice and order for reopening of hearing record] 269

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 listings 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
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

1 MCAR §§ 2.0101-2.1101, 2.2101-2.2115, 2.4101-2.4205, 2.5101-2.5119 (adopted) 207

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.8001-1.8024 (proposed) 73
2 MCAR §§ 1.90100-1.90904 (adopted) 174

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0325-1.0326 (withdrawn) 246
3 MCAR §§ 1.0388-1.0404 (proposed) 5
3 MCAR §§ 1.0548-1.0560 (proposed) 78
3 MCAR §§ 1.0543-1.0547 (proposed repeal) 78
Agr 402, 404 (proposed repeal) 5

Part 2 Animal Health Board

3 MCAR § 2.005 (adopted) 257
3 MCAR § 2.015 (proposed) 110
3 MCAR § 2.032 (proposed) 111
3 MCAR § 2.062 (proposed) 109
LSB 33 (proposed) 111
LSB 62 (proposed repeal) 109

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which Are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 (proposed) 33
4 MCAR §§ 1.9081-1.9088 (proposed) 193
4 MCAR §§ 1.9210-1.9136 (adopted) 257
4 MCAR §§ 1.9285-1.9294 (adopted) 257

Part 3 Public Utilities Commission

4 MCAR §§ 3.0450-3.0463 (notice of hearing) 114

Part 10 Cosmetology Board

4 MCAR §§ 10.002 [Temp], 10.009 [Temp]-10.010 [Temp], 10.042 [Temp]-10.043 [Temp], 10.006 [Temp] (adopted) 94
4 MCAR §§ 10.004 [Temp], 10.021 [Temp], 10.026 [Temp], 10.028 [Temp], 10.041 [Temp] (continued) 94

TITLE 5 EDUCATION

Part 1 Education Department

EDU 143 [Temp]-EDU 146 [Temp] (proposed) 48
EDU 142 C. (proposed temporary repeal) 48
5 MCAR §§ 1.0720-1.0721, 1.0723-1.0724 (proposed) 196
5 MCAR §§ 1.0722, 1.0725 (proposed repeal) 196

Part 3 Board of Teaching
5 MCAR §§ 3.007, 3.065, 3.0601, 3.081, 3.0831, 3.1041 (proposed) 248
5 MCAR §§ 3.072, 3.091, 3.101-3.103, 3.106, 3.108, 3.114, 3.060, 3.083, 3.104 (proposed repeal) 248

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department
6 MCAR § 1.0094 (adopted) 258

Part 2 Energy Agency (Energy, Planning and Development Department)
6 MCAR § 2.3120 (proposed) 86

Part 8 Waste Management Board
6 MCAR §§ 8.201-8.218 (adopted) 260

TITLE 7 HEALTH

Part 8 Pharmacy Board
7 MCAR §§ 8.004, 8.010, 8.013, 8.026-8.027, 8.032, 8.040-8.041, 8.049-8.054, 8.061, 8.071, 8.074, 8.088, 8.118 (adopted) 258

Part 10 Psychology Board
7 MCAR §§ 10.001-10.009 (adopted) 133
Psych 2, 5, 8, 10-13 (repealed) 133

TITLE 8 LABOR

Part 4 Economic Security Department
8 MCAR § 4.0012 (adopted) 174
8 MCAR § 4.3012 (proposed temporary) 229

TITLE 10 PLANNING

Part 1 Planning Agency (Energy, Planning and Development Department)
10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.555, 1.560, 1.565 (proposed) 87

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department
11 MCAR §§ 1.0046-1.0048 (adopted) 207
SafAd 49-50 (repealed) 207
11 MCAR §§ 1.3071-1.3077 (withdrawn) 129
11 MCAR §§ 1.5101-1.5154 (proposed) 166
Fire Mar 30-51, 4401-4404 (proposed repeal) 166
11 MCAR §§ 1.6101-1.6106 (proposed) 52

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Board
12 MCAR § 2.065 (adopted) 139
12 MCAR § 2.222 (proposed) 129

Part 3 Housing Finance Agency
12 MCAR § 3.002 [Temp] (proposed) 11
12 MCAR § 3.002 (proposed) 165
12 MCAR § 3.002 (proposed) 246

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
14 MCAR §§ 1.4010-1.4016 (adopted) 207
14 MCAR §§ 1.7025-1.7037 (proposed) 202

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 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Agronomy Services Division

Notice of Withdrawal of Proposed Rules Governing the Storage and Handling of Liquid and Dry Commercial Fertilizer

The rules proposed and published at *State Register*, Volume 6, Number 14, p. 573, October 5th, 1981 (6 S.R. 573) are withdrawn in their entirety by the department. The Attorney General has ruled that the procedures outlined in *Minn. Stat.* § 15.0412, subd. 4h, may not be used to promulgate these rules. The department intends to republish the rules and promulgate them according to the procedures contained in *Minn. Stat.* § 15.0412, subd. 4.

Minnesota Housing Finance Agency

Notice of Correction of Proposed Rules Relating to Income Limits for the Home Improvement Loan Program Without a Public Hearing

The notice of intent of proposed rules amending provisions relating to downpayments under the Homeownership Assistance Fund without a public hearing published on August 9, 1982, at 7 S.R. 165 did not include certain information required in the notice by the rules adopted by the Attorney General. Accordingly, the corrected notice is published below. The rules are identical to those printed in the original notice.

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minn. Stat.* § 15.041, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules 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 rules 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, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

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

Monte Aaker, Research Coordinator
Research Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9952

Authority for the adoption of these rules is contained in *Minn. Stat.* § 462A.06, subds. 4 and 11(1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Monte Aaker upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of 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 these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Monte Aaker.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Monte Aaker.

Please be advised that *Minn. Stat.* ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minn. Stat.* § 10A.01, subd. 11 (1980) 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 $250.00, 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 $250.00, 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, 40 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

Dated: August 17, 1982

James J. Solem
Executive Director

Rule as Proposed

12 MCAR § 3.002 O. "Persons and families of low and moderate income" means:

1.-4. [Unchanged.]

5. with respect to home improvement loans and accessibility improvement assistance pursuant to Chapter Six of these rules, those persons and families whose adjusted income does not exceed ~~$18,000~~ $24,000 or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

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.

Board of Teaching

Proposed Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Teaching proposes to adopt, amend, or repeal the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minn. Stat.* § 15.0412, subd. 4h (1980 and Supp. 1981 and 1982).

The proposed adoption, amendment, or repeal of the attached rules of the Board of Teaching is authorized by and pursuant to the provisions of *Minn. Stat.* §§ 125.03; 125.05; 125.185; 15.0412, subd. 3 (1980 and Supp. 1981 and 1982).

Persons interested in these rules shall have 30 days to submit comments on any one or all of the proposed rules. The proposed rules 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 any one or all of the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required for any one or all of the proposed rules, the agency will proceed according to the provisions of *Minn. Stat.* § 15.0412, subd. 4-4g.

Persons who wish to submit comments or a written request for a public hearing on a particular rule or rules should submit such comments or request(s) to:

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kenneth L. Peatross upon request.

If no hearing is required, the proposed rules, this notice, the rules as proposed for adoption, the Statement of Need and Reasonableness, and all written comments received will be delivered to the Attorney General. The Attorney General shall approve or disapprove the rules as to form and legality, including the issue of substantial change within 14 days. 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 rules as proposed for adoption, should submit a written statement of such request to Kenneth L. Peatross.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting Kenneth L. Peatross.

July 29, 1982

Kenneth L. Peatross
Executive Secretary

Rules as Proposed (all new material)

5 MCAR § 3.007 Procedures for voluntary surrender of teaching licenses.

A. Materials required to surrender license. A person holding a teaching license granted by the Board of Teaching may voluntarily surrender the license by submitting to the Executive Secretary of the Board of Teaching the following:

1. a written request to surrender which specifies the teaching license or licenses to be surrendered;
2. the applicant copy of the teaching license;

3. the school district copy of the license, together with a written statement that the employing school superintendent has been notified that the school district copy of the license has been removed from the school district files; and

4. the required processing fee set forth in 5 MCAR § 3.003.

B. Surrender date. When the Executive Secretary receives the materials listed in A. by April 1, the date of surrender is July 1 of that year. When the materials are received after April 1, the date of surrender is July 1 of the following calendar year.

C. When surrender is prohibited. A person may not voluntarily surrender a license if any of the following exists:

1. the school board has commenced proceedings to terminate the continuing contract, pursuant to *Minn. Stat.* § 125.12, subd. 6 or 8, or 125.17, subd. 4;

2. the Board of Teaching has commenced proceedings to suspend or revoke the license pursuant to *Minn. Stat.* §§ 125.09 and 214.10 or 5 MCAR § 3.130; or

3. any educational agency or board has commenced proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

D. Entrance license after surrender. A person whose Minnesota teaching license has been voluntarily surrendered may apply for entrance licensure in the subject or field for which licensure was previously surrendered. An entrance license shall be granted to the applicant if the following criteria are met:

1. a licensure rule exists in the subject or field for which licensure was previously surrendered;

2. the applicant meets the entrance licensure standards which are in effect in the subject or field at the time of application and meets procedures set forth in Board of Teaching rules applicable to an entrance license; and

3. the required processing fee set forth in 5 MCAR § 3.003 accompanies the application for entrance licensure.

E. Construction of rule. Nothing in A.-D. shall prohibit a person from holding or applying for a license in any subject or field upon surrender of a license in another subject or field.

5 MCAR § 3.0831 Driver and traffic safety education.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR § 3.0831.

B. Licensure requirements. A candidate recommended for licensure to teach driver and traffic safety education shall:

1. hold a baccalaureate degree, and

2. hold a valid Minnesota teaching license, and

3. satisfactorily complete a driver and traffic safety education teacher preparation program approved by the Board of Teaching, consisting of at least 20 quarter hours or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of driver and traffic safety education must provide candidates recommended for licensure with the knowledge, skills, and understandings set forth in 1. and 2.

1. The program must provide a minimum of 14 quarter hours, or the equivalent, in all of the following:

a. methods and materials for classroom instruction, which must include scope, sequence, and content; traffic laws; psychological and physiological aspects of the driver; alcohol, drugs, and driving; speed and energy conservation; traffic mix with other highway users; the decision making process; and supplementary materials;

b. methods and materials for laboratory instruction, which must include scope, sequence, and content for in-car, multi-vehicle, and simulator instruction; and, instructional strategies and techniques of evaluation;

c. organization and administration of driver and traffic safety education programs, which must include scope, sequence, and content of two, three, and four phase programs; vehicle and facilities administration; curriculum improvement; state rules; staffing; budgeting; evaluation and reporting; school-community relations; and record keeping; and

d. practicum experience in an approved driver education program, which must include classroom and laboratory teaching activities.

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2. The program must provide a minimum of six quarter hours, or the equivalent, selected from any two of the following:

a. principles of kindergarten to grade 12 traffic safety education;

b. special areas of instruction, which must include special populations; simulation, multiple vehicle, or multi-media; individualized driver education; advanced driver education; adult driver education; and motorcycle rider education;

c. human factors, which must include behavioral influence on accident prevention, drugs and traffic safety, and first aid;

d. environmental factors, which must include traffic engineering, traffic law and enforcement, and traffic communication; and

e. vehicular factors, which must include basic automotive systems, motor vehicle safety standards, and driver consumerism.

D. Program approval for institutions. An institution applying to the Board of Teaching for approval of its driver and traffic safety education preparation program must meet the provisions of 5 MCAR § 3.141.

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

5 MCAR § 3.1041 School psychologist.

A. Applicability. All persons whose application is received on or after July 1, 1985 for licensure as a school psychologist for grades prekindergarten to 12 must comply with 5 MCAR § 3.1041.

B. Licensure requirements. A candidate recommended for licensure as a school psychologist for grades prekindergarten to 12 shall:

1. hold an education specialist degree or the equivalent; and

2. satisfactorily complete the core skill requirements in special education enumerated in 5 MCAR § 3.0901; and

3. satisfactorily complete a school psychologist preparation program, consisting of a minimum of 90 graduate quarter credits, approved by the Board of Teaching.

C. Program requirements; regular education. Each program leading to the licensure of school psychologists for grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the following regular education areas: knowledge of education and the school as an institution in the context of a changing pluralistic society and knowledge of elementary and secondary curriculum areas.

D. Program requirements; school psychology. Each program leading to the licensure of school psychologists of grades prekindergarten to 12 must provide candidates recommended for licensure with preparation in the areas set forth in 1. to 7.

1. To fulfill the psychological and educational foundations requirement, a program must provide candidates with preparation in the following:

a. ability to assist in the development and planning for differentiated instructional and behavioral strategies and techniques and to assist in the application of these strategies and techniques for children with unique learning styles, with differing physical, emotional, and mental capabilities, and from differing environments and cultures;

b. understanding of different types of exceptionality in education, including mental retardation, learning and cognitive disabilities, sensory and physical impairments, developmental delays, emotional disturbance, chronic health impairments affecting educational performance, and giftedness;

c. understanding of special education program alternatives as they relate to the delivery of services;

d. understanding of history and systems of psychology;

e. understanding of contemporary issues in the interpretation and application of knowledge in the field of psychology; and

f. knowledge of consultation models and methodology.

2. To fulfill the psychological and educational assessment requirement, a program must provide candidates with preparation in the following:

a. ability to conduct intellectual, cognitive, and behavioral assessments of preschool-age children, elementary students, and secondary students;

b. ability to measure a student's school achievement and aptitude;

c. ability to conduct formal and informal observation and analysis of student-teacher-peer interaction, learning environments, instructional strategies, and support systems;

d. ability to apply methods and skills for interviewing students, parents, and school personnel;

e. ability to assess the personality, social and emotional adjustment of children and adolescents;

f. ability to conduct developmental assessments of preschool-age children;

g. ability to recognize the need to adapt instruments and procedures to accommodate the specialized needs of students and to identify resources to accomplish the necessary adaptations;

h. ability to assess adaptive behaviors and living skills, particularly in relation to mental handicaps;

i. understanding of basic theory and principles of measurement, test construction, reliability, and validity; and

j. ability to evaluate the appropriateness and psychometric adequacy of test instruments.

3. To fulfill the psychological intervention and corrective services for educational and psychological problems requirements, a program must provide candidates with preparation in the following:

a. ability to provide individual and group counseling;

b. ability to develop and implement behavior management plans and other corrective services; and

c. ability to consult with and provide in-service to parents, teachers, and school administrators on psychological issues and educational practices.

4. To fulfill the typical and atypical human growth and development from early childhood through adolescence requirement, a program must provide candidates with preparation in core skill requirements set forth in 5 MCAR § 3.0901 and in all of the following:

a. learning and cognitive processes;

b. personality and social processes;

c. physical and motor development; and

d. emotional development.

5. To fulfill the research and evaluation requirement, a program must provide candidates wtih preparation in the following:

a. ability to design and implement studies and analyze data to evaluate educational programs and practices; and

b. ability to evaluate an individual student's educational program.

6. To fulfill the profession of psychology requirement, a program must provide candidates with preparation in the following:

a. understanding of issues in the practice of school psychology such as ethics, laws and rules, role, psychological reports, and service delivery models;

b. ability to communicate and interact with staff members, resource personnel, parents, school administrators, and other members of the community in order to meet the individual needs of students;

c. knowledge of methods to evaluate self-performance and provide professional supervision;

d. ability to interpret psychological reports to teachers and parents regarding the implication of psychological findings;

e. knowledge of resources relating to psychological services available in the community;

f. ability to apply nondiscriminatory procedures for assessment and other school psychological services, including the impact of sensory and other handicapping conditions;

g. understanding of situations which suggest or require the involvement of other professionals for assessment and planning, including medical facilities and centers providing specialized services to handicapped children; and

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h. ability to use knowledge of group processes to facilitate team meetings.

7. To fulfill the observation and practicum in school psychological services requirement, a program must provide candidates with preparation in the following:

a. Observation experiences prior to practicum shall include a series of formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school. These experiences must also include observation of a variety of special education program alternatives as they relate to the delivery of services and formal observation of school psychological practice performed by a licensed school psychologist.

b. The required practicum shall consist of at least 600 contact hours, at least 400 of which must be spent in a school setting. The practicum shall be done on at least a half-time basis, and the principal supervision must be provided by a practicing school psychologist. A currently practicing school psychologist is defined as a fully licensed person working at least half-time in the practice of school psychology or the preparation of school psychologists. Local supervision in a practicum setting may be provided by other psychological personnel.

The required practicum shall include at least 400 contact hours in school psychological practice at prekindergarten, elementary, and secondary grade levels. The 400 hours shall be distributed so that no less than 100 hours are spent at each level.

At least 200 contact hours of the required practicum shall be spent in a setting providing clinical psychological services, such as personality assessment, counseling with individuals and families, behavior management and other corrective services. This portion of the practicum shall include supervision by a clinically prepared and licensed psychologist.

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

F. Provisional license. A two-year provisional license shall be issued to an applicant upon submission of evidence of meeting all of the following conditions:

1. a master's degree in school psychology, or a master's, education specialist, or doctorate in clinical psychology, child psychology, or educational psychology; and

2. completion of a minimum of 45 quarter credits in the area of preparation outlined in D.1.-7.; the requirements must be met for at least three of the seven areas of preparation in D.1.-7. and at least one area of preparation must be D.2. and at least one area of preparation must be either D.3., or D.7.; and

3. a plan for a collaborative relationship for the duration of the provisional license. Collaboration is defined as a professional supervisory relationship with a currently licensed school psychologist practicing at least half-time. This collaborative relationship must include bi-monthly meetings whereby the collaborating psychologist shall review and endorse the quality of services to be provided by the provisionally licensed person.

One two-year renewal of the provisional license shall be issued to an applicant who completes a minimum of an additional 12 quarter hours or its equivalent in a state-approved preparation program leading to the licensure of school psychologists.

5 MCAR § 3.0601 Secondary school teachers and teachers of kindergarten to grade 12 subjects.

A. Applicability. All persons whose application is received on or after July 1, 1985 for an entrance license as a secondary school teacher or teacher of kindergarten to grade 12 subject must comply with 5 MCAR § 3.0601.

B. Uses of a license as secondary school classroom teacher. A secondary school classroom teaching license shall qualify the holder to teach in any secondary school those subjects or fields in which a college major has been completed, or where the assignment is for one-half time or less during the school day, those subjects or fields in which either a college major or minor approved by the Board of Teaching which leads to licensure, has been completed. This license also qualifies the holder to teach in the seventh and eighth grades of any elementary school in those subjects or fields for which valid licensure is held.

C. Licensure in areas of minor preparation. Any secondary school teacher licensed to teach after September 1, 1966, with minor preparation in a subject or field shall, within seven years after the initial licensure, acquire the minimum established by the Board of Teaching for major preparation in order to continue to be licensed to teach in the subject or field.

D. Licensure requirements. All candidates recommended for licensure to teach in a secondary school or in kindergarten to grade 12 subjects shall hold a baccalaureate degree and have satisfactorily completed an approved program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects.

E. Program requirements. Each program leading to licensure in a teaching field as prescribed in Board of Teaching rules governing secondary education and kindergarten to grade 12 subjects shall include a minimum of 27 quarter hours or the

equivalent in a professional education component designed to provide candidates recommended for licensure with basic knowledge, skills, and understandings in the areas set forth in 1.-4.

1. Foundational studies consist of basic knowledge which underlies the study of education and teaching. It includes all of the following:

a. the study of human growth and development, including typical and atypical patterns of development, with emphasis on adolescent growth and development;

b. the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

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

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

a. knowledge of content, materials, and scope and sequence of curriculum, and skills necessary to teach, both including provision for individual differences of students, in each licensure field and at each licensure level for which the candidate for licensure is preparing to teach;

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

c. skills to assess, diagnose, prescribe, evaluate, and report individual student achievement;

d. organizational, management, and communication skills and strategies to facilitate individual and group learning;

e. selection, utilization, and evaluation of a variety of instructional technologies, community resources, and print and nonprint instructional media;

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; and

h. knowledge of the impact of reading ability on student achievement in content areas, and skills to assist students to read more effectively in specific content areas.

3. The prestudent teaching and student teaching experiences category consists of experiences in grades 7 to 9 and in grades 10 to 12 in a school setting in which theory and practice are combined. It includes both of the following:

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

b. student teaching, which shall consist of full-school-day experiences for one academic quarter or the equivalent in a secondary school in which the student teacher assumes responsibility for the management and the implementation of the complete instructional program. The student teaching experience may include student teaching in one or more licensure fields. Candidates to be recommended for licensure in kindergarten to grade 12 subjects shall complete student teaching experiences in an elementary school and in a secondary school for a minimum total of one academic quarter or the equivalent.

4. The profession of teaching category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It 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;

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

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

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

F. Vocational licenses. A vocational license may be issued to an applicant who meets the criteria stated in vocational rules of the State Board of Education as adopted by the Board of Teaching.

G. Minimum programs of preparation. The following requirements shall constitute minimum programs of preparation to be set up by the colleges for secondary teachers unless otherwise indicated. Whenever specific course titles are indicated, it is understood that the course or its equivalent is acceptable. Licensure will be granted to persons who are recommended by a college or university maintaining the following approved programs of preparation. The standard requirements for credits in professional education shall apply except where requirements are specifically mentioned.

Rules as Proposed

5 MCAR § 3.065 Science for grades 5 to 9 and grades 7 to 12.

A. Sciences defined. For the purpose of this rule the sciences shall comprise the following areas: earth science, including geology, astronomy, and meteorology; physical science, including chemistry and physics~~:~~; life sciences, including botany, zoology, and other appropriate realms of biology~~,~~; broad area science, including basic elements of life, earth, and physical sciences.

B. Basic licensure requirements. All candidates for licenses to teach science, which includes earth science, physical science, ~~and~~ life science, and broad area science, shall hold a baccalaureate degree and have satisfactorily completed a program which has been approved by the ~~state department of education~~ Board of Teaching for science teachers in grades 5 to 9 or in grades 7 to 12.

C. Licensure requirements; life and earth sciences. All candidates recommended for licensure as life science or earth science teachers shall have satisfactorily completed programs which provide experiences that enable them to develop broad basic knowledge and skills in earth science, in life science, and in physical science. The broad base shall include no less than 20 percent of the total baccalaureate program distributed equitably across the areas listed in A. ~~above,~~ and in addition, either:

1. experiences which enable the candidate to acquire additional broad knowledge and skills in earth science, in life science, and in physical science to teach science in grades 5 to 9. These additional experiences shall be equivalent to no less than 20 percent of the total baccalaureate program and shall be distributed across the area in approximately equal proportions~~,~~; or~~:~~

2. experiences which enable the candidate to develop a high level of competency in ~~at least one of the three major disciplines necessary to teach that special area of science in~~ life science or in earth science, grades 7 to 12. These additional experiences shall be equivalent to no less than 20 percent of the total baccalaureate program.

D. Licensure requirements; physical science. All candidates recommended for licensure as physical science teachers shall have satisfactorily completed a program in physical science which shall consist of no less than 40 percent of the total baccalaureate program in both chemistry and physics. No one area of physical science shall comprise less than 15 percent of the total baccalaureate program.

~~D.~~ E. Licensure based on minor preparation; life or earth science. All candidates who request licensure based on minor preparation in either life science or earth science shall have the experiences necessary to develop the broad basic competencies required of ~~all~~ life science and earth science teachers, as set out in ~~§ 3.065~~ C., plus at least the additional preparation in the specific science area in which they desire to teach equivalent to ~~that specified in § 3.065 C.1. for that area~~ at least ten percent of the total baccalaureate program.

~~E.~~ F. Licensure based on minor preparation; physical science. All candidates who request licensure based on minor preparation in physical science may, upon compliance with the following, be licensed in either chemistry or physics. ~~All candidates who request such licensure shall have the experiences necessary to develop the broad basic competencies required of all science teachers, as set out in § 3.065 C. In addition,~~ Such candidates shall have preparation in the subject area of ~~(~~chemistry or physics~~)~~ for which they seek licensure equal to at least ~~ten~~ 15 percent of their total baccalaureate program.

~~F.~~ G. Program development; evidence of participation. Evidence shall be provided to show that programs submitted for approval have been developed with participation from the college departments involved with the proposed teacher education programs, ~~from~~ elementary school teachers, secondary school teachers, ~~and~~ school administrators ~~as well as from~~, students, and interested citizens.

~~C.~~ H. Program requirements. Programs submitted for approval shall include all of the following:

1. a rationale which sets forth the view of the instutition with respect to the role of teachers of science~~.~~;

2. evidence that the program is based on a study conducted to determine the academic work which is necessary to prepare candidates to teach in areas of science normally offered at the levels for which licensure is being requested~~.~~;

3. an enumeration of specific teacher competencies to be developed in the proposed program. Included among others shall be competencies in the following areas:

a. personal human qualities that will facilitate interpersonal relationships and enhance student learning~~.~~;

b. knowledge of the intellectual and philosophical nature of science~~.~~;

c. knowledge and experience necessary to illustrate the cultural and historical significance of science to social conditions~~.~~;

d. application of analytical methods of science in multidisciplinary approaches to studying and solving problems of science and of society~~.~~;

e. knowledge and skill necessary to seek out and study new concepts, together with the ability to synthesize these concepts~~,~~ meaningfully and to communicate them to persons for whom the ideas are also new~~.~~; and

f. the selection, adaptation, evaluation, and use of strategies and materials for the teaching of science so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of the science disciplines~~.~~;

4. a description of program components which include statements which relate individual program components to the competencies, knowledge, and skills to be developed by candidates~~.~~; and

5. a plan for assessing the level of performance of each candidate recommended for licensure which ascertains the individual candidate's development of the required competencies.

~~H.~~ I. General program requirement. Programs shall be approved which vary in curricular design provided that program components meet the requirements in A., B., C., D., E., F. ~~and~~, G., ~~above,~~ and H. and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

~~I.~~ J. Continuing licensure. The continuing license may be renewed according to general rules of the Board of Teaching pertaining to continuing education.

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

5 MCAR § 3.081 Business and office education teachers~~,~~; requirements for major based on a four-year program.

A. General.

1. It is desirable that all business and office education teachers have course work in the philosophy of vocational education and relevant occupational work experience.

2. Major preparation in business and office education shall consist of not less than 30 percent of the graduation requirements of a four-year degree program if the area of specialization in B. is followed ~~(§ 3.081 B.)~~ or 33 percent of the graduation requirements of a four-year degree program if the comprehensive program ~~(§ 3.081~~ in C.~~)~~ is followed.

3. ~~Core program requirement.~~ The core program shall consist of the following ~~area~~ areas of study:

a. economics, ~~(~~including macroeconomics and microeconomics~~)~~;

b. accounting, principles of;

c. business law, principles of;

d. business communications, principles of;

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e. business organization and management, principles of;

f. marketing, principles of;

g. data processing, principles of; and

h. typewriting, for which (an equivalence in lieu of credit is acceptable).

In addition to the core program there will be preparation in either an area of specialization (§ 3.081 as provided in B.), or in the comprehensive program (§ 3.081 as provided in C.).

B. Specialization. If work is selected in this area in conjunction with the core program, the area of study for each specialization shall include the following:

1. Accounting and data processing: advanced accounting and additional electives in accounting and data processing-;

2. Secretarial: advanced shorthand or equivalent, advanced typewriting, and additional electives in secretarial and office education-;

3. Clerical: advanced typewriting, office machines, office management, and additional electives in business administration, business education, or economics-;

4. Basic business and/ or economics: Economics (three courses beyond principles of economics) additional electives in economics or business administration, (except typewriting, shorthand, and office procedures).;

5. Distributive education (for teachers): technical distributive area, including such matters as salesmanship, merchandising, business management, personnel management, retailing-; and organization and administration of distributive education.

C. Comprehensive program.

1. Business education-all. For programs leading to licensure in business education-all, areas of study are to be selected from § 3.081 B.- sub-items 1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall including include the following required areas: advanced typewriting or equivalent, advanced shorthand or equivalent, office machines, and office procedures.

2. Business education-except shorthand. For programs leading to licensure in business education-except shorthand, areas of study are to be selected from B.1., 2., 3., 4. and 5. in addition to the core program, and areas of study shall include the following required areas: advanced typewriting or equivalent, office machines, and office procedures.

D. Vocational licensure.

1. Specific requirements for licensure for teaching vocational office education and distributive education are outlined in the Minnesota state plan for vocational education.

2. Four thousand (4,000) hours of occupational experience (or college cooperative occupational experience equivalent) in appropriate areas of preparation are required for vocational licensure.

Relettering. Reletter 5 MCAR § 3.072 C. as 5 MCAR § 3.072 B. Reletter 5 MCAR § 3.091 E. as 5 MCAR § 3.091 D.

Repealer. Rules 5 MCAR §§ 3.072 B.; 3.091 D.; 3.101; 3.102; 3.103; 3.106; 3.108; and 3.114 are repealed. Rules 5 MCAR §§ 3.060, 3.083, and 3.104 are repealed effective July 1, 1985.

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.

Board of Animal Health

Adopted Rule Governing Importation of Swine into Minnesota

The rules proposed and published at *State Register*, Volume 6, Number 46, pages 1904-1905, May 17, 1982 (6 S.R. 1904) are adopted as proposed.

Department of Commerce Insurance Division

Adopted Rules Requiring Annual Audited Financial Reports

The rules proposed and published at *State Register*, Volume 6, Number 47, pages 1926-1930, May 24, 1982 (6 S.R. 1926) are adopted as proposed.

Department of Commerce Insurance Division

Adopted Rules Governing Self-Insurance for Workers' Compensation (4 MCAR §§ 1.9285-1.9294)

Rules as Adopted

The rules proposed and published at *State Register*, Volume 5, Number 31, pages 1187-1189, February 2, 1982 (5 S.R. 1187) are adopted with the following modifications:

4 MCAR § 1.9288 Acceptable securities and surety bonds.

H. Any securities deposited with the State Treasurer or surety bonds held by the commissioner may be exchanged or replaced by the depositor with other acceptable securities or surety bonds of like amount so long as the market value of the securities or amount of the surety bond equals or exceeds the amount of deposit required. If securities are replaced by a surety bond the self-insurer ~~shall be required to~~ must maintain securities on deposit in an amount sufficient to meet all outstanding workers' compensation liability arising during the period covered by the deposit of the replaced securities subject to the limitations on maximum security deposits established in 4 MCAR § 1.9291 G. and § 1.9292 H.

4 MCAR § 1.9289 Filing of reports.

E. Each group self-insurer shall, within four months after the end of the fiscal year for that group, annually file a statement showing the combined net worth of its members based upon ~~either each individual member's annual certified financial statement or~~ an accounting review performed by a certified public accountant ~~if the requirements for use of an accounting review specified in 4 MCAR § 1.9292 B. are met,~~ together with such other financial information the commissioner may require

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to substantiate data in the group's summary statement. This subdivision shall not apply if the applicable financial requirements have been waived pursuant to 4 MCAR § 1.9292 R.

4 MCAR § 1.9291 Requirements for individual self-insurers.

M. Any individual self-insurer that voluntarily terminates its self-insurance authority shall give notice to the commissioner not less than 30 days before ~~any such~~ the termination is to ~~take place~~ occur.

4 MCAR § 1.9292 Requirements for group self-insurers.

B. After the initial application and the bylaws or plan of operation have been approved by the commissioner, or at the time of the initial application the group shall ~~then~~ submit: the names of employers that will be members of the group; an indemnity agreement providing for joint and several liability for all group members for any and all workers' compensation claims incurred by any member of the group as set forth in Appendix II signed by an officer of each member; and ~~a certified financial statement of each member, provided that~~ an accounting review performed by a certified public accountant ~~may be substituted for a certified financial statement if the group selects the lower retention from the Workers' Compensation Reinsurance Association and deposits a one million dollar ($1,000,000.00) bond in place of the deposit requirement of subdivision H.~~ A certified financial audit may be filed in lieu of an accounting review.

R. The financial requirements of B. and C. of this ~~section~~ rule shall be waived if the group self-insurer has purchased aggregate excess insurance from an insurer licensed to do business in the State of Minnesota, and that excess insurance indemnifies all losses of the group self-insurer, other than those reimbursable by the Workers' Compensation Reinsurance Association, in excess of the annual premiums collected by the group less the sum of annual administrative costs, premiums payable to the Workers' Compensation Reinsurance Association and premiums payable to the excess insurer. If aggregate excess insurance is terminated, the service company shall inform the commissioner within two days after receipt of notice of cancellation.

S. Any group self-insurer that voluntarily terminates its self-insurance authority shall give notice to the commissioner not less than 30 days before ~~any such~~ the termination is to ~~take place~~ occur.

Repealer. Rule 4 MCAR § 1.9292 D. is repealed.

Department of Natural Resources Minerals Division

Adopted Rule Governing Permits to Prospect for and Leases to Mine Copper, Nickel and Associated Minerals

The rule proposed and published at *State Register*, Volume 6, Number 45, pages 1843-1846, May 10, 1982 (6 S.R. 1843) is adopted as proposed.

Board of Pharmacy

Adopted Rules Relating to Licensure Fees, Internship, Pharmacy Equipment, Licensure Requirements, Continuing Education, Return of Drugs, Prescription Labeling, Controlled Substance Samples, Transfer of Prescriptions, Controlled Substances, Registration of Researchers, Prescription Order Communication, Emergency Kits, Labeling of Large Volume Parenterals, Waivers of Board Requirements, and Reorganization of Existing Rules

The rules proposed and published at *State Register*, Volume 6, Number 43, pages 1769-1781, April 26, 1982 (6 S.R. 1769) are adopted with the following modifications:

Rules as Adopted

~~7 MCAR § 8049 Transfer of prescriptions between pharmacies.~~

~~A. Authorization to dispense a transferred prescription. A prescription label, a written copy of the prescription, or a telephone report of a prescription shall be used for information purposes only and has no legal status as a valid prescription~~

~~order. A pharmacist who receives a label, copy, or report of a prescription shall contact the prescribing practitioner for authorization to dispense the prescription.~~

~~B. Conditions of transfer. Pharmacies may transfer original prescription information for the purpose of refilling a prescription if the information is communicated directly by one licensed pharmacist to another.~~

~~C. Duties of transferring pharmacist. The transferring pharmacist shall:~~

~~1. Write the word "VOID" on the face of the original prescription to make the prescription invalid;~~

~~2. Record on the reverse side of the invalidated prescription the name and address of the receiving pharmacy; and~~

~~3. Record the date of the transfer.~~

~~For controlled substances in Schedules III-V, the transferring pharmacist shall also record on the reverse side of the invalidated prescription the Drug Enforcement Administration registration number of the receiving pharmacy and the names of the receiving and transferring pharmacists.~~

~~D. Duties of receiving pharmacist. The pharmacist receiving the transferred prescription information shall:~~

~~1. Write the word "transfer," "copy," or a word of similar import on the face of the transferred prescription; and~~

~~2. Provide all information required to be on a prescription pursuant to the law and include:~~

~~a. The date of issuance and of filling of the original prescription;~~

~~b. The original number of refills authorized;~~

~~c. The number of valid refills remaining;~~

~~d. The date of last refill from original prescription;~~

~~e. The original prescription number from which the prescription information was transferred; and~~

~~f. The transferring pharmacy's name and address and, in the case of controlled substances in Schedules III-V, the transferring pharmacy's Drug Enforcement Administration registration number and name of transferring pharmacist.~~

~~E. Retention of prescription. The transferring pharmacist shall keep the original prescription for at least two years from the date of last filling. The receiving pharmacist shall keep the transferred prescription for at least two years from the date of last filling.~~

~~F. Notice to patient of prescription invalidation. The transferring pharmacist shall inform the patient that the original prescription has been invalidated at the pharmacy from which it was obtained.~~

~~G. Computerized prescription record keeping systems. Computerized prescription record keeping systems must satisfy all the requirements of C.-E. including invalidation of the original prescription even when the prescription is transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership.~~

~~H. Transfer of prescription by presentation of container. When the transfer of original prescription information is initiated by the receipt of a prescription container previously filled at another pharmacy, the receiving pharmacist shall notify the transferring pharmacist that the prescription is being transferred. All information required by C.-E. shall be exchanged.~~

~~I. Unprofessional conduct. It is grounds for a charge of unprofessional conduct for a pharmacist to refuse to provide a transfer of original prescription information to another pharmacist who is acting on behalf of a patient and who is making a legal request for such information under this rule.~~

~~J. Schedule II controlled substances. Nothing in this rule authorizes the transfer of prescriptions for Schedule II controlled substances. A new written prescription personally signed by the prescribing practitioner is required prior to dispensing a Schedule II controlled substance.~~

7 MCAR § 8.050 Drug identification.

C. Exemptions. Drug manufacturers, packagers, or distributors seeking an exemption from the requirements of A. and B. shall submit to the board a documentation of facts related to the product which would make compliance with the imprinting required by *Minn. Stat.*, § 151.361, subd. 2 ~~impossible~~ impractical. The documentation must include specifics on the physical characteristics of the drug upon which the exemption request is based.

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.

7 MCAR § 8.052 Partial filling dispensing of prescriptions for Schedule II controlled substances.

A. Authorization. Prescriptions for Schedule II controlled substances written for patients in long term care facilities may be ~~filled~~ dispensed in partial quantities, including individual dosage units.

B. Records. For each partial ~~filling~~ dispensing, the dispensing pharmacist shall record on the back of the prescription, or on another appropriate record uniformly maintained and readily retrievable, the date of the partial ~~filling~~ dispensing, the quantity dispensed, the remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist.

C. Quantity dispensed. The total quantity of Schedule II controlled substances dispensed in all partial ~~fillings~~ dispensings must not exceed the total quantity prescribed.

E. Computerization of information. Information pertaining to current Schedule II prescriptions for patients in a long term care facility may be maintained in a computerized record keeping system if the system has the capability to permit:

1. Output by display or printout of the original prescription number; date of issue; identification of prescribing individual practitioner; identification of patient; identification of long term care facility; identification of medication authorized, including dosage form, strength, and quantity; listing of partial ~~fillings~~ dispensings that have been dispensed under each prescription; and the information required in B.;

2. Immediate or real time updating of the prescription record each time a partial ~~filling~~ dispensing of the prescription is conducted; and

3. Retrieval of partially ~~filled~~ dispensed Schedule II prescription information, the same as required by federal law for Schedule III and IV prescription refill information.

7 MCAR § 8.053 Registration of controlled substance researchers.

A. Application; fee; ~~license~~ permit. Every person who engages in research, teaching, or educational projects involving the use, study, or testing of controlled substances shall annually, on or before June 1 of each year, apply for registration by the board. Upon the filing of an application therefore, and upon payment of the fee of $25, the board shall issue a ~~license~~ permit.

7 MCAR § 8.074 Drugs for use in emergency kits.

C. Controlled substances. Emergency kits may contain limited supplies of controlled substances only if:

7. The controlled substances stored in the emergency kit are used only in a situation deemed an emergency by a licensed practitioner in conformity with the following provisions:

c. It is not reasonably possible for the prescribing practitioner to provide prior to administration a written prescription order to be presented to a pharmacist for dispensing of the controlled substance.

D. Excluded controlled substances. Controlled substance sedatives and stimulants in oral dosage forms may not be included in emergency kits.

7 MCAR § 8.088 Labeling.

D. Whenever a drug is added to a parenteral solution a distinctive supplementary label shall be firmly affixed to the container. The label shall indicate the name and amount of drug added, the date and time of the addition, the date and time of the expiration of the admixture, and the identity of the person preparing or certifying the integrity of the admixture.

2. The information in D.1., except for lot number, should be recorded on a supplemental label. If the large volume parenteral contains no additives, the same label may be used, omitting those items which do not apply. If, at some later time an additive might be added, ~~than~~ then a suitable space should be available for recording the additive.

3. The supplemental label should be placed so as to permit visual inspection of the infusion contents and to allow the name, type of solution, and lot number on the manufacturer's label to be read.

Notice of withdrawal. Proposed rule 7 MCAR § 8.188 is withdrawn.

Waste Management Board

Adopted Rules Governing Supplementary Review

The rules proposed and published at *State Register*, Volume 6, Number 45, pages 1850-1859, May 10, 1982 (6 S.R. 1850) are adopted as proposed.

SUPREME COURT

Decisions Filed Friday, August 13, 1982

Compiled by John McCarthy, Clerk

81-769/SP State of Minnesota v. Charles Franklin Zupetz, Appellant. St. Louis County.

Because specific intent, which is required for an attempted crime pursuant to Minn. Stat. § 609.17 (1980), is not an element of the offense of manslaughter in the second degree, Minn. Stat. § 609.205 (1980), appellant may not be convicted of attempted second-degree manslaughter.

Reversed. Amdahl, C. J.

81-1135 Bruce Salin, *et al.*, etc., Appellants v. Steven D. Kloempken and Frank E. Harwich, *et al.* Hennepin County.

The trial court properly dismissed claims by minor children for loss of parental consortium resulting from injuries to parent allegedly caused by the negligence of third parties.

Refusal to recognize cause of action on behalf of children for loss of parental consortium is not a denial of equal protection.

Affirmed. Amdahl, C. J.

81-437 Steven J. Cairl, *et al.*, Appellants v. State of Minnesota, *et al.*, and Ramsey County Welfare Department, *et al.* and Mary Ann Connolly, etc., Appellant v. State of Minnesota, *et al.*, defendants and third party plaintiffs and Bruce Hedge, defendant and third party plaintiff and Ramsey County Welfare Department, defendant and third party plaintiff v. Steven J. Cairl, *et al.*, third party defendants, Appellants. Ramsey County.

The temporary release of a mentally retarded and potentially dangerous youth by officials of a state institution is a discretionary decision rendering them immune from liability.

Defendants did not violate any statute, court order, or regulation in releasing a mentally retarded and potentially dangerous youth for holiday home leave.

Under the circumstances of this case defendants were under no duty to warn plaintiffs of the released youth's dangerous propensities.

State employees do not waive discretionary immunity by purchasing private professional liability insurance.

Affirmed. Otis, J. Dissenting, Yetka, J.

82-62 In Re the Marriage of: Keith Markward Berrisford, petitioner, Appellant v. Katherine Anne Berrisford. Ramsey County.

In this marriage dissolution proceeding, in which the husband first alleged but subsequently denied paternity of a child born during the marriage, the trial court erred in denying the husband's motion that blood tests be obtained from the parties and the child and be received in evidence on the issue of paternity.

Remanded with direction. Peterson, J.

51838 State of Minnesota v. Riley Barry Housley III, Appellant. Hennepin County.

A person may use deadly force in resisting or preventing an offense which the person reasonably believes exposes him to great bodily harm or death.

The State failed to prove beyond reasonable doubt that the defendant's fear of great bodily harm was unreasonable under the circumstances.

Reversed. Todd, J. Dissenting, Scott, Kelley, JJ., and Amdahl, C. J.

81-1098 Arnold Prax v. State Farm Mutual Automobile Insurance Company, Appellant. Washington County.

Trial court correctly subtracted substitute earnings from claimant's weekly wages at the time of his injury in computing income loss benefits payable under Minn. Stat. § 65B.44, subd. 3 (1980), the disability and income loss benefits provision of the Minnesota No-Fault Act.

Affirmed. Todd, J.

81-1208, 82-106 State of Minnesota v. Everett B. Gilles, Appellant. Hennepin County.

Evidence was sufficient to justify defendant's conviction of first-degree arson.

Trial court did not err in admitting and relying on eyewitness identification evidence and record fails to support defendant's general contention that he was denied a fair trial and effective assistance of counsel.

Affirmed. Yetka, J.

81-1268 Dakota County Environmental Protection Association, Appellant v. Minnesota Department of Natural Resources and Minnesota Department of Transportation. Ramsey County.

Under the Minnesota Environmental Rights Act, the scope of judicial review for Minn. Stat. § 116B.09 (1980) is the preponderance of the evidence standard set forth in Minn. Stat. § 116B.10 (1980).

Affirmed. Yetka, J.

81-1059 State of Minnesota v. Gary John Schmieg, Appellant. Ramsey County.

Defendant received a fair trial and evidence was sufficient to sustain his convictions of kidnapping and two counts of criminal sexual conduct in the first degree.

Affirmed. Scott, J.

48259, 48287 Harry E. Halverson, *et al.*, Appellants (48259) v. Village of Deerwood, Appellant (48287) and Josephine Cuderman. Crow Wing County.

The trial court did not err in declaring the report of the registered land surveyors and the stipulation of settlement null and void where it was impossible to carry out the mandate of this court on remand strictly according to the stipulation.

The trial court did not err in finding that the Village of Deerwood was estopped from asserting its interest in a dedicated street where its affirmative actions and representations resulted in detrimental reliance by the plaintiffs.

The Village of Deerwood is estopped to deny the determination of a boundary by practical location where it had knowledge of the boundary line and looked on in silence while the plaintiffs incurred expense they would not have incurred had the line been in dispute.

Affirmed in part, reversed in part. Wahl, J. Took no part, Kelley, J.

81-405 State of Minnesota v. John Arthur Kirch, Appellant. Olmsted County.

The evidence was sufficient to support a verdict of murder in the first degree.

The trial court did not err in refusing to commit itself before trial to a jury instruction on first-degree manslaughter.

Defendant voluntarily and intelligently waived a jury trial.

Affirmed. Wahl, J. Took no part, Kelley, J.

81-701 Rodney M. Thoe, Appellant v. Shirley Rassmussen, *et al.*, etc. Crow Wing County.

Performance under a contract for the sale of real property as distinct from the contract itself, may be modified orally without violating the statute of frauds.

Contract for deed is reinstated where plaintiff has proved by clear and convincing evidence that substituted performance was agreed to by the parties to that contract.

Reversed and remanded. Wahl, J.

81-1042 State of Minnesota v. Timothy James Durfee, Appellant. St. Louis County.

In a prosecution for assault on a small child by her custodian, it is proper to introduce medical testimony that the facts and surrounding circumstances constituted a case of the "battered child syndrome."

Under *State v. Loebach,* 310 N.W.2d 58 (Minn. 1981), it is not proper to allow proof of the "battering parent syndrome" unless the defendant has first put his character in issue. When there is no reference in the testimony to the profile "battering parent syndrome," it was not error to admit circumstantial evidence for other purposes even though such testimony might also support the "battering parent syndrome."

The admission in evidence of photographs depicting the battered child's injuries was not error even though defendant stipulated the child has sustained great bodily injury.

Where a party knows of possible juror misconduct prior to submission of the case to the jury and deliberately fails to notify his counsel or the court thereof, he waives his right to a *Schwartz* hearing.

Affirmed. Kelley, J. Took no part, Yetka, J.

Decisions Filed August 5, 1982

82-202 Charles E. Wensman, Appellant v. State of Minnesota. Hennepin County.

District court did not err in denying postconviction petition for resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-323 Steven R. Lindstrom, Appellant v. State of Minnesota. Rock County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-568 Jeffrey A. Oliver, petitioner, Appellant v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

Decisions Filed August 4, 1982

82-384 Herman Laube, petitioner, Appellant v. State of Minnesota. Ramsey County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-567 Modesto E. Garcia, petitioner, Appellant v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-637 State of Minnesota v. Mark Paul Murto, Appellant. Ramsey County.

Defendant, who is now incarcerated in prison as a result of having rejected probation, *State v. Murto,* 316 N.W.2d 739 (Minn. 1982), is entitled to credit against his prison term for probationary time spent in jail between the date that he requested execution of sentence and the date that the district court finally ordered execution of sentence.

Reversed. Amdahl, C. J.

Decisions Filed Friday, August 20, 1982

Compiled by John McCarthy, Clerk

51825 Rolf Walter v. Independent School District No. 457, Trimont, Minnesota, Appellant. Martin County.

A full-time teacher who has been placed on unrequested leave of absence pursuant to Minn. Stat. § 125.12, subd. 6b (1980), and who then accepts a part-time position, remains on unrequested leave to the extent of the remainder of the full-time position and must be offered any part-time position for which he is licensed, sufficient to restore him to full-time status.

Affirmed. Amdahl, C. J. Dissenting, Wahl, Peterson and Kelley, JJ.

81-1108 Carpenters & Joiners Welfare Fund, *et al.*, v. Peter Dukinfield Co., Appellant. Hennepin County.

The trial court had jurisdiction over suit alleging a breach of a collective bargaining agreement where there was no issue of representation.

There was insufficient evidence to support the finding of ratification where appellant had not demonstrated an unequivocal intention to be bound by collective bargaining agreement.

Reversed. Peterson, J. Dissenting, Yetka, Todd, Scott, and Wahl, JJ.

81-153 Robert W. Miles, *et al.*, Appellants, v. City of Oakdale, Steven A. Miller, *et al.* Washington County.

The trial court's finding that no alteration in the flow of surface water occurred is clearly erroneous.

Under reasonable use doctrine, a change in flow of surface water undertaken for municipal improvement and resulting only in increased concentration of flow at a particular point does not *per se* make city's actions reasonable; rather, trial court must adequately consider burden and damage to affected landowner, particularly when city alters drainage pattern and installs system causing the damage and feasible alternative exists which would not cause burden to landowner.

Covenants contained in warranty deed were not breached by alleged trespass or nuisance of city in funneling water to landowner's property.

Affirmed in part, reversed in part, and remanded. Yetka, J. Concurring specially, Todd, Simonett, and Kelley, JJ.

81-676, 81-921, 81-971 Highview North Apartments, a Partnership, v. County of Ramsey Appellant (81-676), City of Maplewood, Appellant (81-971), City of North St. Paul, Appellant (81-921). Ramsey County.

Findings that a municipal storm sewer system and detention ponds caused flooding of plaintiff's basements by raising the natural ground water table were not clearly erroneous.

Diversion of surface waters by a municipal storm sewer system is to be judged by the "reasonable use" test; here defendants' actions were unreasonable, causing nuisance damage, for which defendant municipalities are liable in nuisance.

The trial court's findings as to relief and damages are within its discretion and are not clearly erroneous.

The trial court did not err in ruling defendants were jointly and severally liable.

Affirmed. Simonett, J.

81-1391 State of Minnesota, Department of Public Safety, petitioner, Appellant, v. Michael L. Rice. Hennepin County.

In driver's license revocation proceeding under Minn. Stat. § 169.123 (1978), *held*, arresting officer observed violation of Minn. Stat. § 169.121 (1978) and lawfully arrested defendant for the violation; officer's articulation of the ground for arrest was not so inadequate as to render arrest unlawful where defendant was unable to show any prejudice resulting from officer's choice of words.

Reversed. Simonett, J.

81-704 Bor-Son Building Corporation v. Employers Commercial Union Insurance Company of America, *et al.*, Appellants. Ramsey County.

A suit commenced by a building owner against the general contractor who constructed the building alleging damages caused by faulty workmanship and materials is not within the coverage of the contractor's general liability policy; and, therefore, the comprehensive general liability policy insurer has no duty to defend the contractor in that suit nor to indemnify the contractor for sums the contractor paid toward settlement of that suit.

Where contract documents and applicable federal regulations provide that the general contractor is fully responsible for development and construction of the building erected pursuant to the contract, the building which is the subject matter of the contract is under the care, custody and control of the general contractor notwithstanding he has subcontracted all of the work to others.

Damages to a building sustained by an owner as the result of a breach of a construction contract due to a general contractor's faulty workmanship and furnishing of defective materials in the construction of that building are a business risk to be borne by the contractor and not by his comprehensive general liability insurer.

Reversed. Kelley, J.

Opinions Filed Tuesday, August 17, 1982

82-506 State of Minnesota, Appellant, v. Richard Paul Trog. Dakota County.

District court was justified in staying execution of sentence of criminal defendant.

Affirmed. Amdahl, C. J.

82-518 Leo Whelan, Appellant, v. State of Minnesota. Freeborn County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-575 David M. Bergquist, petitioner, Appellant, v. State of Minnesota. Anoka County.

District court properly denied petition for resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-605 State of Minnesota v. Mark A. Profit, Appellant. Hennepin County.

District court was justified in departing durationally from presumptive sentences for sex offense committed with particular cruelty and for particularly serious robbery that represented a greater than normal danger to the safety of other people.

Affirmed as modified. Amdahl, C. 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 Agriculture Marketing and International Trade Division

Notice of Request for Proposals for Art and Publication Design Assistance

The Marketing and International Trade Division of the Minnesota Department of Agriculture is seeking individuals and firms to provide line art and publication design services for a series of publications that will be produced to assist farmers' markets and pick-your-own farms. The specific projects include:

1. Separate line art for 25 to 30 one-page consumer information brochures about selecting, storing and freezing fresh produce. A single design to be used for all of these one-page consumer information brochures will also be created.
2. Art for a project report cover and cover design/type specifications.
3. Art for the cover of a directory of pick-your-own farms and farmers' markets and cover design/type specifications.
4. Art and overall design of a one-page, self-mailing flier announcing a marketing workshop.
5. Cover and inside art, as well as overall design specifications for two guidebooks on marketing Minnesota-grown produce.

These services, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) statement of work. The formal RFP may be requested and inquiries directed to:

Lynn Schwartz
Marketing and International Trade Division
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107
(612) 296-2259

It is anticipated that the activities required to accomplish these projects will be accomplished for $9,000. The deadline for submitting completed proposals is 4:30 p.m., September 28, 1982. Late proposals will not be accepted.

Department of Energy, Planning and Development Governor's Council on Rural Development

Notice of Request for Proposals for Various Projects Benefitting Rural Minnesota

The Governor's Council on Rural Development (GCRD) is seeking proposals from qualified individuals, profit or nonprofit organizations, public agencies or private corporations for projects that further the goals and objectives of the GCRD Work Program. The Work Program focuses on three areas of major problems or opportunities confronting rural Minnesota; small business assistance in rural Minnesota; value-added processing of raw materials produced in rural Minnesota; and family farms, agricultural credit, and the protection of agricultural land. The council will also accept projects within these three areas that affect rural women.

Prospective responders who have questions or who would like a copy of the GCRD application may call or write:

Governor's Council on Rural Development
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-3993

The deadline for receipt of proposals is 4:00 p.m., October 8, 1982.

Minnesota Correctional Facility—Red Wing

Notice of Availability of Contract for Certified Driver Education Instructor Services

The program at the Minnesota Correctional Facility requires the services of a certified driver education instructor. This position requires up to 50 hours per month of instruction. Responsibilities include classroom and behind-the-wheel instruction, testing and record keeping. The instructor shall provide a safety certified driver education car. The instructor would also be required to provide special instruction to students on a special need basis. Hours of instruction will be coordinated with general school schedules. Payment is $10.00/hr. Annual cost would be limited to $6000.00.

For further information on this contract, contact:

John Odden, Director of Education
Minnesota Correctional Facility—Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Final submission date for this contract is September 25, 1982.

Treasurer's Office
Unclaimed Property Division

Notice of Request for Proposals for Consultant Regarding Unclaimed Property

The Unclaimed Property Division of the State Treasurer's Office is requesting the services of a consultant to assist in locating owners of unclaimed property and to inform businesses of their obligation to report unclaimed property. Estimated cost of the contract is $5,000. Requests for information will be taken until Sept. 20, 1982.

For further information contact:

Faith E. Woodman
Director of Unclaimed Property
G-21 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone (612) 296-2568

Treasurer's Office
Unclaimed Property Division

Notice of Request for Proposals for Attorney Services for Unclaimed Property Compliance

The Unclaimed Property Division of the State Treasurer's Office is requesting the services and technical advice of an attorney with respect to administration and enforcement of Minnesota's Unclaimed Property Act. The individual shall provide assistance to the internal auditors in connection with audits of property holders, in implementing an in-office compliance program and in obtaining compliance by the federal government with the Unclaimed Property Act. A thorough knowledge of the unclaimed property act and related court cases is essential. Estimated cost of the contract is $10,000. Requests for information will be taken until Sept. 20, 1982.

For further information contact:

Faith E. Woodman
Director of Unclaimed Property
G-21 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone (612) 296-2568

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 Commerce Banking Division

Bulletin No. 2636: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of September 1982

Notice is hereby given that pursuant to Minnesota Statutes, § 47.20, subd. 4a, (1980), the maximum lawful rate of interest for conventional home mortgages for the month of September 1982 is fifteen and three-quarters (15.75) percentage points. Further, pursuant to Minnesota Statutes, § 47.20, the maximum lawful rate of interest for contracts for deed for the month of September 1982 is fifteen and three-quarters (15.75) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

This is based on the Federal National Mortgage Association (FNMA) August 16, 1982, auction results and an average yield for conventional mortgage commitments of 15.687%. Current rates regarding the monthly publication are available by telephoning the Banking Division's 24-hour information number (612) 297-2751.

August 18, 1982

Michael J. Pint
Commissioner of Banks

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Merit Rating of Workers' Compensation Assigned Risks

Notice is hereby given that the Insurance Division is seeking information and opinions from persons outside the agency in preparing to promulgate rules governing merit rating of employers receiving coverage through the workers' compensation assigned risk plan. This merit rating plan will apply only to employers whose premium is too small to qualify for experience rating. Promulgation of these rules is authorized by Minn. Stat., § 79.251, subd. 2, and Minn. Stat., § 79.26.

The Insurance Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: John D. Klein, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3238.

All statements of information and comment shall be accepted until October 1, 1982. Any written material received by the Insurance Division shall become part of the record if rules are promulgated.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Department of Commerce Insurance Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Workers' Compensation Insurance Rates

Notice is hereby given that the Insurance Division is seeking information or opinions from persons outside the agency in

preparing to promulgate new rules governing the transition from regulated to competitive rates for workers' compensation insurance. Promulgation of these rules is authorized by Minn. Stat., § 79.51.

The Insurance Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Nancy R. Myers, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-8591.

All statements of information and comment shall be accepted until October 8, 1982. Any written material received by the Insurance Division shall become part of the record in the event that the rules are promulgated.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Department of Finance

Notice of Maximum Interest Rates for Municipal Obligations for September 1982

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Allan L. Rudell, announced today that the maximum interest rate for municipal obligations in the month of September will be twelve (12) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to thirteen (13) percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be twelve (12) percent per annum.

Waste Management Board
Minnesota Pollution Control Agency

In the Matter of the Proposed Hazardous Waste Disposal Facility Candidate Sites in Aitkin County and the Intrinsic Suitability Thereof

Notice of and Order for Reopening of Hearing Record

It is hereby ordered and notice is hereby given that the hearing record in the above-captioned matter is reopened for the following purposes:

1. Introduction of a study prepared for the Waste Management Board on the above-ground storage of hazardous wastes.

2. Introduction of an analysis of additional test drilling conducted on the Aitkin 3 site and an analysis of the Aitkin 1 and 3 sites prepared by Environmental Resources Management, Inc., a consultant to the Waste Management Board.

3. Public comments on the new material submitted by the Waste Management Board.

4. The presentation by the public of information on the sites which has not previously been submitted into the record of the Aitkin hearing.

A hearing to permit members of the public to present oral comments on the above-described issues will be held on Monday, September 13, 1982, at Aitkin County Courthouse, Aitkin, Minnesota, beginning at 1:30 p.m. and at 7:00 p.m. The hearing will be conducted by Thomas H. Jensen, 754 Midland Bank Building, Minneapolis, Minnesota, 55401, telephone (612) 332-0337, a Hearing Examiner appointed by the Chief Hearing Examiner.

The above-ground storage report and the additional analyses of the Aitkin 1 and 3 sites will be available for public inspection at the following locations by September 2:

Minnesota Waste Management Board
7323-58th Avenue North
Crystal, Minnesota 55428

Grand Rapids Public Library
21 N.E. 5th Street
Grand Rapids, Minnesota 55744

Darlene Scott, City Clerk
City Hall
Hill City, Minnesota 55748

McGregor Public Library
McGregor, Minnesota 55760

Judith Cirilli, City Clerk
McGregor, Minnesota 55760

Public comments may be submitted on the issues identified in this notice at the hearing or in writing. All written comments must be postmarked no later than September 17, 1982. Copies of written comments must be sent to the Hearing Examiner, to LeRoy Paddock, Special Assistant Attorney General, 1935 West County Road B-2, Roseville, Minnesota, 55113, and to Jocelyn F. Olson, Special Assistant Attorney General, 1935 West County Road B-2, Roseville, Minnesota, 55113.

Please be advised that information previously submitted on the Aitkin sites remains part of the hearing record and should not be resubmitted. Only information that has not previously been submitted, if any, should be submitted during the period in which the record is reopened.

Questions concerning the procedures for the reopening may be directed to LeRoy Paddock and Jocelyn F. Olson, at the address set forth above, telephone (612) 296-7342.

August 23, 1982

Waste Management Board
Minnesota Pollution Control Agency

Proposed Hazardous Waste Disposal Facility Candidate Sites in Marshall County and the Intrinsic Suitability Thereof

Notice of and Order for Reopening of Hearing Record

It is hereby ordered and notice is hereby given that the hearing record in the above-captioned matter is reopened for the following purposes:

1. Introduction of a study prepared for the Waste Management Board on the above-ground storage of hazardous wastes.

2. Introduction of an analysis of the Marshall 1 site for in-ground disposal of hazardous waste prepared by Environmental Resources Management, Inc., a consultant to the Waste Management Board.

3. Public comments on the new material submitted by the Waste Management Board.

4. The presentation by the public of information on the sites which has not previously been submitted into the record of the Marshall hearing.

A hearing to permit members of the public to present oral comments on the above-described issues will be held on Wednesday, September 15, 1982, at the Spruce Valley Community Center, Middle River, Minnesota, beginning at 1:30 p.m. and at 7:00 p.m. The hearing will be conducted by Kent Roberts, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Street, Minneapolis, Minnesota, 55415, telephone (612) 341-7612, a Hearing Examiner appointed by the Chief Hearing Examiner.

The above-ground storage report and the Environmental Resources Management analysis of the Marshall 1 site will be available for public inspection at the following locations by September 2:

Minnesota Waste Management Board
7323-58th Avenue North
Crystal, Minnesota 55428

Thief River Falls Northwest Regional Library
Main and First Streets
Thief River Falls, Minnesota 56701

Ronald Moen, City Clerk
Spruce Valley Community Center
Middle River, Minnesota 56737

Donna Jelle, City Clerk
Grygla, Minnesota 56727

Public comments may be submitted on the issues identified in this notice at the hearing or in writing. All written comments must be postmarked no later than September 21, 1982. Copies of written comments must be sent to the Hearing Examiner, to LeRoy Paddock, Special Assistant Attorney General, 1935 West County Road B-2, Roseville, Minnesota, 55113, and to Barbara Lindsey Sims, Special Assistant Attorney General, 1935 West County Road B-2, Roseville, Minnesota, 55113.

Please be advised that information previously submitted on the Marshall sites remains part of the hearing record and should not be resubmitted. Only information that has not previously been submitted, if any, should be submitted during the period in which the record is reopened.

Questions concerning the procedures for the reopening may be directed to LeRoy Paddock and Barbara Lindsey Sims, at the address set forth above, telephone (612) 296-7342.

August 23, 1982

STATE OF MINNESOTA

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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
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing the Following: Procedures for Voluntary Surrender of Teaching Licenses, Teachers of Driver and Traffic Safety Education, School Psychologists, Secondary School Teachers and Teachers of K-12 Subjects, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of Business and Office Education, Teachers of Physical Education, Reading Consultants, Supervisory and Consultative Personnel, Secondary School Counselors, Elementary School Counselors, School Nurses, Public School Athletic Coaches, and Middle School Counselors

FINDINGS OF FACT AND CONCLUSIONS

At its meeting of January 15, 1982, the Board of Teaching (hereinafter the "Board") proposed that the above-entitled rules be adopted, amended, or repealed after compliance with the procedure which authorizes an agency to propose and adopt rules without a public hearing. Pursuant thereto, the Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register together with a copy of the proposed rules. After adoption by the Board, these rules and the record herein shall be submitted to the Attorney General for review.

Based upon all the records and proceedings herein, the Board of Teaching makes the following:

FINDINGS OF FACT

1. On October 1, 1979, the Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Governing School Psychologists and Secondary School Teachers and Teachers of Kindergarten to Grade 12 Subjects was published at 4 State Register 531-532.

2. On March 10, 1980, the Notice of Intent to Solicit Outside Opinion Concerning the Proposed Rule Governing Teachers of Driver and Traffic Safety Education was published at 4 State Register 1480.

3. On February 23, 1981, the Notice of Intent to Solicit Outside Opinion Concerning the Proposed Rule Governing Procedures for Voluntary Surrender of Teaching Licenses was published at 5 State Register 1308-1309.

4. On May 11, 1981, the Notice of Intent to Solicit Outside Opinion Concerning the Proposed Rule Governing Teachers of Business and Office Education was published at 5 State Register 1835.

5. On January 15, 1982, the Board resolved to adopt, amend, or repeal 5 MCAR § 3.007, 3.0831, 3.1041, 3.0601, 3.065, 3.081, 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, 3.083, 3.104 after compliance with the procedure which authorizes an agency to adopt rules without public hearing. Minn. Stat. § 15.0412, subd. 4h (1980).

6. On August 25, 1982, 72 copies of the Notice of Intent to Adopt, Amend, or Repeal the above-cited rules Without Public Hearing and of the proposed rules were mailed to names appearing on the Board of Teaching rule-making mailing list, and 994 copies were mailed to additional persons, associations, and colleges and universities on the Board of Teaching general mailing list.

7. On August 30, 1982, the Notice of Intent to Adopt Rules Without a Public Hearing, together with the rules proposed to be adopted were published at 7 State Register 248-256.

8. Nine persons requested a public hearing on 5 MCAR § 3.007, 3 persons requested a hearing on 5 MCAR § 3.0831, 9 persons requested a hearing on 5 MCAR § 3.065, and 1 person requested a hearing on 5 MCAR § 3.0601.

9. Five persons requested a public hearing on all proposed rules within the 30-day comment period.

10. Proposed rules 5 MCAR §§ 3.007, 3.0831, and 3.065 each received seven or more requests for a public hearing within the 30-day comment period.

11. Three persons requested Board consideration of time lines contained in proposed 5 MCAR § 3.007, five persons requested clarification or provided suggestions related to proposed 5 MCAR § 3.0601, and one person requested clarification regarding proposed 5 MCAR § 3.081.

12. Proposed rule 5 MCAR § 3.0601 provides for an effective date of July 1, 1985. The Board finds that because of comments relating to the significant ramifications of the rule and because of the time which has elapsed in the rule-making process, an effective date of July 1, 1987, is more reasonable. Section E. 1.a. of proposed 5 MCAR § 3.0601 requires the study of adolescent growth and development. The Board finds that candidates recommended for licensure in K-12 subjects must also be required to complete study in growth and development from early childhood through adolescence.

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

14. The proposed rules are adopted to implement Minn. Stat. § 125.185, subd. 4 (1980), and Minn. Stat. § 125.05, subd. 1 (1980).

15. The Statement of Need and Reasonableness sets forth the need for and the reasonableness of the rules to be adopted herein.

16. The Statement of Need and Reasonableness is incorporated into these Findings of Fact and becomes a part thereof as though fully set forth herein.

CONCLUSIONS

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

2. Nine persons requested a public hearing on 5 MCAR § 3.007, 3 persons requested a hearing on 5 MCAR § 3.0831, 9 persons requested a hearing on 5 MCAR § 3.065, 1 person requested a hearing on 5 MCAR § 3.0601, and five persons requested a public hearing on all proposed rules.

3. Proposed rules 5 MCAR §§ 3.007, 3.0831, 3.065, and 3.083 are withdrawn.

4. Proposed rule 5 MCAR § 3.0601 shall be amended to change the effective date in order to provide a more reasonable time line for implementation of the rule. Proposed rule 5 MCAR § 3.0601 shall also be amended to include the study of human growth and development from early childhood through adolescence for candidates to be recommended for K-12 licensure.

5. The Board has statutory authority to promulgate the proposed rules.

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

7. The Board has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts.

Dated this 13th day of October, 1982.

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Freya Hanson, do hereby certify that I am Secretary of the Board of Teaching, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Teaching, duly and properly called and held on the 13th day of October, 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 rules governing the licensure of school psychologists, secondary school teachers and teachers of kindergarten to grade 12 subjects, and business and office education teachers, and the repeal of 5 MCAR §§ 3.072 B., 3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, and 3.104, be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. §§ 125.05, subd. 1 (1980) and 125.185, subd. 4 (1980) and that Ray C. Olson, the Chairman of the Board of Teaching, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.
>
> BE IT FURTHER RESOLVED, that the proposed rules governing the procedures for the voluntary surrender of teaching licenses, teachers of driver and traffic safety education, and teachers of science grades 5-9 and 7-12 are withdrawn, and that Ray C. Olson, the Chairman of the Board of Teaching, be and hereby is authorized to sign an order withdrawing these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of October, 1982.

Freya O. Hanson
Secretary, Board of Teaching

Kenneth A. Ames
Member, Board of Teaching

STATE OF MINNESOTA
BOARD OF TEACHING

Statement of Need and Reasonableness for Proposed Rules
5 MCAR §§ 3.007, 3.0831, 3.1041, 3.0601, 3.065, 3.081, 3.072 B.,
3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, 3.083, and 3.104

Concerning: The proposed adoption, amendment, or repeal of rules governing the following: procedures for voluntary surrender of teaching licenses, teachers of driver and traffic safety education, school psychologists, secondary school teachers and teachers of K-12 subjects, teachers of science for grades 5-9 and grades 7-12, teachers of business and office education, teachers of physical education, reading consultants, supervisory and consultative personnel, secondary school counselors, elementary school counselors, school nurses, public school athletic coaches, and middle school counselors.

5 MCAR § 3.007 Procedures for Voluntary Surrender of Teaching Licenses.

5 MCAR § 3.007 is needed to establish by rule procedures to be utilized which permit persons to surrender licenses granted by the Board of Teaching. These procedures assure persons holding Minnesota teaching licenses who request to surrender such licenses that the Board of Teaching has an established process for surrender of licenses. The rule sets forth effective dates of surrender which do not adversely impact contractual obligations which are based upon licenses held. In addition, the rule sets forth conditions under which persons may not voluntarily surrender licenses. Since persons who voluntarily surrender teaching licenses may subsequently apply to the Board of Teaching for a license in the subject or field for which licensure was previously surrendered, the rule sets forth the procedures and criteria to be utilized by the Board of Teaching in the issuance of such licenses. The Board of Teaching contends that persons licensed by the Board have a right to voluntarily surrender a license. Further, the Board of Teaching contends that the procedures and criteria set forth in this rule are both needed and reasonable in order to provide for an orderly process enabling the surrender of licenses and possible subsequent issuance of licenses previously surrendered.

5 MCAR § 3.0831 Driver and Traffic Safety Education.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparation institutions to develop and submit for approval licensure programs in accordance with this rule, and for persons to complete such approved programs to be recommended for licensure.

Subdivision B. sets forth the requirements for the licensure of teachers of driver and traffic safety education. It is necessary to delineate the knowledge, skills, and understandings required of teachers of driver and traffic safety education because the current rule is lacking specific criteria for the licensure of teachers of driver and traffic safety education. The proposed rule requires persons to be licensed as teachers, since the program is part of the school curriculum. Minnesota parents and students are entitled to assurances that

persons employed in Minnesota schools as teachers of driver and traffic safety education meet established requirements in terms of essential knowledge, skills, and understandings necessary to teach driver and taffic safety education.

Subdivision C. is needed to specify current knowledge, skills, and understandings required of teachers of driver and traffic safety education. Such teachers must have knowledge of the scope, sequence, and content of the driver and traffic safety education program which includes classroom instruction, laboratory instruction, and the organization and administration of the program. The practicum requirement enables persons preparing to be teachers of driver and traffic safety education to assume major responsibility for the driver and traffic safety education program under the supervision of practicing driver and traffic safety education teachers and college faculty.

Subdivision D. is necessary to set forth the procedure by which approved Minnesota institutions must follow to obtain approval of a driver and traffic safety education program.

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

The Board of Teaching contends that the requirements set forth in this rule are both needed and reasonable in order to assure that persons preparing to teach driver and traffic safety education demonstrate the necessary knowledge, skills, and understandings which are essential to design and implement instructional programs in driver and traffic safety education.

5 MCAR § 3.1041 School Psychologist.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparing institutions to develop and submit for approval licensure programs in accordance with this rule, and for persons to complete such approved programs to be recommended for licensure.

Subdivision B. sets forth the requirements for the licensure of school psychologists. It is necessary to delineate the knowledge, skills, and understandings required of school psychologists because the current rule is lacking specific criteria for the licensure of school psychologists. This rule was last revised in 1970, when two levels of licensure were adopted; however, no program rules were established to differentiate between services provided by Level I or Level II school pyschologists.

The two levels of licensure created in 1970 both required graduate degree preparation with the Level I license based on a Master's degree and the Level II license based on a specialist degree or its equivalent (90 quarter credits). The Level I license was created to provide personnel prepared primarily for the psychometric testing services required by newly created state mandates for special education placement. While two levels of licensure may have been appropriate twelve years ago, the Level I license has become obsolete because the mandates requiring specific forms of psychometric testing have been removed and there is no shortage of persons licensed as Level II psychologists. More than 80% of currently practicing school psychologists hold the Level II license, and since 1979 only 16% of new licenses issued were for Level I (29 out of 181). As a result, the proposed rule offers a single level of licensure comparable to the previous Level II standard. All currently licensed school psychologists will continue to hold their present Level I or II license, which is renewable at their own discretion.

Historically, school psychology positions have been supported by special education funding, and the number of school psychologists has progressively increased with other special education-related fields. Throughout the 1970's, there was an annual increase of approximately 10% in the number of full-time school psychologist positions. The number of individual school psychologists has more than tripled from 98 in 1970 to approximately 350 in 1981. No large scale growth is anticipated for the near future and the full-time equivalent seems to have stabilized at approximately 300 positions.

While school psychological services are not expected to be a growth area during the early 1980's, there is a demonstrated need to keep Minnesota's complement at its current level. Department of Education staff estimate that a full-time equivalency of 300 positions is adequate to provide the special education services now required. Over the past few years, school psychologists have represented 3% of the professional work force serving handicapped students in Minnesota school districts. This percentage is expected to remain stable because the provisions of Minn. Stat. § 120.17, State Board of Education Rules 5 MCAR §§ 1.0120-1.0129, and PL 94-142 (The Education for All Handicapped Act of 1975) require that a full range of school psychological services must be available to handicapped students.

This proposed rule provides for minimum preparation in the unique and essential knowledge, skills, and understandings necessary to provide school psychological services. It provides for one level of licensure with a specialist degree or the equivalent. The special education core skill areas are required because these are generic knowledge, skills, and understandings required of all essential personnel serving handicapped students.

In 1980, a draft of the proposed rule was disseminated for comment by the Board of Teaching to teacher preparation institutions, interested professional organizations, and agencies. Responses were received from four school psychologists, three administrators, three teacher preparation institutions, the Minnesota Epilepsy League, the Minnesota Department of Health and the Minnesota Association of School Psychologists. This feedback resulted in further changes that constitute the current proposed rule. Both of the teacher preparation institutions in Minnesota which prepare school psychologists and the state association for school psychologists have indicated strong support and satisfaction with the rule as proposed.

Subdivision C. sets forth requirements for basic knowledge of regular education. The field of school psychology is distinguished from other psychological specialties in that school psychologists must have basic knowledge of the school as an institution and knowledge of elementary and secondary curriculum areas, since school psychologists serve the entire school population from prekindergarten through secondary education.

Subdivision D. sets forth preparation areas required of school psychologists who serve prekindergarten through secondary students. Minnesota parents and students are entitled to assurances that persons employed in Minnesota schools as school psychologists meet established requirements in terms of essential knowledge, skills, and understandings necessary to provide school psychological services.

Areas of preparation defined in D.1.-D.6. are generally accepted as the essential minimum components that form the basis of the practice of school psychology. The Board of Teaching contends that it is both needed and reasonable to require school psychologists to be prepared in psychological and educational foundations, psychological and educational assessment, psychological intervention and corrective

services, typical and atypical human growth and development, psychological research and evaluation, and the profession of psychology.

Section D.7. sets forth the requirements for observation and practicum in school psychological services. It is through such experiences that persons preparing to be school psychologists will be provided appropriate opportunities to conceptualize principles of school psychology and interpret their application to school psychological services.

The observation requirement in D.7.a. will provide opportunities for persons preparing to be school psychologists to experience the public school environment early in the preparation program. This experience forms a needed frame of reference for subsequent psychological preparation. The practicum requirement in D.7.b. of 600 hours provides persons preparing to be school psychologists a reasonable amount of time to demonstrate the ability to provide school psychological services. At least 400 hours of the practicum requirement must be in school psychological practice. At least 200 hours of the practicum requirement must be spent in a setting where clinical psychological skills are required. This portion of the practicum can also be completed in a school setting; however, persons must gain experience providing clinical services such as personality assessment and counseling. Minnesota school districts typically require a broad range of psychological skills from school psychologists; therefore, demonstration of these skills in a practicum setting is essential.

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

Subdivision F. sets forth standards for provisional licensure in this field. Provisional licensure is necessary to provide a reasonable system whereby persons with closely related psychological preparation can enter the field. It is reasonable to require that persons provisionally licensed as school psychologists meet a minimum standard of preparation in the field of psychology. A collaborative relationship is necessary in order that persons provisionally licensed as school psychologists receive the necessary supervision to assure the quality of services rendered by provisionally licensed school psychologists. The Board of Teaching believes that all provisionally licensed school psychologists must eventually meet the minimum entrance licensure requirements set forth in this rule. Therefore, this rule provides for only one renewal of a provisional license, which places a reasonable limit on the length of time a person may provide school psychological services. This system for provisional licensure will provide assurance to the Board of Teaching that persons possess the minimal knowledge, skills, and understandings for provisional licensure in school psychology and requires that such persons meet entrance licensure requirements through a reasonable and systematic process.

5 MCAR § 3.0601 Secondary School Teachers and Teachers of Kindergarten to Grade 12 Subjects.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparing institutions to develop and submit for approval professional education components in accordance with this rule, and for persons to complete such requirements.

Subdivisions B. and C. are existing language in 5 MCAR § 3.060 which set forth the uses of a license as a secondary school classroom teacher based upon major and minor preparation. These provisions have governed such uses since 1966. Since 5 MCAR § 3.060 will be repealed effective July 1, 1985, and replaced with 5 MCAR § 3.0601, the Board contends that it is both needed and reasonable to incorporate these provisions in proposed 5 MCAR § 3.0601.

Subdivision D. sets forth the requirements for the licensure of secondary school classroom teachers and teachers of K-12 subjects. It is necessary to delineate the knowledge, skills, and understandings required of secondary school classroom teachers and teachers of K-12 subjects since the current rule is lacking specific criteria for licensure. Minnesota parents and students are entitled to assurances that persons employed in Minnesota schools as secondary school classroom teachers and teachers of K-12 subjects meet established requirements in terms of essential knowledge, skills, and understandings necessary to teach.

Subdivision E. is needed to specify the essential knowledge, skills, and understandings required of secondary school classroom teachers and teachers of K-12 subjects.

Section E.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 secondary school classroom teachers and teachers of K-12 subjects.

Section E.2. sets forth the requirements for organization and management of instruction. Secondary school teachers and teachers of K-12 subjects must have knowledge of content, materials, and scope and sequence of the curriculum in each field and at each level for which they are preparing to teach, and must demonstrate the necessary skills to teach such fields to all students within a classroom. Secondary school teachers and teachers of K-12 subjects must also demonstrate the ability to design instructional models, to organize the learning environment in order to facilitate learning, to utilize a variety of technologies, resources and media, to implement instruction, and to evaluate curriculum and instructional strategies. 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. Since student reading ability has an impact upon the acquisition and application of content, it is essential that secondary school teachers and teachers of K-12 subjects possess and demonstrate the skills necessary to modify teaching strategies in the field for which licensure is sought in order to accomodate students who are unable to read effectively at the level for which curriculum materials are written.

To delineate preparation and methods of teaching in each curricular area for which persons are preparing for licensure will assure to the Board of Teaching that secondary school teachers and teachers of K-12 subjects possess the necessary knowledge, skills, and understandings to teach.

Section E.3. sets forth the requirements for prestudent teaching and student teaching experiences. It is through such experiences that persons preparing to be secondary school classroom teachers and teachers of K-12 subjects will be provided appropriate opportunities to conceptualize educational principles and interpret their applications to direct instructional situations. Prestudent teaching experiences prior to student teaching provide opportunities for observation and directed instructional experiences which represent recurring types of classroom situations. Upon completion of the prestudent teaching and student teaching experiences, persons preparing for licensure as secondary school classroom teachers must have had experiences at both levels; however, the rule does not require that both prestudent teaching and student teaching experiences be completed at two levels.

Persons preparing for licensure as teachers of K-12 subjects must have student teaching experiences at both the elementary and secondary school levels since they will be licensed to teach in specific fields at both the elementary and secondary school levels.

The student teaching requirement consists of full school day experiences for one academic quarter. This experience requires persons preparing to be secondary school classroom teachers or teachers of K-12 subjects to assume major responsibility for the full range of teaching duties in a secondary school classroom or a K-12 subject 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 secondary school classroom teachers or teachers of K-12 subjects 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. 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.

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 secondary school classroom teachers or teachers of K-12 subjects. The Board of Teaching contends that full day, full quarter student teaching experiences are a reasonable measure to provide this assurance.

The full school day, full quarter requirement for student teaching was established by the Board of Teaching when it promulgated 5 MCAR § 3.0501, the rule governing the licensure of elementary school teachers, on June 6, 1981. The Hearing Examiner found that the authority to establish reasonable requirements for licensure is clearly vested in the Board of Teaching. Specifically, the Report of the Hearing Examiner dated July 29, 1981, stated:

> "The public comments...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)."

Section E.4. sets forth basic knowledge of the professional responsibilities of a teacher. The Board of Teaching contends that persons preparing to be secondary school classroom teachers and teachers of K-12 subjects 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 F. amends the rule to delete obsolete language.

Subdivision G. is existing language in 5 MCAR § 3.060 which sets forth minimum programs of preparation. Since 5 MCAR § 3.060 will be repealed effective July 1, 1985, and replaced with 5 MCAR § 3.0601, the Board contends that it is both needed and reasonable to incorporate this provision in 5 MCAR § 3.0601.

5 MCAR § 3.065 Science for Grades 5-9 and Grades 7-12.

The need to amend this rule arises because the Board of Teaching has been made aware by the profession of the necessity to address the preparation of teachers of physical science. Therefore, subdivisions D. and F. are amended to set forth the licensure requirements for teachers of physical science, which include the disciplines of chemistry and physics. The knowledge, skills, and understandings required of physical science teachers, which also currently include the broad base, are difficult to complete within a baccalaureate degree program. Therefore, the Board of Teaching proposes to delete the requirement of the broad base in earth and life sciences for teachers of physical science, which will provide more flexibility to accomodate relevant preparation of teachers of physical science. The Board of Teaching contends that these amendments establish the necessary provisions to address this preparation and are both needed and reasonable in order to ensure adequate preparation in chemistry and physics.

Other amendments to this rule provide clarity of language.

5 MCAR § 3.081 Business and Office Education Teachers; Requirements for Major Based on a Four-Year Program.

The need to amend this rule arises because the Board of Teaching believes that an option must be provided for the preparation of teachers who are licensed as teachers of business and office education-all. The current rule requires such persons to demonstrate proficiency in shorthand at an advanced level. The Board contends that this requirement places an undue hardship on persons who are able to teach all other business education subjects in a secondary school. Although some persons may claim that shorthand ability is necessary for persons to be licensed to teach business education-all, the Board of Teaching believes that an option should be available which permits persons who cannot demonstrate this ability to be prepared and licensed to teach all business education subjects, except shorthand. Subdivision C.2. sets forth this option. The Board contends that this amendment is both needed and reasonable. The current rule is unduly restrictive since it does not permit persons who cannot demonstrate an advanced level of shorthand to teach all other business education subjects.

Subdivision B.4. proposes to delete the requirement of three courses beyond principles of economics to provide flexibility within the basic business and/or economics specialization. The Board contends that this amendment is both needed and reasonable since it provides flexibility which will enhance preparation programs within this specialization.

Subdivision D. is deleted since the requirements for vocational licensure are referenced in 5 MCAR § 3.060 and proposed 5 MCAR § 3.0601.

5 MCAR § 3.072 B. Qualifications, Physical Education and Health Teachers.

Subdivision B. is proposed for repeal since it permits a dual standard of licensure based solely upon sex, and is, therefore, discriminatory.

5 MCAR §§ 3.091 D. Reading Consultant, 3.101 Supervisory and Consultative Personnel, 3.102 Secondary School Counselors, 3.103 Elementary School Counselors, 3.106 School Nurse, 3.108 Public School Athletic Coaches, and 3.114 Counselors in Middle Schools.

It is necessary to repeal the above-cited rules because the authority to license such education personnel was transferred from the Board of Teaching to the Board of Education, as authorized by Minn. Stat. § 125.05, subd. 1 (1980).

5 MCAR §§ 3.060 Secondary School Teachers and Teachers of Kindergarten to Grade 12 Subjects, 3.083 Driver and Traffic Safety Education, and 3.104 School Psychologist.

It is necessary to repeal 5 MCAR §§ 3.060, 3.083, and 3.104 because the Board of Teaching has proposed new standards of licensure in these fields.

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: 10-11-82