

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Resubmitted 7-18 due 7-25

7-28

MINNESOTA BOARD OF TEACHING
KENNETH L. PEATROSS
EXECUTIVE SECRETARY

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

TO : Ted A. Martinez, Special Assistant
Attorney General

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

K Benton

DATE : July 18, 1983

SUBJECT: In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education

This is in response to your correspondence of July 5, 1983, in the above-entitled matter.

In the process of adopting the above-entitled rules, you will note that the Board adopted the rules in two separate actions as evidenced by the enclosed Orders Adopting Rules. One order adopts 5 MCAR §§ 3.007, 3.088, and 3.089. The other order adopts 5 MCAR §§ 3.0831 Driver and Traffic Safety Education and 3.065 Science for Grades 5-9 and Grades 7-12.

I am hereby submitting for approval all of the above-entitled rules as adopted by the Board including 5 MCAR § 3.0831 Driver and Traffic Safety Education which was rejected. This is to advise you that the language set forth in 5 MCAR § 3.0831 F.3. "Compliance with this provision shall be as prescribed by the Minnesota Department of Education" was added by me after the Board of Teaching took action and authorized the Order adopting this rule. It was my view that since this provision merely codified existing statute, it was appropriate for me to add this provision. Apparently, this is not the case and I regret any inconvenience.

The rules hereby submitted are those adopted by the Board of Teaching on May 19, 1983. You will note in the enclosed Findings of Fact adopted by the Board that with respect to 5 MCAR §§ 3.0831 the Board adopted the Recommendations of the Hearing Examiner and the Chief Hearing Examiner. These recommendations exclude 5 MCAR § 3.0831 F.3. dealing with the matter of compliance.

KLP/nao

Enclosures

cc: Sheila S. Fishman, Special Assistant
Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Jim Fellows, Vice Chairman

DATE: July 5, 1983

Attn: SHEILA FISHMAN
Special Assistant
Attorney General

FROM : TED A. MARTINEZ
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 Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education.

The rules in the above-referenced matter have not been approved by this office for the following reasons:

5 MCAR § 3.0831 F.3. states that "[c] omphance with this provision shall be as perscribed by the Minnesota Department of Education."

In addition to being vague and unspecific that provision as written appears to be only a gratuitous statement. This is because, as I have been informed, Minn.Stat. § 124.15 (1982) requires compliance and enforcement by the Department of Education. As a result is not an additional stated requirement and thus does not constitute a rule; therefore, it cannot be promulgated.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. Upon resubmission, please include a new or supplemental Order Adopting and two copies of the new Rule as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Additionally, at the time when you resubmit the new rule to this office, you must submit two copies of the same to the Revisor of Statutes.

If you have any questions concerning the issues raised in this memorandum, pelase do not hesitate to call me.

TAM/ls
cc: Kathy Burek
Paul Marinac
Duane Harves

MINNESOTA BOARD OF TEACHING
KENNETH L. PEATROSS
EXECUTIVE SECRETARY

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

June 14, 1983

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

RE: In the Matter of the Proposed Adoption of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5 to 9 and Grades 7 to 12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education

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 rule making procedure set forth in Minnesota Statutes Chapter 14. 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

RESUBMITTED

RULE REVIEW CHECKLIST

6/24. agency was required to send Rule Cert, CHE 2nd rpt.

DATE RULE RECEIVED 6-15 7-18
DATE FOR REVIEW 6-22
DATE DUE 7-5 7-28

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

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency 7/18/83

Date filed w/Secretary of State _____ Revisor approved 6/16/83
disapproved

✓ Rule as Adopted

✓ Rule as Proposed

✓ Orders Adopting 5.19.83 Date - see transmittal memo re ~~new~~ Order Adopting

✓ Notice of Intent to Solicit Outside Opinion 10.4.82

✓ Order for rulemaking
1.22.83 date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
12/20 and 12/21/82 At least 30 days prior to hearing/~~adoption~~

✓ Mailing list Certificate

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

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
✓ 3.9.83 Approving H.E.'s Report
✓ 5.10.83 ~~Approving~~ Disapproving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificates of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

? Affidavit of Mailing Notice of Submission to Attorney General
notary stamp or seal not provided

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Jim Fellows, Vice Chairman

DATE: July 21, 1983

Attn: SHEILA FISHMAN, Special Assistant
Attorney General

FROM : TED A. MARTINEZ
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 Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Sefety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education.

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.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Teaching

Adopted Adoption, Amendment, or Repeal of Rules Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education

Rules as Adopted — 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 January 1, the date of surrender is July 1 of that year. When the materials are received after January 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 Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 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 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.

all new material

5 MCAR S 3.0831 Driver and traffic safety education.

A. Applicability. ~~All persons whose application is received on or after July 1, 1986 for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR S 3.0831~~ This rule shall apply to any person providing instruction in a program in driver education, including both classroom and behind the wheel instruction, to a person under the age of 18, if the program is offered through a public school and has been approved by the Minnesota Board of Education pursuant to the requirements of Minnesota Statutes, section 171.04, clause (1). All persons whose application is received on or after July 1, 1986, for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR S 3.0831.

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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.

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

F. Staff assignment.

1. Persons assigned as teachers of driver and traffic safety education shall:

a. hold a license as a teacher of driver and traffic safety granted by the Board of Teaching; and

b. hold a valid driver's license which has not been suspended or revoked within the 12-month period immediately preceding the beginning of each school year.

2. Persons assigned as teachers of motorcycle rider education shall:

a. hold a license as a teacher of driver and traffic safety granted by the Board of Teaching;

b. hold a valid driver's license and motorcycle endorsement which have not been suspended or revoked within the 12-month period immediately preceding the beginning of each

HE 19

school year; and

c. complete a course in motorcycle rider education from a driver and traffic safety education program approved by the Board of Teaching.

3. Compliance with this provision shall be as prescribed by the Minnesota Department of Education.

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? Unspecific - what are the prescriptions

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; science for grades 5 to 9, 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, life science, and science for grades 5 to 9 shall hold a baccalaureate degree and have satisfactorily completed a program which has been approved by the 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. 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 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.

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 life science and earth science teachers, as set out in C., plus at least the additional preparation in the specific science area in which they desire to teach equivalent to at least ten percent of the total baccalaureate program.

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. Such candidates shall have preparation in the subject area of chemistry or physics for which they seek licensure equal to at least 15 percent of their total baccalaureate program.

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, elementary school teachers, secondary school teachers, school administrators, students, and interested citizens.

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

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

individual candidate's development of the required competencies.

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., G., 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.

J. Continuing licensure. The continuing license may be renewed according to ~~general rules of~~ 5 MCAR S 3.005 the Board of Teaching rule pertaining to continuing education.

K. Licenses shall be issued in accordance with 5 MCAR S 3.065 as adopted on April 16, 1973, until July 1, 1985, at which time the provisions of the amended rule adopted by the Board of Teaching on May 19, 1983, shall be effective. Nothing in this section shall prohibit the Board of Teaching from issuing licenses prior to July 1, 1985, to those who qualify under the provisions of the amended rule. Pursuant to 5 MCAR S 3.141 the Board of Teaching shall reasonably accommodate the termination date of programs approved prior to the adoption of these amendments to permit persons enrolled in such approved programs to complete such programs.

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new material

5 MCAR S 3.088 Teachers of English as a second language.

A. Definition. For purposes of this rule, English as a second language is defined as the discipline which instructs students of limited English proficiency, whose first language is not English, in the four skills areas in English; listening, speaking, reading, and writing.

B. Licensure requirements. All candidates recommended for licensure to teach English as a second language in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. satisfactorily complete a minimum of two years of

college-level, or four years of high school-level foreign language, or equivalent experience in learning another language and interacting with another culture as verified by the recommending institution;

3. satisfactorily complete a professional education preparation program for teachers of English as a second language, approved by the Board of Teaching, consisting of a minimum of 27 quarter hours, or the equivalent. The student teaching component must consist of full school day experiences for one academic quarter, or its equivalent, which includes both elementary and secondary education levels with students of limited English proficiency; and

4. satisfactorily complete an English as a second language teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 36 quarter hours, or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of English as a second language in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Linguistics:

a. the nature of language,

b. organizational principles of language (phonology, morphology, syntax, semantics),

c. major models of linguistic analysis,

d. writing systems, and

e. principles of language change and development of language families.

2. English language:

a. varieties of English (dialectal, historical, written, spoken, register),

b. structure and usage of standard English (phonology, morphology, syntax, semantics), and

c. a contrastive analysis of English with another language including reference to a non-Indo-European language.

3. Psycholinguistics:

a. learning theories,

b. first and second language acquisition processes at various age levels, and

c. attitudinal and motivational factors as they relate to individual learning styles.

4. Sociolinguistics:

a. basic sociocultural variables in language use and language learning,

b. types of bilingual and multilingual educational situations, and

c. social determiners of dialect and style.

5. Language and culture:

a. the relationship between language and culture,

b. the skills and tools of cultural analysis,

c. American historical development and contemporary American cultural patterns and values,

d. crosscultural patterns and values of the second language learner, and

e. problems of intercultural communication as they relate to language teaching.

6. Teaching of reading for students of limited English proficiency:

a. prereading skills,

b. reading theories,

c. the relationship between oral and written language,

d. correction of reading difficulties,

e. reading skills for special purposes,

f. techniques and approaches for elementary and secondary students, and

g. selection, development, and adaptation of appropriate materials.

D. Applications for program approval. An institution applying to the Board of Teaching for approval of an English as a second language teacher preparation program shall meet the provisions of 5 MCAR S 3.141. All approved programs leading to

the licensure of teachers of English as a second language shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in B. and C., evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second language. The evaluation shall include previous teaching experience and previous teacher preparation.

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

F. Provisional licensure.

1. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of one year of teaching experience as a teacher of English as a second language as verified by the employing school official.

2. Provisional licensure granted in accordance with the criteria established in F.1. shall be renewed for one two-year period upon submission of evidence of completion of nine quarter hours of college credit in addition to the requirements of F.1.a. in the areas enumerated in B.3. or C.1.-6.

3. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language. Previous teaching experience and previous teacher preparation evaluated

and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second language in accordance with provision D. shall be applied toward this credit hour requirement.

Successive two-year renewals of provisional licensure granted in accordance with the criteria established in F.3. shall be issued to applicants who provide evidence of completion of an additional nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language.

G. Effective dates. Provisions A.-E. are effective July 1, 1987, for all applicants for entrance licensure to teach English as a second language.

Provisions F.1. and F.2. shall remain in effect until June 30, 1987, at which time these provisions are repealed without further action by the Board of Teaching.

new material

5 MCAR S 3.089 Teachers of bilingual/bicultural education.

A. Definition. Bilingual/bicultural education is a program of instruction in English and another language in which the two languages are used as media of instruction for any or all of the regular school curriculum. The study of the languages as subject matter when necessary and appropriate to the program and the study of the history and culture associated with both language groups are integral parts of bilingual/bicultural education.

B. Licensure requirements. All candidates recommended for licensure to teach bilingual/bicultural education in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. hold a valid Minnesota license as an elementary or secondary classroom teacher;

3. meet the following requirements in language proficiency in both English and another language:

a. ability to speak both languages with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and

professional topics, including discussing particular interests and special fields of competence with reasonable ease, comprehending for a normal rate of speech utilizing a reasonably broad vocabulary, demonstrating appropriate use of grammar and speaking so the errors never interfere with understanding and rarely disturb the native speaker, and

b. ability to read and understand standard newspaper items addressed to the general reader, routine correspondence and reports and technical material, demonstrating only occasional difficulty with unusually complex structures and low-frequency idioms; and

4. satisfactorily complete a bilingual/bicultural education teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 24 quarter hours, or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of bilingual/bicultural education in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. theoretical foundations of bilingual/bicultural education, including rationale, historical precedents, and current issues.

2. basic linguistic competencies, including principles of language as they relate to bilingualism, theories of first and second language learning, relationship of language and culture, and effects of two or more languages in contact.

3. teaching of reading for students of limited English proficiency.

4. culture, artistic expression, and history with respect to specific languages and cultures.

5. bilingual/bicultural education curriculum, and instructional methods and techniques, including the effects of culture on teaching and learning.

6. selection and administration of appropriate assessment instruments, and recognition of possible linguistic and cultural

biases of instruments and procedures.

7. parental and community involvement in the bilingual/bicultural instructional program.

8. teaching experiences in a bilingual/bicultural education setting which includes experiences at both elementary and secondary levels.

D. Applications for program approval. An institution applying to the Board of Teaching for approval of a bilingual/bicultural teacher preparation program shall meet the requirements of 5 MCAR S 3.141. All approved programs leading to the licensure of teachers of bilingual/bicultural education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in B. and C. evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of bilingual/bicultural education. The evaluation shall include previous teaching experience and previous teacher preparation.

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

F. Provisional licensure.

1. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of one year of teaching experience in a bilingual/bicultural setting, as verified by the employing school official.

2. Provisional licensure granted in accordance with the criteria established in F.1. shall be renewed for one two-year period upon submission of evidence of completion of nine quarter hours of college credit in the areas enumerated in B.2. or C.1.-8. Applicants holding a valid Minnesota classroom teaching license shall complete the required nine quarter hours of

college credit in C. 1.-8. only.

3. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of nine quarter hours of college credit in a bilingual/bicultural education program which has been approved by the Board of Teaching.

Previous teaching experience and previous teacher preparation evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of bilingual/bicultural education in accordance with provision D. shall be applied toward this credit hour requirement.

Those applicants who do not hold a valid Minnesota elementary or secondary classroom teaching license in accordance with B.2. may elect to complete a part or all of the required nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of elementary or secondary classroom teachers.

4. Successive two-year renewals of provisional licensure granted in accordance with the criteria established in F.3. shall be issued to applicants who provide evidence of completion of an additional nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of bilingual/bicultural education.

G. Effective dates. Provisions A.-E. are effective July 1, 1987, for all applicants for entrance licensure to teach bilingual/bicultural education.

Provisions F.1. and F.2. shall remain in effect until June 30, 1987, at which time these provisions shall be repealed without further action by the Board of Teaching.

Repealer. Rule 5 MCAR S 3.083 is repealed effective July 1, 1986.

Laws '83

CONFERENCE COMMITTEE REPORT ON H.F. NO. 92

A bill for an act

relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer nonpost-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13;

principal and interest that may be forgiven after the term of the loan. These estimates shall assume no growth in assessed valuation over the term of the loan, shall assume a 16 mill levy, and shall be prepared using a methodology approved by the commissioner of finance. The commissioner of education shall use a discount factor provided by the commissioner of finance in determining the present value of the estimated amount of interest and principal which may be forgiven after the term of the loan.

~~(e)~~ (d) No loan shall be ~~approved~~ recommended for approval for any district exceeding an amount computed as follows:

(1) The amount voted by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4, or 24 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53, subdivision 4, or 24 percent of the adjusted assessed value, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause.

Sec. 26. [124.435] [APPROVAL BY LEGISLATURE.]

After review of an application for a capital loan, the commissioner of education shall submit the application to the education committees of the legislature. The legislature may approve, disapprove, or modify the application. After the legislature has approved the application, the commissioner shall grant the loan for the purposes and in the amount specified by the legislature.

Sec. 27. [125.032] [LICENSURE; COMMUNITY EDUCATION

INSTRUCTORS.] Section 27

Subdivision 1. [EXEMPTION.] Notwithstanding the provisions of any law to the contrary and except as otherwise provided in this section, a person who teaches in a community education program established pursuant to sections 121.85 to 121.88 is exempt from all licensure requirements.

Subd. 2. [EXCEPTIONS.] A person who teaches in a community education program which qualifies for aid pursuant to section 124.26 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for per capita aid pursuant to section 124.271 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the board of teaching. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 125.12, subdivision 1, or section 125.17, subdivision 1, clause (a). A community education instructor shall not be defined as a teacher pursuant to section 179.63, subdivision 13, or be a member of a teacher bargaining unit solely as a result of that individual's employment in a community education program.

Sec. 28. Minnesota Statutes 1982, section 125.05, is amended by adding a subdivision to read:

Subd. 5. [PROVISIONAL LICENSES; PROHIBITED.] The board of teaching shall grant no new provisional licenses. By January 15, 1984, the state board and commissioner of education shall submit a report to the education committees of the legislature with recommendations on provisional licenses.

Sec. 29. Minnesota Statutes 1982, section 125.12, is

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed Adoption of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 22nd day of January, 1983, at 9:00 a.m. in Room 224 of the National Guard Armory, 600 Cedar Street, St. Paul, Minnesota 55101, after proper notice required by Minn. Stat. § 14.14, Subd. 1 (1982) was served upon all persons, associations, and other interested groups registered with the Office of the Board of Teaching for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that the rules identified as 5 MCAR §§ 3.007 Procedures for Voluntary Surrender of Teaching Licenses, 3.088 Teachers of English as a Second Language, 3.089 Teachers of Bilingual/Bicultural Education are adopted this 19th day of May, 1983, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Jim Fellows
Vice Chairman, Board of Teaching

William Schneider
Secretary, Board of Teaching

STATE OF MINNESOTA

BOARD OF TEACHING

IN THE MATTER OF: The proposed Adoption of Rules of the Board of Teaching Governing the Licensure of Teachers of Driver and Traffic Safety Education and the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Board of Teaching of the State of Minnesota on the 22nd day of January, 1983, at 9:00 a.m. in Room 224 of the National Guard Armory, 600 Cedar Street, St. Paul, Minnesota, 55101, after proper notice required by Minn. Stat. § 14.14, Subd. 1 (1982) was served upon all persons, associations, and other interested groups registered with the Office of the Board of Teaching for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that the rules identified as 5 MCAR §§ 3.0831 Driver and Traffic Safety Education and 3.065 Science for Grades 5 to 9 and Grades 7 to 12 are adopted this 19th day of May, 1983, pursuant to the authority vested in the Board of Teaching.

STATE OF MINNESOTA
BOARD OF TEACHING

Jim Fellows
Vice Chairman, Board of Teaching

Kenneth A. Ames
Member, Board of Teaching

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 January 1, the date of surrender is July 1 of that year. When the materials are received after January 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 Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 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 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, 1986 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;

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.

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

Rules as Proposed

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 for grades 5 to 9, 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, for grades 5 to 9 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

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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 S ~~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 S 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 S 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 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 individual candidate's development of the required competencies.

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., 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.

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.~~

Rules as proposed (all new material)

5 MCAR S 3.088 Teachers of English as a second language.

A. Definition. For purposes of this rule, English as a second language is defined as the discipline which instructs students of limited English proficiency, whose first language is not English, in the four skills areas in English; listening, speaking, reading, and writing.

B. Licensure requirements. All candidates recommended for licensure to teach English as a second language in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. satisfactorily complete a minimum of two years of college-level, or four years of high school-level foreign language, or equivalent experience in learning another language

and interacting with another culture as verified by the recommending institution;

3. satisfactorily complete a professional education preparation program for teachers of English as a second language, approved by the Board of Teaching, consisting of a minimum of 27 quarter hours, or the equivalent. The student teaching component must consist of full school day experiences for one academic quarter, or its equivalent, which includes both elementary and secondary education levels with students of limited English proficiency; and

4. satisfactorily complete an English as a second language teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 36 quarter hours, or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of English as a second language in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Linguistics:

a. the nature of language,

b. organizational principles of language (phonology, morphology, syntax, semantics),

c. major models of linguistic analysis,

d. writing systems, and

e. principles of language change and development of language families.

2. English language:

a. varieties of English (dialectal, historical, written, spoken, register),

b. structure and usage of standard English (phonology, morphology, syntax, semantics), and

c. a contrastive analysis of English with another language including reference to a non-Indo-European language.

3. Psycholinguistics:

a. learning theories,

b. first and second language acquisition processes at various age levels, and

c. attitudinal and motivational factors as they relate to individual learning styles.

4. Sociolinguistics:

a. basic sociocultural variables in language use and language learning,

b. types of bilingual and multilingual educational situations, and

c. social determiners of dialect and style.

5. Language and culture:

a. the relationship between language and culture,

b. the skills and tools of cultural analysis,

c. American historical development and contemporary American cultural patterns and values,

d. crosscultural patterns and values of the second language learner, and

e. problems of intercultural communication as they relate to language teaching.

6. Teaching of reading for students of limited English proficiency:

a. prereading skills,

b. reading theories,

c. the relationship between oral and written language,

d. correction of reading difficulties,

e. reading skills for special purposes,

f. techniques and approaches for elementary and secondary students, and

g. selection, development, and adaptation of appropriate materials.

D. Applications for program approval. An institution applying to the Board of Teaching for approval of an English as a second language teacher preparation program shall meet the provisions of 5 MCAR S 3.141. All approved programs leading to the licensure of teachers of English as a second language shall include a description of the way in which practicing teachers

may have their teaching experience and teacher preparation in those areas enumerated in B. and C., evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second language. The evaluation shall include previous teaching experience and previous teacher preparation.

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

F. Provisional licensure.

1. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of one year of teaching experience as a teacher of English as a second language as verified by the employing school official.

2. Provisional licensure granted in accordance with the criteria established in F.1. shall be renewed for one two-year period upon submission of evidence of completion of nine quarter hours of college credit in addition to the requirements of F.1.a. in the areas enumerated in B.3. or C.1.-6.

3. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language. Previous teaching experience and previous teacher preparation evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second

language in accordance with provision D. shall be applied toward this credit hour requirement.

Successive two-year renewals of provisional licensure granted in accordance with the criteria established in F.3. shall be issued to applicants who provide evidence of completion of an additional nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language.

G. Effective dates. Provisions A.-E. are effective July 1, 1987, for all applicants for entrance licensure to teach English as a second language.

Provisions F.1. and F.2. shall remain in effect until June 30, 1987, at which time these provisions are repealed without further action by the Board of Teaching.

5 MCAR S 3.089 Teachers of bilingual/bicultural education.

A. Definition. Bilingual/bicultural education is a program of instruction in English and another language in which the two languages are used as media of instruction for any or all of the regular school curriculum. The study of the languages as subject matter when necessary and appropriate to the program and the study of the history and culture associated with both language groups are integral parts of bilingual/bicultural education.

B. Licensure requirements. All candidates recommended for licensure to teach bilingual/bicultural education in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. hold a valid Minnesota license as an elementary or secondary classroom teacher;

3. meet the following requirements in language proficiency in both English and another language:

a. ability to speak both languages with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics, including discussing particular interests and special fields of competence with reasonable ease,

comprehending for a normal rate of speech utilizing a reasonably broad vocabulary, demonstrating appropriate use of grammar and speaking so the errors never interfere with understanding and rarely disturb the native speaker, and

b. ability to read and understand standard newspaper items addressed to the general reader, routine correspondence and reports and technical material, demonstrating only occasional difficulty with unusually complex structures and low-frequency idioms; and

4. satisfactorily complete a bilingual/bicultural education teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 24 quarter hours, or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of bilingual/bicultural education in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. theoretical foundations of bilingual/bicultural education, including rationale, historical precedents, and current issues.

2. basic linguistic competencies, including principles of language as they relate to bilingualism, theories of first and second language learning, relationship of language and culture, and effects of two or more languages in contact.

3. teaching of reading for students of limited English proficiency.

4. culture, artistic expression, and history with respect to specific languages and cultures.

5. bilingual/bicultural education curriculum, and instructional methods and techniques, including the effects of culture on teaching and learning.

6. selection and administration of appropriate assessment instruments, and recognition of possible linguistic and cultural biases of instruments and procedures.

7. parental and community involvement in the

Minnesota Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to

Procedures for Voluntary Surrender of Teaching Licenses, Licensure of Teachers of Driver and Traffic Safety Education, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of English as a Second Language, and Teachers of Bilingual/Bicultural 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 or amendment of rules governing Procedures for Voluntary Surrender of Teaching Licenses, Licensure of Teachers of Driver and Traffic Safety Education, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of English as a Second Language, and Teachers of Bilingual/Bicultural Education. Any interested persons may submit data or views on these subjects 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.

October 4, 1982

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

State of Minnesota
Board of Teaching

IN THE MATTER OF: The Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education

ORDER FOR HEARING

IT IS HEREBY ORDERED THIS 1st day of November, 1982, that a public hearing on the proposed rules captioned above be held in the National Guard Armory, Room 224, 600 Cedar Street, St. Paul, Minnesota 55101, on January 22, 1983, commencing at 9:00 a.m. and continuing until all representatives have had an opportunity to be heard.

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

State of Minnesota
Board of Teaching

Kenneth L. Peatross, Executive Secretary

State of Minnesota

Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education

Notice of Hearing

A public hearing concerning the above-cited proposed rules will be held at National Guard Armory, Room 224, 600 Cedar Street, St. Paul, Minnesota 55101, on January 22, 1983, commencing at 9:00 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to:

Jon Lunde, Hearing Examiner
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, Minnesota 55415
(612) 341-7645

either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

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

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

As required by Minn. Stat. § 15.0412, subd. 7 (1981 Supp.), the Board estimates that the cost to local public bodies in the State to implement the rules for two years immediately following their adoption shall not exceed $100,000.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Additional copies will be available at the door on the date of the hearing. If you have any questions concerning the content of the proposed rules, contact Kenneth L. Peatross.

Notice: Any person may request notification of the date on which the Report of the Hearing Examiner will be available, after which date the Board may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the Board. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner, in the case of the Report of the Hearing Examiner, or to the Board, in the case

of the submission or resubmission by the Board to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (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 one month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

State of Minnesota
Board of Teaching

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary

Date: 11/22/82

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 6th day of December, 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 call a hearing for the purpose of promulgating rules of the Board, including the enactment, amendment, or repeal of rules governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education, as well as perform any and all acts incident thereto, including but without being limited thereto, signing an Order for Hearing and Notice of Hearing, as well as securing a Hearing Examiner for all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of December, 1982.

Ray C. Olson
Chairman, Minnesota Board of Teaching

Kenneth A. Ames
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 Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education

AFFIDAVIT OF MAILING

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

That on the 20th day of December, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of 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
Nancy A. Orr

Subscribed and sworn to before me
this 20 day of December, 1982.

Luana Vadnais
Notary Public

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

State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education

AFFIDAVIT OF MAILING

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

That on the 21st day of December, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of 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 21 day of December, 1982.

Luana Dodrais
Notary Public

LUANA DODRAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 15, 1984

Listed below are people who received the Notice of Hearing and Proposed Rules for the January 22, 1983, public hearing, 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

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

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

State of Minnesota
Board of Teaching

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, Subd. 4, that their names be placed on file with and maintained by the Minnesota 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 11 o'clock a.m. this 20th day of December, 1982.

State of Minnesota
Board of Teaching

Nancy A. Orr

Nancy A. Orr

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Bayport, MN 55003

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Mpls., MN 55407

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Mpls., MN 55411

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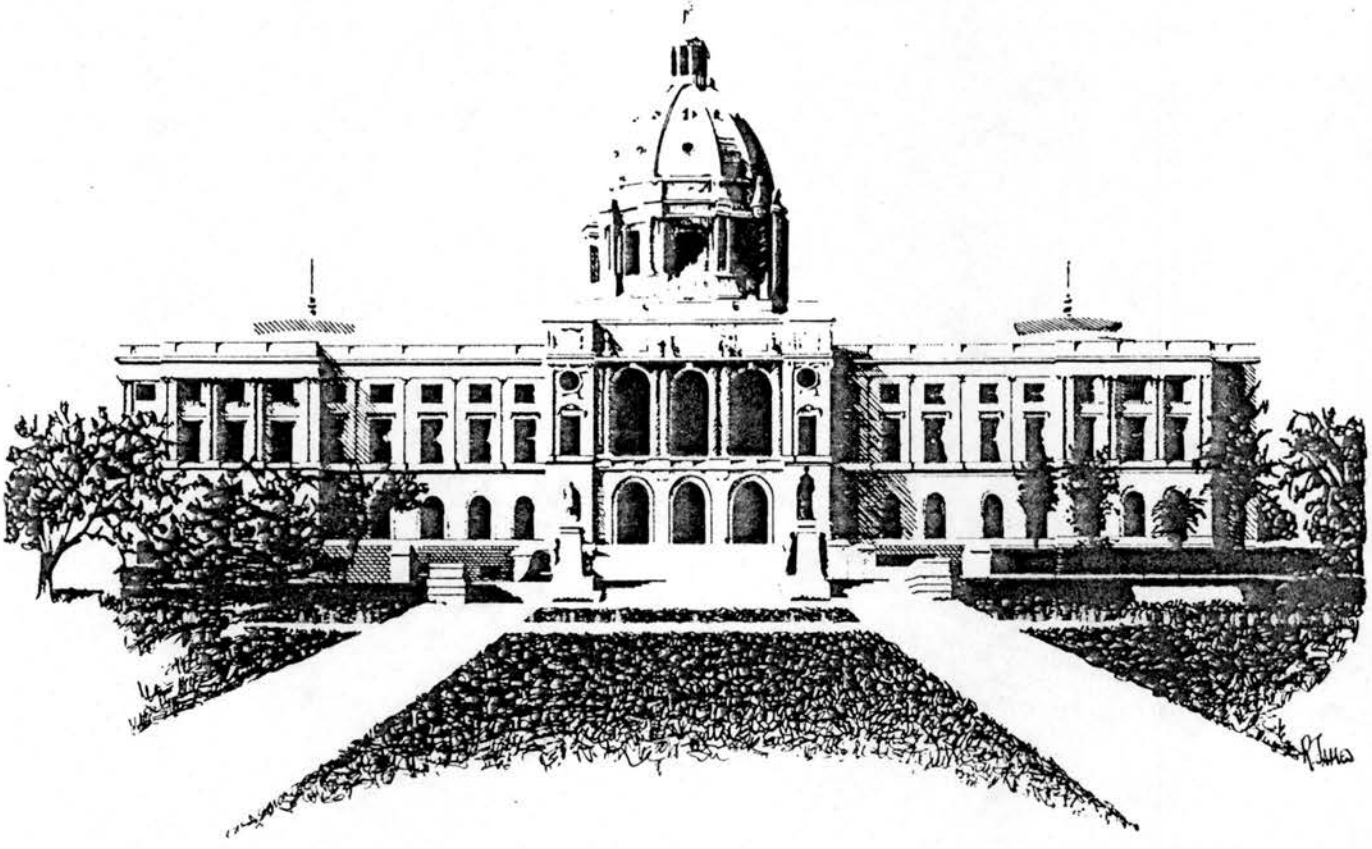
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STATE REGISTER

STATE OF MINNESOTA



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Board of Teaching

Proposed Adoption, Amendment, or Repeal of Rules Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education

Notice of Hearing

A public hearing concerning the above-cited proposed rules will be held at National Guard Armory, Room 224, 600 Cedar Street, St. Paul, Minnesota 55101, on January 22, 1983, commencing at 9:00 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to:

Jon Lunde, Hearing Examiner
Office of Administrative Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, Minnesota 55415
(612) 341-7645

either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

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

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

As required by Minn. Stat. § 15.0412, subd. 7 (1981 Supp.), the board estimates that the cost to local public bodies in the state to implement the rules for two years immediately following their adoption shall not exceed $100,000.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Additional copies will be available at the door on the date of the hearing. If you have any questions concerning the content of the proposed rules, contact Kenneth L. Peatross.

Notice: Any person may request notification of the date on which the report of the hearing examiner will be available, after which date the board may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the board. If

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.

you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the report of the hearing examiner, or to the board, in the case of the submission or resubmission by the board to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980), as any individual:

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

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

November 22, 1982

Kenneth L. Peatross, Executive Secretary
Board of Teaching

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 January 1, the date of surrender is July 1 of that year. When the materials are received after January 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 Minnesota Statutes, section 125.12, subdivision 6 or 8, or 125.17, subdivision 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 § 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, 1986 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.

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.

Rules as Proposed

5 MCAR § 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 for grades 5 to 9, 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~~,~~ for grades 5 to 9 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:

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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.

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

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 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.~~

Rules as proposed (all new material)

5 MCAR § 3.088 Teachers of English as a second language.

A. Definition. For purposes of this rule, English as a second language is defined as the discipline which instructs students of limited English proficiency, whose first language is not English, in the four skills areas in English; listening, speaking, reading, and writing.

B. Licensure requirements. All candidates recommended for licensure to teach English as a second language in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. satisfactorily complete a minimum of two years of college-level, or four years of high school-level foreign language, or equivalent experience in learning another language and interacting with another culture as verified by the recommending institution;

3. satisfactorily complete a professional education preparation program for teachers of English as a second language, approved by the Board of Teaching, consisting of a minimum of 27 quarter hours, or the equivalent. The student teaching component must consist of full school day experiences for one academic quarter, or its equivalent, which includes both elementary and secondary education levels with students of limited English proficiency; and

4. satisfactorily complete an English as a second language teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 36 quarter hours, or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of English as a second language in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. Linguistics:
   a. the nature of language,
   b. organizational principles of language (phonology, morphology, syntax, semantics),
   c. major models of linguistic analysis,
   d. writing systems, and
   e. principles of language change and development of language families.
2. English language:
   a. varieties of English (dialectal, historical, written, spoken, register),
   b. structure and usage of standard English (phonology, morphology, syntax, semantics), and
   c. a contrastive analysis of English with another language including reference to a non-Indo-European language.
3. Psycholinguistics:
   a. learning theories,
   b. first and second language acquisition processes at various age levels, and
   c. attitudinal and motivational factors as they relate to individual learning styles.
4. Sociolinguistics:
   a. basic sociocultural variables in language use and language learning,

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.

b. types of bilingual and multilingual educational situations, and

c. social determiners of dialect and style.

5. Language and culture:

a. the relationship between language and culture,

b. the skills and tools of cultural analysis,

c. American historical development and contemporary American cultural patterns and values,

d. crosscultural patterns and values of the second language learner, and

e. problems of intercultural communication as they relate to language teaching.

6. Teaching of reading for students of limited English proficiency:

a. prereading skills,

b. reading theories,

c. the relationship between oral and written language,

d. correction of reading difficulties,

e. reading skills for special purposes,

f. techniques and approaches for elementary and secondary students, and

g. selection, development, and adaptation of appropriate materials.

D. Applications for program approval. An institution applying to the Board of Teaching for approval of an English as a second language teacher preparation program shall meet the provisions of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of English as a second language shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in B. and C., evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second language. The evaluation shall include previous teaching experience and previous teacher preparation.

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

F. Provisional licensure.

1. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of one year of teaching experience as a teacher of English as a second language as verified by the employing school official.

2. Provisional licensure granted in accordance with the criteria established in F.1. shall be renewed for one two-year period upon submission of evidence of completion of nine quarter hours of college credit in addition to the requirements of F.1.a. in the area enumerated in B.3. or C.1.-6.

3. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate or higher degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language. Previous teaching experience and previous teacher preparation evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of English as a second language in accordance with provision D. shall be applied toward this credit hour requirement.

Successive two-year renewals of provisional licensure granted in accordance with the criteria established in F.3. shall be issued to applicants who provide evidence of completion of an additional nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of English as a second language.

G. Effective dates. Provisions A.-E. are effective July 1, 1987, for all applicants for entrance licensure to teach English as a second language.

Provisions F.1. and F.2. shall remain in effect until June 30, 1987, at which time these provisions are repealed without further action by the Board of Teaching.

5 MCAR § 3.089 Teachers of bilingual/bicultural education.

A. Definition. Bilingual/bicultural education is a program of instruction in English and another language in which the two languages are used as media of instruction for any or all of the regular school curriculum. The study of the languages as subject matter when necessary and appropriate to the program and the study of the history and culture associated with both language groups are integral parts of bilingual/bicultural education.

B. Licensure requirements. All candidates recommended for licensure to teach bilingual/bicultural education in grades kindergarten to 12 shall:

1. hold a baccalaureate degree;

2. hold a valid Minnesota license as an elementary or secondary classroom teacher;

3. meet the following requirements in language proficiency in both English and another language:

a. ability to speak both languages with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics, including discussing particular interests and special fields of competence with reasonable ease, comprehending for a normal rate of speech utilizing a reasonably broad vocabulary, demonstrating appropriate use of grammar and speaking so the errors never interfere with understanding and rarely disturb the native speaker, and

b. ability to read and understand standard newspaper items addressed to the general reader, routine correspondence and reports and technical material, demonstrating only occasional difficulty with unusually complex structures and low-frequency idioms; and

4. satisfactorily complete a bilingual/bicultural education teacher preparation program, approved by the Board of Teaching, consisting of a minimum of 24 quarter hours. or the equivalent.

C. Program requirements. Each program leading to the licensure of teachers of bilingual/bicultural education in grades kindergarten to 12 shall provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

1. theoretical foundations of bilingual/bicultural education, including rationale, historical precedents, and current issues.

2. basic linguistic competencies, including principles of language as they relate to bilingualism, theories of first and second language learning, relationship of language and culture, and effects of two or more languages in contact.

3. teaching of reading for students of limited English proficiency.

4. culture, artistic expression, and history with respect to specific languages and cultures.

5. bilingual/bicultural education curriculum, and instructional methods and techniques, including the effects of culture on teaching and learning.

6. selection and administration of appropriate assessment instruments, and recognition of possible linguistic and cultural biases of instruments and procedures.

7. parental and community involvement in the bilingual/bicultural instructional program.

8. teaching experiences in a bilingual/bicultural education setting which includes experiences at both elementary and secondary levels.

D. Applications for program approval. An institution applying to the Board of Teaching for approval of a bilingual/bicultural teacher preparation program shall meet the requirements of 5 MCAR § 3.141. All approved programs leading to the licensure of teachers of bilingual/bicultural education shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in B. and C. evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of bilingual/bicultural education. The evaluation shall include previous teaching experience and previous teacher preparation.

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

F. Provisional licensure.

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.

1. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of one year of teaching experience in a bilingual/bicultural setting, as verified by the employing school official.

2. Provisional licensure granted in accordance with the criteria established in F.1. shall be renewed for one two-year period upon submission of evidence of completion of nine quarter hours of college credit in the areas enumerated in B.2. or C.1.-8. Applicants holding a valid Minnesota classroom teaching license shall complete the required nine quarter hours of college credit in C. 1.-8. only.

3. A provisional license, valid for two years, shall be issued to applicants upon submission of evidence of:

a. completion of a baccalaureate degree from a college or university which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools, and

b. completion of nine quarter hours of college credit in a bilingual/bicultural education program which has been approved by the Board of Teaching.

Previous teaching experience and previous teacher preparation evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers of bilingual/bicultural education in accordance with provision D. shall be applied toward this credit hour requirement.

Those applicants who do not hold a valid Minnesota elementary or secondary classroom teaching license in accordance with B.2. may elect to complete a part or all of the required nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of elementary or secondary classroom teachers.

4. Successive two-year renewals of provisional licensure granted in accordance with the criteria established in F.3. shall be issued to applicants who provide evidence of completion of an additional nine quarter hours of college credit in a program approved by the Board of Teaching leading to the licensure of teachers of bilingual/bicultural education.

G. Effective dates. Provisions A.-E. are effective July 1, 1987, for all applicants for entrance licensure to teach bilingual/bicultural education.

Provisions F.1. and F.2. shall remain in effect until June 30, 1987, at which time these provisions shall be repealed without further action by the Board of Teaching.

Repealer. Rule 5 MCAR § 3.083 is repealed effective July 1, 1986.

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.

Department of Agriculture
Family Farm Security Program

Adopted Rules Governing the Administration of the Family Farm Security Program and Repeal of Existing Rules Governing Administration of the Family Farm Security Program (3 MCAR §§ 1.0543-1.0547)

The rules proposed and published at *State Register*, Volume 7, Number 3, pages 78-86, July 19, 1982 (7 S.R. 78) are adopted with the following modifications:

BT-83-004-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA BOARD OF TEACHING

IN THE MATTER OF THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF RULES OF THE BOARD OF TEACHING GOVERNING PROCEDURES FOR VOLUNTARY SURRENDER OF TEACHING LICENSES, THE LICENSURE OF TEACHERS OF DRIVER AND TRAFFIC SAFETY EDUCATION, THE LICENSURE OF TEACHERS OF SCIENCE FOR GRADES 5-9 AND GRADES 7-12, THE LICENSURE OF TEACHERS OF ENGLISH AS A SECOND LANGUAGE, AND THE LICENSURE OF TEACHERS OF BILINGUAL/BICULTURAL EDUCATION.

ORDER OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on January 22, 1983, before Phyllis A. Reha, a Hearing Examiner of the State Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14 (1982); and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 14.50, was issued to the Board of Teaching and;

WHEREAS, the Board of Teaching has now determined to adopt rules; and

WHEREAS, the Board of Teaching has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §§ 14.16, 14.51, and 9 MCAR § 2.111; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Board of Teaching has cured the defects in the rule as required except that the proposed modification to rule 5 MCAR § 3.0831 does not entirely remove the ambiguities and other problems discussed by the Hearing Examiner in her order of March 9, 1983. In order to correct this defect, the rule must be amended to read as follows:

A. Applicability. This rule shall apply to any person providing instruction in a program in driver education, including both classroom and behind the wheel instruction, to a person under the age of 18, if the program is offered through a public school and has been approved by the Minnesota Board of Education pursuant to the requirements of Minn. Stat. § 171.04 (1) (1982). All persons whose application is received on or after July 1, 1986, for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR § 3.0831.

NOW, THEREFORE, upon receipt of this Order, if the Board adopts the language above, it need not resubmit the rule to the Chief Hearing Examiner for review but may proceed with the adoption pursuant to the further requirements of Minn. Stat. Ch. 14 (1982).

Dated: May 10th, 1983.

DUANE R. HARVES
Chief Hearing Examiner

MEMORANDUM

One of the many issues raised in this rulemaking proceeding is the question of the Board of Teaching's authority to license persons involved in community education systems. This Order does not attempt to determine that issue one way or the other. The amended language paraphrases the language of Minn. Stat. § 171.04 (1) (1982), thus making the rule more specific than was proposed in the rules as published in the State Register, the lack of specificity being the defect sought to be corrected.

DRH

BT-83-004-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA BOARD OF TEACHING

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education.

REPORT OF THE
CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4 (1982) which provide in part:

> If the [hearing examiner's] report contains a finding that the proposed rule is substantially different from that which was proposed at the public hearing, or that the agency has not met the requirements of sections 14.13 to 14.18 it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the chief hearing examiner determines that the need for and reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not proceed to adopt the rule until it has received and considered the advice of the commission; provided, that the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission.

Based upon a review of the record in this proceeding, the Chief Hearing Examiner hereby approves the Report of the Hearing Examiner in all respects.

In order to correct the defects enumerated by the Hearing Examiner, the agency shall either take the action recommended by the Hearing Examiner or reconvene the rule hearing if appropriate. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

If the agency chooses to take the action recommended by the Hearing Examiner, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Hearing Examiner a copy of the rules as initially published in the State Register, a copy of the rules as proposed for final adoption in the form required by the State Register for final publication, and a copy of the agency's Findings of Fact and Order Adopting Rules. The Chief Hearing Examiner will then make a determination as to whether the defects have

been corrected and whether the modifications in the rules are substantial changes.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated: March 9, 1983.

DUANE R. HARVES
Chief Hearing Examiner

BT-83-004-PR

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA BOARD OF TEACHING

In the Matter of the Proposed Adoption, Amendment, or Repeal of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5-9 and Grades 7-12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/Bicultural Education.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Phyllis A. Reha on January 22, 1983, at 9:00 a.m. in the National Guard Armory, Room 224, 600 Cedar Street, Saint Paul, Minnesota. This is a rulemaking proceeding conducted pursuant to the Administrative Procedure Act, Minn. Stat. Ch. 14, to determine whether the proposed rules and rule amendments concerning teacher licensure should be adopted by the Board of Teaching (Board).

The Board was represented by Sheila S. Fishman, Special Assistant Attorney General, 1100 Bremer Tower, Seventh Place and Minnesota Street, Saint Paul, Minnesota 55101. Also appearing on behalf of the Board of Teaching was Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101. Members of the Board of Teaching appearing at the hearing included: Raleigh Huizinga, Kenneth Ames, Dennis Rislove, Nelia Lorentzen, Phyllis Fredlund, Effie McKeeson, Ray Olson, Sally Wolf, William Schneider. The hearing register was signed by 93 persons. Over 120 persons attended the hearing. Forty-three persons spoke at the hearing. All persons desiring to testify were given an opportunity to do so. The record remained open through February 11, 1983, for the submission of written comments. In total, 160 timely written comments were received from the public prior to the close of the record (prehearing and post-hearing). Twenty-four written exhibits were submitted by the public during the hearing. In addition, the Board submitted two post-hearing written comments.

The Board must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 14.15, subd. 3 (1982), this Report has been submitted to the Chief Hearing Examiner for his approval. If the Chief Hearing Examiner approves the findings of this Report, he will advise the Board of actions which will correct the defects and the Board may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in those instances where the Chief Hearing Examiner identifies defects which relate to the issues of need or

reasonableness, the Board may either adopt the Hearing Examiner's recommendations to cure the defects or, in the alternative, if the Board does not elect to adopt the recommendations, it may submit the proposed rule to the Legislative Commission to Review Administrative Rules for the Commission's advice and comment. Provisions relating to this submission to the Commission may be found in Minn. Stat. § 14.15, subd. 4 (1982).

If the Board elects to adopt the recommendations of the Hearing Examiner and makes no other changes and the Chief Hearing Examiner determines that the defects have been corrected, then the Board shall submit the rule to the Attorney General for review of form and legality. If the Board makes changes in the rule other than those recommended by the Hearing Examiner, then it shall submit the rule, with the complete record, to the Chief Hearing Examiner for a review of the changes before adopting it and submitting it to the Attorney General. Procedures relating to this subsequent review by the Chief Hearing Examiner are set forth in Minn. Stat. § 14.16 (1982).

When the Board submits the rule to the Attorney General, it shall give notice on the day of submission to all persons who requested that they be informed of the submission to the Attorney General.

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

FINDINGS OF FACT

Procedural Requirements

1. On November 10, 1982, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Board's presentation.
(e) Notice of Intent to Solicit Outside Opinion.
(f) A Certificate of the Board's authorizing resolution.

2. On December 20, 1982, a Notice of Hearing and a copy of the proposed rules were published at 7 State Register 947.

3. On December 20, 1982, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Minnesota Board of Teaching for the purpose of receiving such notice. In addition, the Board mailed Notice of Hearing to the following: (a) 434 superintendents in the State of Minnesota, (b) the 460 continuing education chairmen in the state, (c) 26 deans and chairmen of colleges/departments of education in the state, and (d) 74 persons who had registered their names to be on the Board of Teaching monthly mailing list.

4. On December 31, 1982, the Board filed the following documents with the Hearing Examiner:

(a) The Order for Public Hearing.
(b) The Notice of Hearing and proposed rules as mailed.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) The Statement of Need and Reasonableness.

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

5. The Board's prehearing procedure contained two minor procedural defects. The Board's Certification that its mailing list was accurate and complete and the copy of the State Register wherein the proposed rules were published were not filed 25 days prior to the hearing as required by 9 MCAR § 2.102. Instead, these documents were filed at the hearing. Both of these filing requirements are for the benefit of the Hearing Examiner and in no way effect the Notice made to the public concerning the hearing. These errors do not rise to the level of prejudicial defects. The failure of the Board to comply with the letter of 9 MCAR § 2.102 in these two instances did not reflect bad faith, and did not prejudice the rights of those intended to be protected in the course of this proceeding. (See, City of Minneapolis v. Wurtele, 291 N.W.2d 286 (Minn. 1980)). The Hearing Examiner finds that no correction is necessary.

6. The record remained open through February 11, 1983, for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

Nature of the Proposed Rules and Statutory Authority

7. These proposed rules have produced extensive public comment. At the heaing, numerous individuals and groups presented their views. Following the hearing over 120 sets of comments were received. This Report therefore cannot discuss each comment received. Rather, it will focus on areas which:

a. Received meritorious public comment suggesting they were unneeded, unreasonable or beyond the Board's statutory authority, or

b. The public noted a need for an amendment, or

c. The Examiner believes the provision raises questions about compliance with Minn. Stat. Ch. 14.

Persons or groups who do not find their particular comments addressed below should know that the Examiner has read and considered each and every suggestion.

8. The authority of the Minnesota Board of Teaching to promulgate and adopt the proposed rules and amendments is contained in Minn. Stat. § 125.05, subd. 1 (1982) and Minn. Stat. § 125.185, subd. 4 (1982).

Minn. Stat. § 125.05, subd. 1, provides in part:

Board to Issue Licenses.

> Subdivision 1. The authority to license teachers as defined in section 125.03 is vested in the board of teaching except that the authority to license supervisory and support personnel is vested in the state board of education.

Minn. Stat. § 125.185, subd. 4, provides in part:

Duties.

* * *

> Subd. 4. The board shall develop and create rules for licensure of public school teachers and interns, and from time to time the board of teaching shall revise or supplement the rules for licensure of public school teachers subject to the provisions of chapter 14. It shall be the duty of the board of

> teaching to establish rules for the approval of teacher education programs; provided these rules shall encourage teacher educators to obtain periodic classroom teaching experience. The board of teaching shall also grant licenses to interns and candidates for original licenses and receive recommendations from local committees as established by the board of teaching for the renewal of teaching licenses, grant life licenses to those who qualify according to requirements established by the board of teaching, and suspend or revoke licenses pursuant to sections 125.09 and 214.10.

9. 5 MCAR § 3.007. Proposed rule 5 MCAR § 3.007 is all new material establishing procedures for the voluntary surrender of teaching licenses. A question was raised at the hearing as to whether the Board in fact has statutory authority to promulgate rules providing for the voluntary surrender of teaching licenses. Post-hearing comments were submitted by the Board in support of their rulemaking authority, and by the Association of Metropolitan School Districts (AMSD) in opposition to the existence of statutory authority.

The determination of whether promulgating authority exists in the Board is one of statutory interpretation, as applicable authority-granting statutes make no exact mention of voluntary surrender of teaching licenses. (See, Minn. Stat. §§ 125.185 and 125.05). The AMSD advocates a narrow construction and argues that no statutory authority exists for the Board to establish rules for voluntary "surrender" of teaching licenses when the statute is clear on its face in authorizing the Board the power to "issue" teaching licenses. (See, Post-Hearing Ex. 123, pp. 6-9). The AMSD argues numerous other points and case law supporting only a limited departure from the literal interpretation of the existing statutes. (Citations omitted).

The Board of Teaching argues that the statutory language demonstrates a broad delegation of statutory authority upon the Board. (See, Board's Post-Hearing Comments No. 1). In addition to Minn. Stat. § 125.05, the Board cites Minn. Stat. § 214.06, subd. 2, which reads in part:

> The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

The Board also cites Welsand v. Railroad and Warehouse Commission, 251 Minn. 504, 88 N.W.2d 834 (1958) as authority that a licensing board's authority to adopt rules is not limited to a literal construction of authority, but must be flexible to the extent of reasonable implication. Furthermore, the Board does not contend that it is establishing any authority to allow voluntary surrender of teaching licenses per se. The power to surrender a license already exists in the possessor of the license. In Shemeth v. Selectmen of Holden, 317 Mass. 278, 58 N.E.2d 6, 7 (Supp. Mass. 1944), the Court held as follows:

> A license or permit granted by a public authority to perform acts which would otherwise be illegal may be voluntarily abandoned or surrendered.

(See also, 53 C.J.S., Licenses, § 43 (1948)).

It follows therefore that if a licensee has a right to voluntarily surrender a license, the statutory authority issue is whether the Board may establish procedures for the surrender of that license. Minn. Stat. § 14.06

(1982) confers authority upon all agencies, including the Board of Teaching, to adopt procedural rules:

> Each agency shall adopt rules . . . setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly effect the rights of or procedures available to the public.

Therefore, to the extent the proposed rules relate to procedures available to the public, they are specifically authorized by section 14.06.

The Hearing Examiner finds the Board's arguments persuasive. A reasonable interpretation of the legislative intent behind Minn. Stat. § 125.185, § 125.05, and § 214.06 is that the Legislature turned over the general duties of rulemaking on teaching licensures to the Board. Rulemaking on the voluntary surrender of teaching licenses is a reasonable outgrowth of the express powers already granted. Further, official agency duties of the Board of Teaching includes authority to set procedural and informational requirements for licensure renewal and surrender.

The Examiner finds that the Board has proven that it has the statutory authority to adopt § 3.007.

10. 5 MCAR § 3.0831. Proposed rule 5 MCAR § 3.0831 is an updated set of standards providing for the licensure of teachers of driver and traffic safety education. The rule was criticized by a large number of concerned parties as being ambiguous. The concern is that the rule is not only attempting to regulate the public school system, but the community education programs as well.

The Board of Teaching has been granted statutory authority to license teachers employed by public school districts (Minn. Stat. §§ 125.05 and 125.03 (1982)) and the statutory definition of teacher does not include educators in community education programs. (Minn. Stat. § 125.03). Community education has been dealt with by the Legislature in separate statutes. (Minn. Stat. §§ 121.85-121.88 (1982)). Therefore, the Board of Teaching is limited in their authority to the licensure of public school teachers.

The Examiner finds that the Board has the statutory authority to adopt § 3.0831 as it applies to public school teachers. Correction of the ambiguity in the interpretation of this rule will be discussed in later Findings of this Report.

11. 5 MCAR § 3.065; 5 MCAR § 3.088; 5 MCAR § 3.089. Proposed rules 5 MCAR § 3.065, 5 MCAR § 3.088 and 5 MCAR § 3.089 deal with, respectively, the amending of licensure rules for science teachers, providing new licensure rules for teachers of English as a second language, and providing new licensure rules for teachers of bilingual-bicultural education.

The Examiner finds that the Board has the statutory authority to adopt §§ 3.065, 3.088 and 3.089.

Discussion of Proposed Rule 5 MCAR § 3.007

12. Section 3.007 allows teachers to voluntarily surrender a teaching license in subject areas he/she no longer intends to teach. Several parties have raised criticism against the policy of allowing teachers the control of retiring their own teaching licenses. Among the concerns are the possible

disruption of advanced cirriculum planning, the potential cost of hiring additional teachers, the possibility of having to eliminate sparsely attended teaching subjects, and the frustration or violation of the initial hiring contract.

The Board addresses some of these concerns in their Statement of Need and Reasonableness, which explains that the employing school district will receive adequate notice of surrender well in advance.

13. The Board's modest Statement of Need and Reasonableness was complemented by many comments supporting the need for freedom to surrender a license. One complaint is that teachers are often forced to teach in areas that they are no longer competent to teach in. Another complaint is that teachers should not be forced to teach in areas they no longer desire to teach. A representative of the Minnesota Federation of Teachers (MFT) stated that, "To hold a teacher to an area of certification indefinitely and against his will is nothing more than involuntary servitude." (Tr. p. 193).

14. The Examiner is not in a position to judge the merits of the voluntary surrender of teaching licenses. The Examiner must determine whether a need has been shown for a formal procedure for the voluntary surrender of the teaching license, and whether the rule as proposed is reasonable. Formal procedures are necessary because teaching assignments are made on the basis of licenses. School officials must know the current licensure status of teachers in order to assign teaching positions in compliance with Minn. Stat. § 125.04. The proposed rule also gives sufficient notification to the school district to enable the school district to employ the needed teachers and notify teachers who may be terminated or placed on unrequested leave.

15. The AMSD and the Minnesota Association of School Administrators opposed the proposed rule, finding it hinders the school districts' management flexibility. Permitting voluntary surrender, they feel, will allow teachers specifically hired to teach in two licensure areas to alter their contract by surrendering one of these licenses. To remedy this problem, they proposed to amend the rule so as to condition surrender, in these situations, on the approval of the school district. However, the proposed rule only establishes procedures necessary for the voluntary surrender of licenses. It does not itself allow voluntary surrender, which already exists in the license holder. It therefore does not effect the current teacher/school district employment relationship. Furthermore, the purpose of the proposed amendment could be achieved through the contractual process. Continued employment could be conditioned on the teachers' continuing eligibility to teach in given areas. For the above reasons, the proposed rule is found to both needed and reasonable as written.

Discussion of Proposed Rule 5 MCAR § 3.0831

16. Section 3.0831 provides for the licensure of new teachers of drivers education, requiring minimum educational standards. The effective date has been set at July 1, 1986, to provide teacher preparation institutions sufficient time to develop licensure programs consistent with this rule. The proposed rule is necessary to assure that teachers of driver and safety education pass the necessary knowledge, skill and understanding which is

essential to design and implement instructional programs in driver and traffic safety education. The need and reasonbleness of this rule was basically unprotested.

17. Substantial public concern, however, was expressed over the possible impact the proposed rule might have on the community education system. Because the proposed rule is not limited in application to the traditional K-12 public school teachers the proposed rule seems to require licensure of both the community education instructors and the traditional K-12 teachers. As written, the proposed rule could be interpreted to expand the Board's authority into the community education area. It is clear from materials submitted into the record that a substantial hardship would result if community education is included in the licensure rule, particularly in the smaller communities which rely heavily on community education. Expansion of licensing authority to community education would necessarily imply expansion of the contractual rights of the community education instructors, resulting in the possible elimination of the community education system as we know it.

18. Although the Examiner finds that the Board of Teaching is only authorized by statute to license public school teachers (see, Finding 10, supra), § 3.0831 as written "appears" to have expanded the Board's licensing authority. Therefore, the Board has failed to demonstrate that it has complied with a substantive requirement of law, i.e., that the rule must be specific. State v. Hays, 244 Minn. 296, 70 N.W.2d 110 (1955); State v. Moseng, 254 Minn. 263, 95 N.W.2d 6 (1959). The large number of public statements expressing concern on this issue is evidence that the rule is subject to misinterpretation. To correct this defect, the Examiner finds that § 3.0831 needs to expressly exclude community education from licensure, or in the alternative, designate K-12 programs as the intended recipients of licensure. In amending the rule, the Board is encouraged to use the language it deems most appropriate to meet the intention of the Examiner's Finding. Adoption of this amendment would not create a rule that is substantially different from the rule as originally published.

see new language 9.2 +CHE 5/10 +'83 enactment

19. Concern was also expressed by many that the driver and traffic safety rule should be amended to include motorcycle instruction. The inclusion of licensure requirements for motorcycle rider education in § 3.0831 is consistent with the overall objective of licensure of teachers of driver and traffic safety; that is, to provide the best qualified instructors in all areas of driver and traffic safety. The Board indicated in its post-hearing comments that it would have no objections to the adoption of requirements similar in nature to the proposed amendment of Harry Sell. (Tr. pp. 171-172 and Pub. Ex. 21). Mr. Sell proposes to add section F. to § 3.0831, which would read as follows:

F. Staff assignment.

1. Persons assigned as teachers of driver and traffic safety education shall:

a. Hold a license as a teacher of driver and traffic safety granted by the Board of Teaching; and

b. Hold a valid driver's license which has not been suspended or revoked within the 12-month period immediately preceding the beginning of each school year.

2. Persons assigned as teachers of motorcycle rider education shall:

a. Hold a license as a teacher of driver and traffic safety granted by the Board of Teaching; and

b. Hold a valid driver's license and motorcycle endorsement which has not been suspended or revoked within the 12-month period immediately preceding the beginning of each school year; and

c. Complete a course in motorcycle rider education from a driver and traffic safety education program approved by the Board of Teaching.

p.4, 5 this language is added plus add. section - See my comment

The adoption of requirements similar in nature to the above-quoted proposed amendment is consistent with § 3.0831 and is believed by the Examiner to be needed and reasonable. The Examiner also finds that the addition of the proposed amendment does not result in a rule fundamentally different than that contained in the Notice of Hearing. The rule as originally proposed notified the public that licensure would now be required for teachers of all driver and safety instructional programs in the public schools. This is sufficient to notify motorcycle safety teachers.

Discussion of Proposed Rule 5 MCAR § 3.065

20. Section 3.065 amends the existing licensure requirements for teachers of physical science by deleting the requirement of a broad base in earth and life science. This allows greater flexibility for teacher preparation in both chemistry and physics. Many public comments addressed concern of the possible misinterpretation of (1) whether current holders of physical science are affected by the amended rule, and (2) whether current students enrolled in physical science programs will be affected.

21. The Board of Teaching responds to these concerns in its post-hearing comments. The Board is of the opinion that teachers who currently hold licenses in physical science are protected by subdivision J. of the proposed rule. The Board also cites 5 MCAR § 3.141 as protecting the currently enrolled student from further requirements.

22. The MFT, among other concerned members of the public, submitted comments to the effect that, it is unclear from reviewing the rules of the Board as to whether existing physical science teachers and currently enrolled students are protected by the proposed amendments. Post-Hearing Exhibit 82 cites numerous "grandpersoning" or "grandparenting" clauses from the Board of Teaching rules which expressly state the effective date and who it applies to.

23. The rule as proposed is sufficiently vague so as to violate a substantive requirement of law; i.e., that a rule must be specific. To correct this defect, the Board should consider adopting amendments with language similar to the following: see new language p.8

A. Nothing in this rule shall effect a license for teachers of science issued prior to July 1, 1985.

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

An amendment or amendments of this kind will correct the defect of vagueness and express the Board's actual intent. It is not considered to be a substantial change.

24. The Board has shown the need and reasonableness of the proposed rule amendments.

Discussion of Proposed Rule 5 MCAR § 3.088 and Proposed Rule 5 MCAR § 3.089

25. Section 3.088 proposes that a license be required for teachers of English as a second language. Section 3.089 proposes that a license be required of teachers of bilingual/bicultural education. The above are both new rules which require licensure in a previously unlicensed area. Generally, the proposed rules require specific theoretical knowledge of the subject matter to be taught. There is overwhelming public support for licensure in these two areas, reflecting the growing concern and need for providing quality education to all students in our public school systems. The need of the proposed rules was basically unprotested.

26. Extensive oral and written testimony criticized both § 3.088 and 3.089 for not including a clause which allows those presently teaching to be "grandparented" in. The MFT and others were not satisfied with the proposed method of awarding credit for previous teaching experience and course work. Specifically, they support the addition of a clause which allows those presently teaching in these areas to be grandparented in if they have two or more years teaching experience in these areas. Such a clause is necessary, they contend, because presently no standardized method exists for the review and evaluation of past teaching experience and coursework completed by the teachers. Additionally, they feel grandparenting is a well-established practice when licensure is required. Other written comments submitted express the resistence of the possibility of more schooling. Teachers located great distances from the educational institutions see a physical and economic hardship. The inevitable question arises, "Why, if I am doing a good job, must I be burdened with more school?".

27. The Board opposes grandparenting because the licensure requirements' purpose is to provide qualified teachers for the students. Unless a teacher can demonstrate the possession of the knowledge, skill and understanding required by the license, this goal will not be achieved. Licenses, they contend, provide assurances that the standards in the licenses have been met. To grant licenses on the basis of teaching experience alone, or to "grandparent" the teacher, without assessment that the teacher possesses these skills violates the very purpose for which licenses are granted.

28. The Board also feels that equivalent credits will be administered in an equitable manner. Subdivision D. in both rules require any institution granting credit to provide credit for practicing teachers: "All approved programs leading to the licensure of teachers . . . shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation . . . evaluated and credited by an institution maintaining an approved program leading to the licensure of teachers."

29. The MFT and others find the lack of a single standardized method whereby credit is applied unduly burdensome on the teachers. Furthermore, because the institutions that are required to evaluate the prior teaching experience are the same who offer the credits, a conflict of interest may exist. Presently, institutions which offer approved licensure programs provide the best mechanism for the assessment of credit for previous experience. This is not a new function the institutions will perform; but they have done so in the past in other areas. The proposed rules also require the Board's approval of all teacher preparation programs offered by the institutions. The Board of Teaching with the teachers' education institutions in Minnesota is currently developing these requirements which will assure a standardized approach. Additionally, the teacher may always appeal the decision made by the institution to the Board of Teaching. (See, 5 MCAR § 3.020). Lastly, the objection that grandparenting is an established practice only holds true of areas when licensure requirements are changed. Grandparenting in areas of new licensure is not an established practice.

30. Subdivision F. in both of the proposed rules provides adequate time for persons currently teaching in these fields to be granted provisional licenses while completing the necessary requirements, either by the demonstration of required knowledge, skills and understanding, or by completion of the necessary course work. As long as subdivision F. is retained in the rules, the Examiner finds no serious hardship in disallowing a grandparenting clause.

31. Concern was also expressed for outstate school districts where requiring licensure would effectively eliminate the program by forcing the teacher to leave the area in order to get the required training. However, for districts who encounter this difficulty, it is always possible to request a limited license (letter of approval) from the Minnesota Department of Education claiming hardship in finding licensed teachers. (See, 5 MCAR § 3.006).

32. Post-Hearing Exhibit 107 raises another issue that should be considered. The following amendment was proposed:

> Persons who receive bilingual/bicultural licensure under Rule 5 MCAR § 3.089, shall, upon application, be issued a continuing license in English as a second language. (Rule 5 MCAR § 3.088).

The purpose of the proposed amendment is to relieve a teacher working in both areas from the burden of fulfilling two licensure requirements. However, again we must not only consider the teachers' burden but the students' right to a qualified teacher. The two areas are distinct and possess separate knowledge and skills. The teachers are given credit for present experience and course work. Any teacher shortage can be met by the hardship rule. Therefore, double licensure is not necessary nor does it assure qualified teaching personnel.

33. The proposed rules for English as a second language and bilingual-bicultural education meets the test for need and reasonableness as required by statute as written.

On the basis of the foregoing Findings of Fact, the Examiner makes the following:

CONCLUSIONS

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

2. That the Board has fulfilled the procedural requirements of Minn. Stat. § 14.14, subds. 1 and 2 (1982) and all other procedural requirements of law or rule, except as noted at Finding 5. However, the defects noted in Finding 5 are not prejudicial and no correction is necessary.

3. That the Board has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i) and (ii) (1982), except as noted at Findings 18 and 23.

4. That the Board has documented the need for and reasonableness of its proposed rules with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii) (1982).

5. That the amendments and additions to the proposed rules which were suggested by the after publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (1982) and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.).

6. That the Hearing Examiner has suggested action to correct the defects cited in Conclusion 3 as noted at Findings 18 and 23.

7. That due to Conclusion 3, this Report has been submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Stat. § 14.15, subd. 3 (1982).

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

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

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

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted except where specifically otherwise noted above.

Dated: March 9th, 1983.

/ Phyllis A. Reha

PHYLLIS A. REHA
Hearing Examiner

STATE OF MINNESOTA
BOARD OF TEACHING

In the Matter of the Proposed Adoption of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5 to 9 and Grades 7 to 12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education.

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Phyllis A. Reha on January 22, 1983, at 9:00 A.M. in the National Guard Armory, Room 224, 600 Cedar Street, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 14.14, subd. 1 (1982) was served upon all persons, associations, and other interested groups registered with the Office of the Board of Teaching for that purpose.

After affording all parties an opportunity to present written and oral data, statements, and arguments; having heard all of the testimony; having considered all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria; and having confirmed the need for the above-captioned rules and the reasonableness thereof, the Hearing Examiner made her findings, attached hereto. Upon review of the Hearing Examiner's findings and the evidence and statements submitted by interested parties, the Board of Teaching finds the following in regard to 5 MCAR § 3.0831 and 5 MCAR § 3.065.

1. The report of the Hearing Examiner dated March 9, 1983, as it relates to the proposed adoption of 5 MCAR §§ 3.0831 and 3.065 is hereby adopted as the findings of fact, conclusions, and decision of the Minnesota Board of Teaching (hereinafter "Board") except as noted below:

2. 5 MCAR § 3.0831: The Board accepts the findings, conclusions, and recommendations of the Hearing Examiner to make the rule concerning the licensure of driver and traffic safety education teachers more specific in order to prevent its misinterpretation. In addition, the Board finds that the proposed change set forth below is a logical extension of the comments made at the hearing. The proposal mandates licensure by those who are teaching driver education courses offered by public schools to students of K-12 (under 18) while avoiding confusion as to

whether the teacher of a driver education course taught after regular school hours would need to be licensed. The proposed rule leaves no doubt that the after hours teacher would have to be licensed if the course was approved by the Minnesota Board of Education pursuant to Minn. Stat. § 171.04(1) (1982) and offered to students under the age of 18.

The Board accepts the recommendations and findings contained within the order of the Chief Hearing Examiner dated May 10, 1983.

Therefore, 5 MCAR § 3.0831 Driver and Traffic Safety Education is amended to read:

> A. Applicability. This rule shall apply to any person providing instruction in a program in driver education, including both classroom and behind the wheel instruction, to a person under the age of 18, if the program is offered through a public school and has been approved by the Minnesota Board of Education pursuant to the requirements of Minn. Stat. § 171.04(1) (1982). All persons whose application is received on or after July 1, 1986, for licensure as a teacher of driver and traffic safety education must comply with 5 MCAR § 3.0831.

The Board rejects the Hearing Examiner's findings and conclusions that proposed 5 MCAR § 3.0831 would license teachers in community education programs. The Board finds that driver education programs approved by the Minnesota Board of Education and offered to students under the age of 18 are part of the normal school curriculum available to students regardless of the time of day in which the instruction is offered. The Board finds that many public schools in the State of Minnesota offer programs in driver education to students under the age of 18 as part of their K-12 program regardless of credits available or time of day offered. Accordingly, driver education is not a traditional community education subject even if the Rochester School District treats it as such.

The Board rejects the Hearing Examiner's findings and conclusions that the Board does not have the statutory authority to license teachers in community education programs. The Board of Teaching has been granted statutory authority to license teachers employed by public schools (Minn. Stat. §§ 125.04, 125.185, 125.05, and 125.03 (1982)). A public school is one supported in whole or in part by public funds. Minn. Stat. § 120.06 (1982). Since community education programs are supported by public funds (Minn. Stat. § 124.271 (1982)), the Board of Teaching's authority extends to the licensure of teachers in community education. The Board finds that it has previously promulgated rules concerning adult education. 5 MCAR § 3.087. Adult education like community education is an area of education sponsored by public schools other than regular K-12 programs. Minn. Stat. § 124.26 (1982). Just as the

Board has authority to license teachers in adult education, it has authority in the area of community education.

3. 5 MCAR § 3.065. The Board accepts the recommendation of the Hearing Examiner as set forth in Findings 20 to 24 in regard to the rule concerning licensure of teachers of science and corrects the defects as follows:

5 MCAR § 3.065 Science for Grades 5-9 and Grades 7-12.

J. Continuing Licensure. The continuing license may be renewed according to 5 MCAR § 3.005, the Board of Teaching rule pertaining to continuing education.

K. Licenses shall be issued in accord with the provisions of 5 MCAR § 3.065 as adopted on April 16, 1973, until July 1, 1985, at which time the provisions of the amended rule adopted by the Board of Teaching on May 19, 1983, shall be effective. Nothing in this section shall prohibit the Board of Teaching from issuing licenses prior to July 1, 1985, to those who qualify under the provisions of the amended rule. Pursuant to 5 MCAR § 3.141 the Board of Teaching shall reasonably accommodate the termination date of programs approved prior to the adoption of these amendments to permit persons enrolled in such approved programs to complete such programs.

4. The Board accepts the recommendations contained in the Order of the Chief Hearing Examiner dated May 10, 1983.

Dated: _____, 1983.

STATE OF MINNESOTA
BOARD OF TEACHING

_____

Vice Chairman

STATE OF MINNESOTA

BOARD OF TEACHING

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION

I, William Schneider, 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 on May 19, 1983, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED that in support of the adoption of 5 MCAR §§ 3.0831 Driver and Traffic Safety Education and 3.065 Science for Grades 5 to 9 and Grades 7 to 12, presented for hearing by the Board of Teaching at the public hearing on January 22, 1983, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Reha dated March 9, 1983, except as set forth in the Findings of Fact and Conclusions of the Board of Teaching adopted on May 19, 1983.
>
> And, that the rules relating to 5 MCAR §§ 3.0831 Driver and Traffic Safety Education and 3.065 Science for Grades 5 to 9 and Grades 7 to 12, be and are hereby approved and adopted, pursuant to the authority vested in us by Minn. Stat. § 125.185, and the Vice Chairman of the Board of Teaching be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of May, 1983.

William Schneider
Secretary, Board of Teaching

Kenneth A. Ames
Member, Board of Teaching

STATE OF MINNESOTA

BOARD OF TEACHING

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION

I, William Schneider, 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 on May 19, 1983, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED that in support of the adoption of 5 MCAR §§ 3.007 Procedures for Voluntary Surrender of Teaching Licenses, 3.088 Teachers of English as a Second Language, 3.089 Teachers of Bilingual/Bicultural Education, presented for hearing by the Board of Teaching at the public hearing on January 22, 1983, the Board of Teaching adopts the Findings of Fact and Conclusions of Hearing Examiner Reha dated March 9, 1983.
>
> And, that the rules relating to 5 MCAR §§ 3.007 Procedures for Voluntary Surrender of Teaching Licenses, 3.088 Teachers of English as a Second Language, 3.089 Teachers of Bilingual/ Bicultural Education, be and are hereby approved and adopted, pursuant to the authority vested in us by Minn. Stat. § 125.185, and the Vice Chairman of the Board of Teaching, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of May, 1983.

William Schneider
Secretary, Board of Teaching

ATTEST:

Kenneth A. Ames
Member, Board of Teaching

STATE OF MINNESOTA

BOARD OF TEACHING

?

CERTIFICATE OF BOARD'S ADOPTION
OF RULES RESOLUTION
Findings of Fact.

I, William Schneider, 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 on May 19, 1983, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED that in support of the adoption of 5 MCAR §§ 3.0831 Driver and Traffic Safety Education and 3.065 Science for Grades 5 to 9 and Grades 7 to 12, presented for hearing by the Board of Teaching at the public hearing on January 22, 1983, the Board of Teaching hereby adopts the Findings of Fact and Conclusions of the Board of Teaching dated May 19, 1983.
>
> And, that the Vice Chairman of the Board of Teaching be and hereby is authorized to sign the Findings of Fact and Conclusions dated May 19, 1983.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of May, 1983.

William Schneider
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, 3.065, 3.088, 3.089, 3.083

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, teachers of science for grades 5-9 and grades 7-12, teachers of English as a second language, and teachers of bilingual/bicultural education.

5 MCAR § 3.007 Procedures for Voluntary Surrender of Teaching Licenses.

The Board of Teaching contends that persons licensed by the Board have a right to voluntarily surrender such licenses; therefore, 5 MCAR § 3.007 is needed to establish by rule procedures to be utilized in the surrender of 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. 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.

Subdivision A. sets forth the required materials to be submitted to the Executive Secretary of the Board of Teaching to initiate the surrender of a teaching license. The materials required by Sections A.1., 2., and 4. are necessary to process the change in licensure status and issue a revised licensure document reflecting valid licenses held by the applicant. Receipt of the materials required by Section A.3. will assure that the employing school district has been advised that a teacher intends to surrender a teaching license. Since licenses held are the basis for teaching assignments, school officials must know the current licensure status of teachers employed in order to assign qualified teachers in compliance with Minnesota Statutes § 125.04.

Subdivision B. sets forth the effective date of surrender of a teaching license based upon the date of receipt of the written request to surrender such license. School districts typically register students during January and February for programs to be offered the following school year and staffing assignments are generally completed by April 1. This time line permits school districts to employ needed teachers and to notify as early as possible teachers who may be terminated or placed on unrequested leave. Therefore, the requirement that a request for surrender be received by January 1 in order to be effective July 1 of that year is reasonable for both the school district and licensed teachers who may be affected by the surrender of a teaching license.

Subdivision C. sets forth the conditions whereby surrender of a teaching license is prohibited. This provision does not permit the license holder to avoid disciplinary action by voluntarily surrendering a license. To permit such

avoidance would frustrate the intent of Minnesota Statutes § 125.09 since the proposed rule permits a teacher who voluntarily surrenders a license to apply for another, even in the same field. A revocation or suspension is a disciplinary action and is normally effective for a specified period of time.

Subdivision D. permits persons who voluntarily surrender teaching licenses to subsequently apply to the Board of Teaching for a license in the subject or field for which licensure was previously surrendered. This provision sets forth the procedures and criteria to be utilized by the Board of Teaching in the issuance of such licenses.

Subdivision E. permits teachers who surrender licenses granted by the Board of Teaching to apply for or hold licenses in other subjects or fields in accordance with the provisions of 5 MCAR § 3.140.

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 traffic 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 § 3.065 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.

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.

Subdivision J. provides for the renewal of continuing licenses in accordance with 5 MCAR § 3.005; therefore, the proposed amendments do not impact upon persons currently holding licensure as teachers of physical science. Persons currently enrolled in these licensure programs are accomodated through the provisions of 5 MCAR § 3.141.

5 MCAR § 3.088 Teachers of English as a Second Language.

Proposed 5 MCAR § 3.088 is needed to implement licensure standards in the teaching of English to students of limited English proficiency. Currently no licensure rule exists.

Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Health, Education, and Welfare."

On May 25, 1970, the Department of Health, Education, and Welfare issued a memorandum intending to clarify a school district's obligations regarding national origin minority children: "Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

The United States Supreme Court decision Lau vs Nichols, 1974: "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Basic English skills are at the very core of what public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills, is to make a mockery of public education."

Further, Minnesota Statute § 126.36 authorizes the Board of Teaching to: "...grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe."

In order for Minnesota to comply with these laws, court decisions and memoranda, it is necessary that this licensure rule be promulgated to ensure that teachers serving limited English proficient students have the unique and essential skills to teach English as a second language. Minnesota public schools are being held accountable for competent performance in instructional methods and practices in English as a second language.

In the 1981-82 school year there were 330 teachers serving 8,314 limited English proficient students in 116 school districts across Minnesota. The State of Minnesota has been providing financial assistance to districts serving limited English proficient students since the 1980 legislative session.

Subdivision A. sets forth the definition of English as a second language. This definition clarifies the teaching task, which is instruction of English in English to students who do not speak, read, or write English, but who do speak another language.

Subdivision B. sets forth the requirements for the licensure of teachers of English as a second language. To teach students learning a second language, teachers must have the experience of learning a second language themselves in order to comprehend all aspects of the students' task of learning a new language. Persons preparing to teach English as a second language must complete a professional education component which prepares them in the theory and practice of teaching and learning. In addition, they must possess the knowledge, skills, and understandings required of teachers of English as a second language. Minnesota parents of limited English proficient students are entitled to assurances that persons employed in Minnesota schools as teachers of English as a second language meet established requirements necessary to teach students who do not speak, read, or write English, but who speak another language.

Subdivision C. is needed to specify the knowledge, skills, and understandings required of teachers of English as a second language. These unique and essential knowledge, skills, and understandings are necessary for the following specific reasons:

1. To be effective as a teacher with students from any language background, the teacher must have an understanding of linguistics, the system of language. The teacher must know the system of language so that learning can be made efficient and meaningful for the students.

2. The teacher must understand the system of the English language in order to explain, organize, and present meaningful lessons to students. The teacher must have a formal knowledge of that part of English which native speakers have learned informally. In addition, the teacher must be able to compare components of English with those of the students' languages and be aware of the difficulty students may have with a particular item in English.

3. It is necessary that the teacher understand learning theories and factors affecting the acquisition of language in order to facilitate student acquisition of a second language.

4. To teach a comprehensive model of English, noting the differences in usage and dialects, it is important for the teacher to understand the variations which are a part of English and are used in particular situations.

5. The teacher must be sensitive to the relationship between language and culture since the students are learning about the second culture both in the classroom and outside the classroom. The teacher must be aware of the effect upon the student of learning English, and the impact of the first language and the culture, which is a natural part of language learning.

6. The teacher must understand the differences in teaching reading in a second language, which demands a thorough knowledge of reading theory for second language learners whether preliterate, illiterate, or literate in the first language.

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

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

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

The Board believes that all teachers of English as a second language must eventually meet the licensure requirements set forth in this rule, and therefore, have placed a reasonable termination date on the issuance of provisional licensure. Preparation in the field of English as a second language is currently available across the state in a number of teacher preparation institutions. Other teacher preparation institutions may develop an English as a second language teacher preparation program upon approval of the rule.

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

5 MCAR § 3.089 Teachers of Bilingual/Bicultural Education.

Proposed 5 MCAR § 3.089 is needed to implement licensure standards in the teaching of bilingual/bicultural education. Currently no licensure rule exists.

Federal law and U.S. Supreme Court decisions with respect to equal educational opportunities for limited English proficient students are clear:

--"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." (U.S. Supreme Court, 1954).

--"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." (Department of Health, Education, and Welfare Memorandum, May 25, 1970).

--"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Health, Education, and Welfare." (Title VI, Civil Rights Act, 1964).

--"Some of the most dramatic, wholesale failures of our public school systems occur among members of language minorities...what these conditions add up to is a conscious or unconscious policy of linguistic and cultural exclusion and alienation...There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Basic English skills are at the very core of what public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program he must already have acquired those basic skills, is to make a mockery of public education." (U.S. Supreme Court, 1974, Lau vs Nichols).

Futher, Minnesota Statutes § 126.36 authorizes the Board of Teaching to: "...grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe."

While schools must open their educational programs to students regardless of their linguistic and cultural background, they cannot expect them to already know English in order to do so. Bilingual/bicultural education allows students to learn content area information while they are learning English. Presently, 26 states and the District of Columbia, including other central states such as Wisconsin, Illinois, Indiana, Kansas, Michigan, and Ohio, have special licensure requirements in bilingual/bicultural education. In recognition of the need to appropriately serve limited English proficient students in Minnesota, the 1980 Minnesota Legislature provided state funding to school districts serving such students, based on the identified number of students in each district. In the 1981-82 school year 116 districts in Minnesota provided special services to limited English proficient students. Three districts also received Title VII Federal funds for bilingual/bicultural education. According to data submitted to the Bilingual Education Unit of the Minnesota State Department of Education, in the fall of 1981, approximately 13,000 students (K-12) have been identified as having a primary home language other than English. A total of 8,314 limited English proficient students were served by programs for such students in Minnesota during the 1981-82 school year with combined state and federal funds. For three years, beginning with the 1982-83 school year, the University of Minnesota will receive a Title VII Federal Grant for the preparation of bilingual/bicultural education teachers. The "Report on the Bilingual Education Needs Assessment and Pilot Projects" submitted in fulfillment of Minnesota Statutes § 126.39, Subd. 10 and entitled "Education Needs of Limited English Proficient Students", presented to the Minnesota State Board of Education in January 1980, included in its conclusions that:

--Many bilingual/bicultural education teachers were not able to obtain appropriate preparation in Minnesota;

--Limited English proficient students were not being served with appropriate instructional techniques and materials;

--Limited English proficient students were often being served only by programs not designed as appropriate for primary service to limited English proficient students;

--These limited English proficient students were enrolled in more than 60% of school districts throughout Minnesota;

--While overall student enrollment declined, limited English proficient student population in Minnesota is increasing;

--Most limited English proficient students were enrolled in classes conducted exclusively through English that made no allowances for their languages and cultures.

The shortcomings cited above can be resolved to a great extent by providing a consistent and quality teacher preparation program for all bilingual/bicultural teachers in public schools, K-12. Lack of properly prepared teachers has significantly affected the providing of equal educational opportunities for the limited English proficient students in Minnesota. The proposed rule is a result of extensive effort by the Bilingual/Bicultural Education Licensure Committee which met bi-weekly for over a year in preparation of the proposed rule and which studied documents from other states as well as consulted with local experts in related fields. The strengths and weaknesses of other working documents were carefully considered as the proposed Minnesota rule was developed. Among those

of whom the committee requested advice and consultation were the Bilingual/ Bicultural Education Advisory Task Force, other bilingual/bicultural education teachers, State Department of Education Program Specialists in content areas, Right-To-Read, the Minnesota Teachers of English to Speakers of Other Languages (the Minnesota affiliate of Teachers of English to Speakers of Other Languages), Migrant Education Unit of the Minnesota Department of Education. In addition, on June 4, 1979, an open meeting was held in order that interested parties be able to ask questions and comment on the proposed rule. Resulting comments and questions from this meeting as well as those generated by colleges and universities and other interested parties when the proposed rule was being discussed by the Standards and Rules Committee of the Board of Teaching, were considered in the preparation of the proposed rule presented for public hearing.

Subdivision A. broadly defines the parameters of bilingual/bicultural education for limited English proficient students at elementary and secondary levels. This definition emphasizes the necessary use of two languages of instruction, English and the students' first language, until a student can effectively have access to and participate in an academic program solely in English. It also stresses the importance of including the history and culture of both language groups in the program.

Subdivision B. sets forth the requirements for licensure to offer instruction in bilingual/bicultural education programs. At the present time no licensure exists in this field. It is necessary to delineate the knowledge, skills, and understandings required of teachers of bilingual/bicultural education in order to effectively serve the limited English proficient students in need of bilingual/ bicultural education.

A valid Minnesota license as an elementary or secondary teacher is necessary because content area material must be presented by the bilingual/bicultural education teacher. A bilingual/bicultural education teacher must fully understand, and when appropriate, offer academic material and other school-related information in the limited English proficient student's first language, in order to facilitate that student's successful transition into the English-speaking classroom and school environment. In order to do this, it is essential that the bilingual/ bicultural education teacher be proficient in both English and another language. Meaningful communication with students' parents and other school personnel must be accomplished if quality education and equal education opportunities are to be assured.

Subdivision C. is needed to specify the knowledge, skills, and understandings required of bilingual/bicultural education teachers. While elementary and secondary preparation programs assume a monolingual approach to instruction, in addition it is necessary for a bilingual/bicultural education teacher to fully understand and work with the primary language and culture that the limited English proficient student brings to school. The unique and essential knowledge, skills, and understandings are necessary for the following specific reasons:

1. To be an effective bilingual/bicultural education teacher, it is necessary to thoroughly understand the educational theory of the field, its implications for academic success, and both its historical and current perspectives.

2. It is necessary to understand the acquisition of a second language as well as the effects of the first language. This is essential to be able to help students progress both in the acquisition of language and in their overall academic success.

3. To be able to teach reading to students whose first language is not English requires special preparation, taking into account the student's literacy in the primary language as well as oral skills in the new language. Effective reading is imperative to academic success.

4. In order to understand and provide a comfortable, non-threatening educational environment, as well as the ability to facilitate the student's understanding and living with two cultures, social and historical information with respect to languages and cultures is necessary.

5. It is essential for teachers of bilingual/bicultural education to have knowledge of curriculum, instructional methods, and techniques which are appropriate to a bilingual/bicultural education setting.

6. Specific preparation in the use of assessment instruments and procedures to avoid possible linguistic and cultural biases is necessary.

7. To be able to competently communicate with school personnel, students, family, and community, special skills are necessary to assist bilingual/bicultural teachers in this very important role of bridging home, school, and community.

8. Teaching experiences are needed to provide teachers with necessary practicum experiences to further develop and demonstrate the skills cited above at both an elementary and secondary level.

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

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

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

The Board believes that all teachers of bilingual/bicultural education must eventually meet the licensure requirements set forth in this rule and therefore, have placed a

reasonable termination date on the issuance of provisional licensure. Preparation in the field of bilingual/bicultural education is currently available across the state at several teacher preparation institutions. It is anticipated that more institutions will develop programs when the licensure rule has been approved.

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

5 MCAR § 3.083 Driver Education Teachers.

It is necessary to repeal 5 MCAR § 3.083 because the Board of Teaching has proposed new standards of licensure in this field.

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: June 10, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5 to 9 and Grades 7 to 12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education.

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

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

That on the 15th day of June, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the United States Mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Nancy A. Orr

Nancy A. Orr

Subscribed and sworn to before me this 15th day of June, 1983.

Douglas E. Larson

Notary Public

STATE OF MINNESOTA

BOARD OF TEACHING

In the Matter of the Proposed Adoption of Rules of the Board of Teaching Governing Procedures for Voluntary Surrender of Teaching Licenses, the Licensure of Teachers of Driver and Traffic Safety Education, the Licensure of Teachers of Science for Grades 5 to 9 and Grades 7 to 12, the Licensure of Teachers of English as a Second Language, and the Licensure of Teachers of Bilingual/ Bicultural Education.

N O T I C E

NOTICE IS HEREBY GIVEN THAT: Pursuant to the rules of the Office of the Attorney General, the following rules in the above-entitled matter have been submitted to the Office of the Attorney General:

5 MCAR § 3.007 Procedures for Voluntary Surrender of Teaching Licenses

5 MCAR § 3.0831 Teachers of Driver and Traffic Safety Education

5 MCAR § 3.065 Teachers of Science for Grades 5 to 9 and Grades 7 to 12

5 MCAR § 3.088 Teachers of English as a Second Language

5 MCAR § 3.089 Teachers of Bilingual/Bicultural Education

STATE OF MINNESOTA
BOARD OF TEACHING

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Date: 6/15/83