

State of Minnesota
Board of Education

Statement of Need and Reasonableness
for Proposed Amendment of Rules 5 MCAR §§ 1.0460-1.0461
(EDU 460 and EDU 461) and Repeal of EDU 462

Concerning: The proposed amendment and repeal of rules governing the State Education Placement Bureau.

The proposed amendment of rules 5 MCAR §§ 1.0460-1.0461 (EDU 460 and EDU 461) is necessary to operate the State Education Placement Bureau as authorized by Minn. Stat. §§ 121.25-121.28 which establish authority for the State Board of Education to operate a teacher employment bureau, establish an enrollment fee, collect information relative to establishment of credentials, and appoint a teacher employment bureau director.

Amendment of the State Education Placement Bureau rules is necessary in order that the Bureau may operate more effectively and efficiently by providing service to potential candidates for employment as educational personnel in Minnesota school districts. The amendments are primarily housekeeping amendments which will result in streamlining of Bureau operations to reflect current law and administrative practice.

5 MCAR § 1.0460 (EDU 460) Enrollment.

Subdivision A. attempts to standardize the language so that enrollment is used consistently when referring to the payment of fees and the completion of forms.

Subdivision B. clarifies the fact that an enrollment fee for placement bureau service that has been received is nonrefundable.

Subdivision C. adds clarifying language by substituting the word enrollment for registration and referring to an applicant rather than a teacher inasmuch as individuals other than teachers, i.e., school administrators, also use the State Education Placement Bureau.

Subdivision D. places in rule enrollment practices that have been followed during the past several years. Specifically, clarification is added to indicate that reenrollment does require a new completed enrollment form as well as the required fee. Language does not change any of the practices that the Bureau has conducted but only attempts to add clarifying language.

Subdivision E. reaffirms the Bureau prohibition against requiring any photographs to be on file in the Bureau and adds clarifying language with regard to insertion of the words applicant and applicants.

5 MCAR § 1.0461 (EDU 461) Credentials.

Subdivision A. indicates that only recommendations within a five-year period shall be used for employment purposes. Employing school officials generally desire recent recommendations when looking at an applicant's credentials; therefore, this subdivision indicates that recommendations from references no

longer named by the applicant on the most recent enrollment form shall be destroyed. However, if the applicant desires to maintain the same references for a five-year period, these shall be maintained by the Bureau. This subdivision merely places in rule a practice widely used by employment bureaus to only use current references when securing employment.

Subdivision B. is deleted in its entirety because of federal and state open file legislation which permits placement bureau enrollees to review their file, including letters of recommendation.

Subdivision C. is deleted in its entirety because it has already been included in revisions included under subdivision A.

New subdivision B. establishes an applicant's right to reactivate a file during a particular enrollment year for which the applicant has paid the required fee.

New subdivision C. establishes a five-year time lapse following the expiration of the applicant's last enrollment period. After a time lapse of five years, the Bureau shall destroy the inactive file. This is made necessary by the inability of the state archives division to house placement bureau records for extended periods of time. Previous practice required the Placement Bureau to maintain file for a twenty-year period.

Experience has shown that files maintained for a period of time longer than five years are seldom reactivated or used. The effectiveness of letters of recommendation and files maintained for a longer period of time is questionable. Employing officials require letters of recommendation generally from an applicant's most recent employer. It is seldom that an employing official or school district will request recommendations dating back twenty years. This, together with the fact that the state archives and the Department of Education are unable to store materials for this period of time, necessitates a change in this portion of the employment bureau rules.

Persons registered with the bureau are permitted to request a copy of their credentials. Therefore, a person could retain a personal copy of the file after the five-year period expires.

New subdivision D. adds clarifying language to inform applicants that they should only apply for positions for which the applicant holds or is eligible to hold Minnesota licensure as required by Minn. Stat. ch. 125.

New subdivisions E. and F. use the word applicant in place of the words registrant and candidate in order to maintain consistency with other portions of the rules.

New subdivision G. contains no changes and maintains a reciprocity arrangement that has been operational for several years.

EDU 462 Bureau Operation.

The repeal of EDU 462 is necessary because it contains strictly office practices which do not impact upon a candidate's file and recommendations. This repeal is made since office practices should not be delineated in rule.