

STATE OF MINNESOTA
BOARD OF TEACHING

Statement of Need and Reasonableness for Proposed Rules

5 MCAR §§ 3.007, 3.0831, 3.1041, 3.0601, 3.065, 3.081, 3.072 B.,
3.091 D., 3.101, 3.102, 3.103, 3.106, 3.108, 3.114, 3.060, 3.083, and 3.104

Concerning: The proposed adoption, amendment, or repeal of rules governing the following: procedures for voluntary surrender of teaching licenses, teachers of driver and traffic safety education, school psychologists, secondary school teachers and teachers of K-12 subjects, teachers of science for grades 5-9 and grades 7-12, teachers of business and office education, teachers of physical education, reading consultants, supervisory and consultative personnel, secondary school counselors, elementary school counselors, school nurses, public school athletic coaches, and middle school counselors.

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

5 MCAR § 3.007 is needed to establish by rule procedures to be utilized which permit persons to surrender licenses granted by the Board of Teaching. These procedures assure persons holding Minnesota teaching licenses who request to surrender such licenses that the Board of Teaching has an established process for surrender of licenses. The rule sets forth effective dates of surrender which do not adversely impact contractual obligations which are based upon licenses held. In addition, the rule sets forth conditions under which persons may not voluntarily surrender licenses. Since persons who voluntarily surrender teaching licenses may subsequently apply to the Board of Teaching for a license in the subject or field for which licensure was previously surrendered, the rule sets forth the procedures and criteria to be utilized by the Board of Teaching in the issuance of such licenses. The Board of Teaching contends that persons licensed by the Board have a right to voluntarily surrender a license. Further, the Board of Teaching contends that the procedures and criteria set forth in this rule are both needed and reasonable in order to provide for an orderly process enabling the surrender of licenses and possible subsequent issuance of licenses previously surrendered.

5 MCAR § 3.0831 Driver and Traffic Safety Education.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparation institutions to develop and submit for approval licensure programs in accordance with this rule, and for persons to complete such approved programs to be recommended for licensure.

Subdivision B. sets forth the requirements for the licensure of teachers of driver and traffic safety education. It is necessary to delineate the knowledge, skills, and understandings required of teachers of driver and traffic safety education because the current rule is lacking specific criteria for the licensure of teachers of driver and traffic safety education. The proposed rule requires persons to be licensed as teachers, since the program is part of the school curriculum. Minnesota parents and students are entitled to assurances that

persons employed in Minnesota schools as teachers of driver and traffic safety education meet established requirements in terms of essential knowledge, skills, and understandings necessary to teach driver and 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 § 3.1041 School Psychologist.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparing institutions to develop and submit for approval licensure programs in accordance with this rule, and for persons to complete such approved programs to be recommended for licensure.

Subdivision B. sets forth the requirements for the licensure of school psychologists. It is necessary to delineate the knowledge, skills, and understandings required of school psychologists because the current rule is lacking specific criteria for the licensure of school psychologists. This rule was last revised in 1970, when two levels of licensure were adopted; however, no program rules were established to differentiate between services provided by Level I or Level II school psychologists.

The two levels of licensure created in 1970 both required graduate degree preparation with the Level I license based on a Master's degree and the Level II license based on a specialist degree or its equivalent (90 quarter credits). The Level I license was created to provide personnel prepared primarily for the psychometric testing services required by newly created state mandates for special education placement. While two levels of licensure may have been appropriate twelve years ago, the Level I license has become obsolete because the mandates requiring specific forms of psychometric testing have been removed and there is no shortage of persons licensed as Level II psychologists. More than 80% of currently practicing school psychologists hold the Level II license, and since 1979 only 16% of new licenses issued were for Level I (29 out of 181). As a result, the proposed rule offers a single level of licensure comparable to the previous Level II standard. All currently licensed school psychologists will continue to hold their present Level I or II license, which is renewable at their own discretion.

Historically, school psychology positions have been supported by special education funding, and the number of school psychologists has progressively increased with other special education-related fields. Throughout the 1970's, there was an annual increase of approximately 10% in the number of full-time school psychologist positions. The number of individual school psychologists has more than tripled from 98 in 1970 to approximately 350 in 1981. No large scale growth is anticipated for the near future and the full-time equivalent seems to have stabilized at approximately 300 positions.

While school psychological services are not expected to be a growth area during the early 1980's, there is a demonstrated need to keep Minnesota's complement at its current level. Department of Education staff estimate that a full-time equivalency of 300 positions is adequate to provide the special education services now required. Over the past few years, school psychologists have represented 3% of the professional work force serving handicapped students in Minnesota school districts. This percentage is expected to remain stable because the provisions of Minn. Stat. § 120.17, State Board of Education Rules 5 MCAR §§ 1.0120-1.0129, and PL 94-142 (The Education for All Handicapped Act of 1975) require that a full range of school psychological services must be available to handicapped students.

This proposed rule provides for minimum preparation in the unique and essential knowledge, skills, and understandings necessary to provide school psychological services. It provides for one level of licensure with a specialist degree or the equivalent. The special education core skill areas are required because these are generic knowledge, skills, and understandings required of all essential personnel serving handicapped students.

In 1980, a draft of the proposed rule was disseminated for comment by the Board of Teaching to teacher preparation institutions, interested professional organizations, and agencies. Responses were received from four school psychologists, three administrators, three teacher preparation institutions, the Minnesota Epilepsy League, the Minnesota Department of Health and the Minnesota Association of School Psychologists. This feedback resulted in further changes that constitute the current proposed rule. Both of the teacher preparation institutions in Minnesota which prepare school psychologists and the state association for school psychologists have indicated strong support and satisfaction with the rule as proposed.

Subdivision C. sets forth requirements for basic knowledge of regular education. The field of school psychology is distinguished from other psychological specialties in that school psychologists must have basic knowledge of the school as an institution and knowledge of elementary and secondary curriculum areas, since school psychologists serve the entire school population from prekindergarten through secondary education.

Subdivision D. sets forth preparation areas required of school psychologists who serve prekindergarten through secondary students. Minnesota parents and students are entitled to assurances that persons employed in Minnesota schools as school psychologists meet established requirements in terms of essential knowledge, skills, and understandings necessary to provide school psychological services.

Areas of preparation defined in D.1.-D.6. are generally accepted as the essential minimum components that form the basis of the practice of school psychology. The Board of Teaching contends that it is both needed and reasonable to require school psychologists to be prepared in psychological and educational foundations, psychological and educational assessment, psychological intervention and corrective

services, typical and atypical human growth and development, psychological research and evaluation, and the profession of psychology.

Section D.7. sets forth the requirements for observation and practicum in school psychological services. It is through such experiences that persons preparing to be school psychologists will be provided appropriate opportunities to conceptualize principles of school psychology and interpret their application to school psychological services.

The observation requirement in D.7.a. will provide opportunities for persons preparing to be school psychologists to experience the public school environment early in the preparation program. This experience forms a needed frame of reference for subsequent psychological preparation. The practicum requirement in D.7.b. of 600 hours provides persons preparing to be school psychologists a reasonable amount of time to demonstrate the ability to provide school psychological services. At least 400 hours of the practicum requirement must be in school psychological practice. At least 200 hours of the practicum requirement must be spent in a setting where clinical psychological skills are required. This portion of the practicum can also be completed in a school setting; however, persons must gain experience providing clinical services such as personality assessment and counseling. Minnesota school districts typically require a broad range of psychological skills from school psychologists; therefore, demonstration of these skills in a practicum setting is essential.

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

Subdivision F. sets forth standards for provisional licensure in this field. Provisional licensure is necessary to provide a reasonable system whereby persons with closely related psychological preparation can enter the field. It is reasonable to require that persons provisionally licensed as school psychologists meet a minimum standard of preparation in the field of psychology. A collaborative relationship is necessary in order that persons provisionally licensed as school psychologists receive the necessary supervision to assure the quality of services rendered by provisionally licensed school psychologists. The Board of Teaching believes that all provisionally licensed school psychologists must eventually meet the minimum entrance licensure requirements set forth in this rule. Therefore, this rule provides for only one renewal of a provisional license, which places a reasonable limit on the length of time a person may provide school psychological services. This system for provisional licensure will provide assurance to the Board of Teaching that persons possess the minimal knowledge, skills, and understandings for provisional licensure in school psychology and requires that such persons meet entrance licensure requirements through a reasonable and systematic process.

5 MCAR § 3.0601 Secondary School Teachers and Teachers of Kindergarten to Grade 12 Subjects.

Subdivision A. provides for an effective date for this rule which has been established to provide sufficient time for teacher preparing institutions to develop and submit for approval professional education components in accordance with this rule, and for persons to complete such requirements.

Subdivisions B. and C. are existing language in 5 MCAR § 3.060 which set forth the uses of a license as a secondary school classroom teacher based upon major and minor preparation. These provisions have governed such uses since 1966. Since 5 MCAR § 3.060 will be repealed effective July 1, 1985, and replaced with 5 MCAR § 3.0601, the Board contends that it is both needed and reasonable to incorporate these provisions in proposed 5 MCAR § 3.0601.

Subdivision D. sets forth the requirements for the licensure of secondary school classroom teachers and teachers of K-12 subjects. It is necessary to delineate the knowledge, skills, and understandings required of secondary school classroom teachers and teachers of K-12 subjects since the current rule is lacking specific criteria for licensure. Minnesota parents and students are entitled to assurances that persons employed in Minnesota schools as secondary school classroom teachers and teachers of K-12 subjects meet established requirements in terms of essential knowledge, skills, and understandings necessary to teach.

Subdivision E. is needed to specify the essential knowledge, skills, and understandings required of secondary school classroom teachers and teachers of K-12 subjects.

Section E.1. sets forth foundational studies which provide a set of contexts in which the American educational process can be studied, understood, and interpreted in the context of the diverse populations to be served by secondary school classroom teachers and teachers of K-12 subjects.

Section E.2. sets forth the requirements for organization and management of instruction. Secondary school teachers and teachers of K-12 subjects must have knowledge of content, materials, and scope and sequence of the curriculum in each field and at each level for which they are preparing to teach, and must demonstrate the necessary skills to teach such fields to all students within a classroom. Secondary school teachers and teachers of K-12 subjects must also demonstrate the ability to design instructional models, to organize the learning environment in order to facilitate learning, to utilize a variety of technologies, resources and media, to implement instruction, and to evaluate curriculum and instructional strategies. This ability must include the skills necessary to apply differentiated instructional strategies and techniques to unique learning styles; differing physical, emotional, and mental capabilities; and differing environments and cultures. Since student reading ability has an impact upon the acquisition and application of content, it is essential that secondary school teachers and teachers of K-12 subjects possess and demonstrate the skills necessary to modify teaching strategies in the field for which licensure is sought in order to accommodate students who are unable to read effectively at the level for which curriculum materials are written.

To delineate preparation and methods of teaching in each curricular area for which persons are preparing for licensure will assure to the Board of Teaching that secondary school teachers and teachers of K-12 subjects possess the necessary knowledge, skills, and understandings to teach.

Section E.3. sets forth the requirements for prestudent teaching and student teaching experiences. It is through such experiences that persons preparing to be secondary school classroom teachers and teachers of K-12 subjects will be provided appropriate opportunities to conceptualize educational principles and interpret their applications to direct instructional situations. Prestudent teaching experiences prior to student teaching provide opportunities for observation and directed instructional experiences which represent recurring types of classroom situations. Upon completion of the prestudent teaching and student teaching experiences, persons preparing for licensure as secondary school classroom teachers must have had experiences at both levels; however, the rule does not require that both prestudent teaching and student teaching experiences be completed at two levels.

Persons preparing for licensure as teachers of K-12 subjects must have student teaching experiences at both the elementary and secondary school levels since they will be licensed to teach in specific fields at both the elementary and secondary school levels.

The student teaching requirement consists of full school day experiences for one academic quarter. This experience requires persons preparing to be secondary school classroom teachers or teachers of K-12 subjects to assume major responsibility for the full range of teaching duties in a secondary school classroom or a K-12 subject under the supervision of practicing classroom teachers and college faculty. Because the teaching profession, generally, does not provide for a system of gradual induction into the profession, the student teaching experience is the only means by which persons preparing to be secondary school classroom teachers or teachers of K-12 subjects can demonstrate, in a supervised environment, the acquired ability to teach. Although there is no general agreement within the profession concerning the extent and duration of student teaching experiences, the Board of Teaching contends that full day, full quarter student teaching experiences are essential to prepare persons to be teachers. Such a student teaching requirement provides persons preparing to teach with a reasonable amount of time to demonstrate the ability to teach. By experiencing the full teaching day for a reasonable period of time, persons preparing to teach will enter the profession with a realistic expectation of the full range of professional responsibilities they will be required to assume.

Further, the Board of Teaching must have established in rule a reasonable measure of the extent and duration of the student teaching experience. This measure must assure to the Board of Teaching that teacher preparing institutions provide candidates recommended for licensure with student teaching experiences of sufficient extent and duration which prepare persons for the professional responsibilities which they will be required to assume as secondary school classroom teachers or teachers of K-12 subjects. The Board of Teaching contends that full day, full quarter student teaching experiences are a reasonable measure to provide this assurance.

The full school day, full quarter requirement for student teaching was established by the Board of Teaching when it promulgated 5 MCAR § 3.0501, the rule governing the licensure of elementary school teachers, on June 6, 1981. The Hearing Examiner found that the authority to establish reasonable requirements for licensure is clearly vested in the Board of Teaching. Specifically, the Report of the Hearing Examiner dated July 29, 1981, stated:

"The public comments...in the most part speak to issues of policy, not to the issues of need and reasonableness which are the critical elements in rule promulgation. Although teacher preparing institutions structured on a semester basis may have to revise their curricula to accommodate a continuous, one-quarter length student teaching requirement, the reasonableness of the curricula revision has been shown by the Board. The issue is really one of institutional preference rather than an inability to comply. The Board made many policy decisions in formulating the proposed rule, as authorized by Minn. Stat. §§ 125.05, subd. 1, and 125.185, subd. 4 (1980)."

Section E.4. sets forth basic knowledge of the professional responsibilities of a teacher. The Board of Teaching contends that persons preparing to be secondary school classroom teachers and teachers of K-12 subjects must demonstrate a minimum proficiency in the written English language in order that such persons can

adequately communicate with others. In addition, such persons must have knowledge of teaching as a profession in the context of American society.

Subdivision F. amends the rule to delete obsolete language.

Subdivision G. is existing language in 5 MCAR § 3.060 which sets forth minimum programs of preparation. Since 5 MCAR § 3.060 will be repealed effective July 1, 1985, and replaced with 5 MCAR § 3.0601, the Board contends that it is both needed and reasonable to incorporate this provision in 5 MCAR § 3.0601.

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

The need to amend this rule arises because the Board of Teaching has been made aware by the profession of the necessity to address the preparation of teachers of physical science. Therefore, subdivisions D. and F. are amended to set forth the licensure requirements for teachers of physical science, which include the disciplines of chemistry and physics. The knowledge, skills, and understandings required of physical science teachers, which also currently include the broad base, are difficult to complete within a baccalaureate degree program. Therefore, the Board of Teaching proposes to delete the requirement of the broad base in earth and life sciences for teachers of physical science, which will provide more flexibility to accommodate relevant preparation of teachers of physical science. The Board of Teaching contends that these amendments establish the necessary provisions to address this preparation and are both needed and reasonable in order to ensure adequate preparation in chemistry and physics.

Other amendments to this rule provide clarity of language.

5 MCAR § 3.081 Business and Office Education Teachers; Requirements for Major Based on a Four-Year Program.

The need to amend this rule arises because the Board of Teaching believes that an option must be provided for the preparation of teachers who are licensed as teachers of business and office education-all. The current rule requires such persons to demonstrate proficiency in shorthand at an advanced level. The Board contends that this requirement places an undue hardship on persons who are able to teach all other business education subjects in a secondary school. Although some persons may claim that shorthand ability is necessary for persons to be licensed to teach business education-all, the Board of Teaching believes that an option should be available which permits persons who cannot demonstrate this ability to be prepared and licensed to teach all business education subjects, except shorthand. Subdivision C.2. sets forth this option. The Board contends that this amendment is both needed and reasonable. The current rule is unduly restrictive since it does not permit persons who cannot demonstrate an advanced level of shorthand to teach all other business education subjects.

Subdivision B.4. proposes to delete the requirement of three courses beyond principles of economics to provide flexibility within the basic business and/or economics specialization. The Board contends that this amendment is both needed and reasonable since it provides flexibility which will enhance preparation programs within this specialization.

Subdivision D. is deleted since the requirements for vocational licensure are referenced in 5 MCAR § 3.060 and proposed 5 MCAR § 3.0601.

5 MCAR § 3.072 B. Qualifications, Physical Education and Health Teachers.

Subdivision B. is proposed for repeal since it permits a dual standard of licensure based solely upon sex, and is, therefore, discriminatory.

5 MCAR §§ 3.091 D. Reading Consultant, 3.101 Supervisory and Consultative Personnel, 3.102 Secondary School Counselors, 3.103 Elementary School Counselors, 3.106 School Nurse, 3.108 Public School Athletic Coaches, and 3.114 Counselors in Middle Schools.

It is necessary to repeal the above-cited rules because the authority to license such education personnel was transferred from the Board of Teaching to the Board of Education, as authorized by Minn. Stat. § 125.05, subd. 1 (1980).

5 MCAR §§ 3.060 Secondary School Teachers and Teachers of Kindergarten to Grade 12 Subjects, 3.083 Driver and Traffic Safety Education, and 3.104 School Psychologist.

It is necessary to repeal 5 MCAR §§ 3.060, 3.083, and 3.104 because the Board of Teaching has proposed new standards of licensure in these fields.