

## NEED AND REASONABLENESS

### MINNESOTA STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

#### Statement of Need and Reasonableness for Licensure of Technical College Personnel

#### RULES AS PROPOSED

3700.1410 Licenses for Part-time Continuous  
or Part-time General Studies Instructional  
Personnel

3700.1415 Part-time Continuous Program  
Instructor License

3700.1420 Part-time General Studies  
Continuous Program Instructor

3709.0355 Collision and Property Damage  
Appraisal

3709.0360 Business to Business Telemarketing

The statutory authority for the State Board of Vocational Technical Education to promulgate these rules is contained in Minnesota Statutes section 136C.04, subd. 9 which states:

Licensure. The State Board may promulgate rules, according to the provisions of Chapter 14, for licensure of teaching, support, and supervisory personnel in postsecondary and adult vocational education. The State Board may adopt licensure rules according to Sections 14.29 to 14.36 when necessary for continuous programs approved by the Board and when the Board determines appropriate licensure standards do not exist.

#### BACKGROUND INFORMATION

The proposed permanent rules follow the format established by the revised administrative licenses adopted on November 26, 1989, revised agricultural licenses adopted on September 12, 1987, business and office licenses adopted on February 6, 1988, and various new venture program rules adopted in rules 3709.

The formal rule revision process involves a general advisory committee. Representatives include private trade schools, Board of Teaching, State Board of Vocational Technical Education staff, teacher educators, union representatives, and licensed postsecondary staff in administration, supervision, instruction, and support service and special needs.

In addition, each individual rule has its own subcommittee consisting of State Board of Vocational Technical Education staff, technical college administrators, and licensed instructors and representatives from business and industry. Other individuals may be involved dependent upon the rule being promulgated as in the case of health areas, professional credentialing representation. Each rule is also reviewed by a

licensure committee representing the State Board of Vocational Technical Education prior to the Board's resolution to adopt the rule.

The State Board of Vocational Technical Education in consultation with the agency's Attorney General determined a need to revise postsecondary and extension vocational education licenses for instructors and support staff. A review of existing rules suggested the licensure rules needed clarification for the benefit of existing parties. The rules had not been revised for over ten years. The majority of the issues identified were related to interpretation of the terms: relevant education, relevant occupational experience, and vague or nonexistent course requirements. In addition, the technical college system is currently undergoing a major restructuring of programs and developmental services. This has resulted in an artificial barrier which prevents an instructor with expertise in a specific area from teaching that content in any program other than the one for which the individual is licensed. Thus an instructor holding an accounting license could teach only accounting within that program, preventing the technical college from using that knowledge to teach the credit course, Principles of Accounting, to students outside the program who would need or wish to take that course. Revision is also an attempt to remove that artificial barrier.

Repealer. Repeals all existing permissive licenses.

3700.1410 LICENSES FOR PART-TIME CONTINUOUS OR PART-TIME GENERAL STUDIES INSTRUCTIONAL PERSONNEL.

Part-time preparatory instructor licenses are in current 3515. rule. Restructuring of programs to courses and courses to credit have demonstrated a need for additional flexibility in part-time licensure. Technical colleges needed an avenue to allow qualified personnel holding full-time employment outside the college to teach a course for credit in an area of expertise.

Subpart 1. Listed here. Informs the applicant of the need for licensure in this specific area.

Subpart 2. Who must be licensed. Indicates to the applicant when a license is required. Informs the applicant of the focus of the particular license. This is reasonable to assure both the applicant and hiring authority are aware of all the criteria which must be met.

Subpart 3. Scope of practice. Indicates the amount of time an applicant may teach with this license. This is reasonable to assure both the applicant and hiring authority the parameters of this particular licensure area. The instructor is limited to 270 hours or 12 credits of instruction per school year. Current rule in part-time preparatory is at 270 hours per school year. There is no change is the total hour amount.

Subpart 4. Length of issuance. Length of issuance in this area is for five years. This is consistent with part-time licenses currently in rule which do not require teacher training.



This is reasonable since this individual works under limited scope and authorization. In addition this individual does not have responsibility for curriculum or test development.

Subpart 5. General requirements. Lists the requirements which must be met by both the program and general studies applicant.

A. Six hours of teaching techniques. This is a reasonable requirement since there are prepared audiovisuals available to the technical colleges in teacher preparedness specifically for this purpose. These materials are available for loan or purchase. Due to the limited scope and practice of this license, six hours of introductory material was deemed sufficient to acquaint the instructor with the amount of information to present already prepared materials. In addition, an instructor will be required to obtain additional teacher training on renewal. There is no change in number of hours from current rule.

B. Since this individual is operating on a limited license the recommending signature of the an technical college administrator is required to assure the individual is meeting the requirements of the technical college, as well as having appropriate supervision. Therefore this is a reasonable requirement. There is no change from current rule.

C. This type of instructor usually comes as a part-time instructor directly from industry. This individual will normally hold down a full-time job elsewhere which gives this individual the expertise and up-to-date knowledge in a specific area. In addition this person will be teaching only material which is already a part of curriculum with tests prepared. This person will be working a limited number of hours on the recommending signature of a technical college administrator. Due to the limited scope and practice it is reasonable to allow this person to be excused from the full-time teacher requirements which a teacher with full responsibility must have.

#### 3700.1415 PART-TIME CONTINUOUS PROGRAM INSTRUCTOR LICENSE

Subpart 1. Listed here. Informs the applicant of the need to meet requirements which are listed elsewhere in the rules. There are no changes in these requirements.

Subpart 2. Specific license requirements. Indicates to the applicant alternate routes for obtaining this particular license. Current rule allowed a candidate to obtain this authorization by only one route. As a result of restructuring within the technical college system changing from programs to courses and courses to credit there was a need to allow for alternate routes to licensure for part-time staff to teach a course which would be credit bearing. Many of these instructors will be full-time employees in business, industry or other academic settings. It was not reasonable to require they meet full-time licensure requirements. Therefore, other alternate routes were developed.

A. There are no changes in this route to part-time licensure. This option has been carried over from the existing rule.

B. In some areas of licensure such as accounting appropriate experience might be in the educational background, provided that experience contained content specific to the course which is to be taught. Since this instructor is not responsible for a total program but rather a very limited portion of the program and is also teaching in a specified and prepared curriculum area it is reasonable to not require this candidate to have the occupational experience as required for teaching the full-time program. The degrees allowed are only those which are acceptable for licensure in the full-time field and are therefore reasonable. If the specific program is medical secretarial, for example, the business degree would have to have added to it 15 quarter credits or 180 clock hours in medical secretarial content. This is reasonable since content in medical secretarial might not be found in a broader business degree. The recency is allowed in other areas as well since the emphasis here is on education rather than occupation. This is therefore a reasonable alternative to occupational recency.

C. This item recognizes the validity of industrial trainers in many areas of education. Computer skills and technology for instance may be taught by trainers in large computer companies. This would allow individuals with specific training capabilities to be utilized by the Technical Colleges for limited content. In addition this item requires the applicant to have 2000 hours of this trainer experience within the last 5 years. This is reasonable to assure up to date knowledge in the field to be taught.

D. Item D takes into account very specific occupational education which might be used within our technical colleges and adds to the education one-half of the occupational experience required for full licensure. Again, this is a reasonable substitution since this candidate is not responsible for total program but only specific course content already developed.

3700.1420 PART-TIME GENERAL STUDIES CONTINUOUS PROGRAM LICENSE.

Subpart 1. Listed here. This subpart informs the applicant of criteria which must be met and is listed elsewhere.

Subpart 2. General requirements. This requires the same criteria as in needed for full-time licensure. There are no changes in these requirements. This does however allow an applicant to obtain a part-time general studies license which was not available in the past. This is a reasonable rule since restructuring has resulted in limited general study content not requiring full-time effort. It would allow qualified instructors already employed in other higher education institutions to teach limited content within our system.

The above referenced rules will be implemented using current processes and will not have fiscal impact.

3709.0355 COLLISION AND PROPERTY DAMAGE APPRAISAL  
3709.0360 BUSINESS TO BUSINESS TELEMARKETING

The State Board of Vocational Technical Education evaluates and approves initial and annual program applications according to State Board of Education rules 3505.6100 to 3505.6400. Approximately ten to fifteen new venture programs receive approval annually. A new venture program is one which has not been previously offered within the technical college system and represents an entirely new program to be delivered. The Office of the Attorney General advised the State Board of Vocational Technical Education that the emergency rulemaking power of the board according to sections 14.29 to 14.36 no longer was in effect. The Board, therefore, is using the permanent rule process for new venture programs since no appropriate licenses for these categories exist. Individual committees were formed for each occupational license. The committees consisted of the State Specialist of the occupational program area, the State License Revision Specialist, representatives of industry, program coordinators, and related program instructors.

#### GENERAL INFORMATION

The proposed permanent rules follow the format established by the revised agricultural instructor requirements adopted September 12, 1987, and the revised business and office rules adopted February 6, 1988. There are four major changes within the previous revisions and reflected within these licenses.

1. Crossover areas. The crossover areas compliment the Technical college system program restructuring which began in 1986. This effort converts programs to courses and courses to credits. Thus the license allows the holder to teach a particular program and specified courses in any program throughout the institute. The courses listed as crossovers are reasonable since they are a result of the expertise acquired via the occupational and/or educational experiences specifically required of the license holder. This is needed to remove an artificial barrier which, in the past, allowed the individual to teach only in a program. The new rules make it possible to implement the restructured programs with appropriate credentialed staff, allowing an instructor to teach specific courses anywhere within a college.
2. Occupational experience requirements. The occupational experience requirement identifies the job titles which will be accepted to meet the licensure requirements. This specificity is needed to provide both the applicants and the hiring authority with information which will be used in making application for the license. The occupational experience requirements are reasonable because they are conceptually and functionally represented in the educational programs and in the occupations for which the programs prepare individuals. There is also an increase in the total number of occupational hours from current rule of 6000 hours



to revised rule of 8000 hours. This is reasonable since credit is given for educational experiences which relate directly to the occupation in question. In addition, credit will be given for teaching experience as it relates directly to the occupation being taught. Since these substitutions allow for a total of 4000 hours of occupational experience, the increase to 8000 hours is reasonable. In addition, the increase to 8000 hours represents total increase of only one year. Since the crossover areas require more specificity necessary to teach individual courses throughout the college, a greater depth and breadth of knowledge is required and is represented in the additional year of experience.

3. Recent occupational experience. There is an increase in recent occupational experience from "500 to 1000 hours in the last five years" to "2000 hours in the last five years". This increase is necessary so that individuals teaching programs and courses are knowledgeable about technical, economic and industrial changes as they relate to their specific occupational field. It is reasonable since it allows a five year time frame in which to acquire one year or 2000 hours of experience, as well as a teaching substitution of up to 1500 hours of the 2000 required. It would be possible, therefore, to obtain the 2000 hours of occupational experience by working only four summers, or with a teaching substitution of 1500 hours acquire the remaining 500 hours in only one summer.
4. Substitution for occupational experience. This subpart is necessary as a means of allowing teachers to expand into new, modified, or restructured programs which reflect both new content area and existing content. The utilization of teaching experience in specified programs assures that only teaching experience which is conceptually related to the new, modified, or restructured program is allowed as a substitute for recent occupational experience. This recognizes specific knowledge in current programs as applicable to new programs which contain a portion of the same or similar content. 500 hours of recent occupational experience is still retained for the new licensure area to assure up to date industrial exposure to the occupation. This amount is reasonable because it can be obtained over five years and is only 12 1/2 weeks.

#### 3709.0355 COLLISION AND PROPERTY DAMAGE APPRAISAL

Subpart 1. May teach. The crossover courses as listed represent the occupational experiences as described in subpart 3 and are limited to appraisal in auto or construction damage and trade knowledge for claim representative. These areas are reasonable based on the working knowledge an individual would acquire either as a multi-line insurance damage appraiser or an adjustor in automotive, property and casualty lines. The multi-line and combination of automotive, property and casualty assures experience in a broader spectrum of appraisal and trade knowledge.

Subpart 2. Other requirements. This refers to the general requirements as specified in 3709.0100. There are no changes in this subpart.

Subpart 3. Occupational experience requirement. The experience as listed requires an applicant to have been involved in three areas of adjusting or as a multi-line appraiser. Since the program prepares an individual for all types of estimating physical damage to automobiles or building this is a reasonable requirement. The instruction concentrates on insurance claim representation.

Subpart 4. Substitution for occupational experience. Since there are at present no bachelor degrees appropriate to occupational experience in this field, 4000 hours was not deemed an appropriate ratio of substitution. The degrees listed, however, do contain some content useful in the field. Engineering for the analytical engineering skills, business, construction and automotive for the terminology and certain technology related to both automotive and property, business administration, accounting and business management for record keeping and accounting skills, marketing and sales for the negotiation, interviewing and customer skills. Due to this content and the limitations on the specificity to the program, a 2000 hour substitution is reasonable. The associate degrees, diploma and course substitutions relate directly to the trade and are thus given the same ratio as in previously revised licenses. The content in the programs is directly associated with content in the collision and property damage appraisal program and is therefore reasonable.

Subpart 5. Occupational recency substitution. Teaching experience is allowed only if it is in automotive and building appraisal or auto body and carpentry. These instructional areas contain content directly related to the collision and property damage appraisal program, such as dwelling construction and automotive components and repairs, and there are reasonable substitutions. It is assumed the instructor would have up to date skills and knowledge within this field since it is reasonable to assume contact with industry and advisory committees which allows the instructor currency in this technology. In addition, the individual would not be able to substitute out the remaining 500 hours of recency. The ratio of two hours of teaching to substitute for one hour of occupational experience is the same as for previously revised licenses and there is no change in this ratio.

The above referenced rules will be funded through existing process and will not have a fiscal impact.

#### 3709.0360 BUSINESS TO BUSINESS TELEMARKETING

Subpart 1. May teach. Business to Business Telemarketing lists as crossovers those areas which relate directly to the occupational experience as required in subpart 3. The crossovers

relate directly to telemarketing in the areas of selling and marketing, research and customer service. These are reasonable crossovers as a result of the experiences defined in subpart 3.

Subpart 2. Other requirements. This refers to the general requirements as specified in 3709.0100. There are no changes in this subpart.

Subpart 3. Occupational experience requirement. A minimum of 4000 hours in staffing and training at the level of supervisor/ manager is required. A portion of the program content is in telecommunication management and supervisory techniques. In addition, this individual will be frequently operating without supervision and must understand the principles of self- management; therefore, this level of experience is a reasonable requirement. Additional experience may be acceptable out of the management arena. The experience, however, remains within the telemarketing areas, and is reasonable since this is the purpose of the program instruction. This level also validates the experience which may precede the management level requirement and is therefore a reasonable alternative.

Subpart 4. Substitution for occupational experience. The substitutions as allowed are at the ratio of existing revised licenses. There is no change in this ratio. Both the bachelor's and associate degrees are in business administration, management, communications and marketing, or advertising. Course content within the program is also contained within the above degrees and is therefore a reasonable substitution. The diploma is the exact area of instruction of the program itself and is therefore a reasonable substitution. Finally, the course content allowable as a substitution is in telemarketing content only which is the core of the program and therefore an obvious and reasonable substitution.

Subpart 5. Occupational recency substitution. The teaching experience allowed is only in core content and within Business to Business Telemarketing and is a reasonable substitution. It is assumed the instructor would have contact with industry and the advisory committees which allows the opportunity for currency in the fields. In addition, the individual would not be able to substitute out the management experience thus retaining the credibility of the instructor or substitute for the remaining 500 hours of recency. The ratio of two hours of teaching to substitute for one hour of occupational experience is the same as for previously revised licenses and there is no change in this ratio.

Repealer. Removes from rule permissive licenses 3515.6300, 3515.6500, 3515.6900, 3515.7000, 3515.7100 and 3515.7200. The permissive rules are licenses which are not required but which an individual may hold if they choose. The Office of the Attorney General informed this agency that permissive licensure does not have the force and effect of law. A rule is promulgated on the basis of need for the rule to protect the public. Therefore, it is reasonable to assume there either is or is not a reason to have a rule. Even if one of the permissive areas should deserve a license, permissive licensure would need to be removed so



permanent rule could be developed. Individuals currently licensed and using such license may retain the credential as long as they remain employed in that position by their current employer. This is a reasonable exception so as not to create undo hardship for currently employed individuals.

The above referenced rules will be implemented using current processes and will not have fiscal impact.