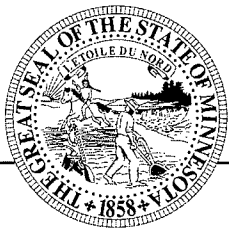


3-20-2007



MINNESOTA BOARD OF TEACHING

March 20, 2007

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter Of The Proposed Rules Of The Minnesota Board of Teaching Relating To
Science Licensure for Teachers; Governor's Tracking #AR281

Dear Librarian:

The Minnesota Board of Teaching intends to adopt rules relating to science licensure for teachers. We plan to publish a Dual Notice in the March 26 State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library a copy of the Statement of Need and Reasonableness at the time we are mailing our Notice of Intent to Adopt Rules.

If you have any questions, please contact me at 651.582.8888.

Sincerely,

A handwritten signature in cursive script that reads "Karen Balmer".

Karen Balmer
Executive Director

Enclosure: Statement of Need and Reasonableness

Minnesota Board of Teaching
STATEMENT OF NEED AND REASONABLENESS
Proposed Rules Governing Science Licensure, Minnesota Rules, 8710.4770

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Sandy Needham, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113. Phone: 651-582-8833. Fax: 651-582-8872. TTY: 651-582-8201.

INTRODUCTION

The current licenses that exist for secondary science were developed in 2001. The licenses available to teach secondary science are: General Science (grades 5-8); Life Science (grades 9-12); Physics (grades 9-12); Earth and Space Science (grades 9-12); Chemistry (grades 9-12). Since 2001, a number of factors have resulted in increasing attention to and concern over our licensure options. These factors include:

- A shortage of appropriately licensed science teachers, as demonstrated by the small number of graduates currently produced by teacher preparation programs in the science areas as well data collected in the Minnesota Teacher Supply and Demand Report. The shortages tend to be more pronounced in rural Minnesota.
- The 2006 Minnesota legislature enacted a law that will require all Minnesota students to take either Physics or Chemistry in order to graduate by the 2013-2014 school year. Given that we are already experiencing a shortage of science teachers, and that only 25% of students currently take Physics and 50% of students currently take Chemistry, the projected shortage will undoubtedly increase.
- Current Minnesota law requires that all students meet the academic standards set for science. However only the standards relating to Life Science are currently tested by the state's MCA-II tests.
- While the demand for science teachers will continue to increase, the number of licenses issued each year shows a troubling trend.

2003-2004	Life Science	181
	Chemistry	63
	Physics	26
	<u>Earth Science</u>	<u>28</u>
2002-2003	Life Science	206
	Chemistry	74
	Physics	27
	<u>Earth Science</u>	<u>41</u>
2001-2002	Life Science	295
	Chemistry	76
	Physics	26
	<u>Earth Science</u>	<u>64</u>

2000-2001	Life Science	304
	Chemistry	43
	Physics	10
	<u>Earth Science</u>	<u>68</u>
1999-2000	Life Science	264
	Chemistry	38
	Physics	7
	Earth Science	60

- According to data collected by the MN School Boards Association, 66% of all Minnesota school districts are currently experiencing declining enrollment. As the number of students decreases, it becomes more likely that a science teacher will have to teach more than one area of science. For example, a teacher may need to teach three sections of Life Science per day and two sections of Chemistry. Again, this issue is more pronounced in rural Minnesota schools.
- Projections for enrollment show that the decline will continue, particularly in rural Minnesota. By fiscal year 2009, it is projected that 79% of school districts will experience declining enrollment. Broken down by region, only 60% of metropolitan school districts will be in decline, whereas in most out-state regions, over 80% of districts will experience a decline in the number of students.
- Personnel Variances are available to allow a teacher to teach outside of his/her area of licensure for up to three years under MN Rule 8710.1400. These variances offer only a short-term solution for districts that are unable to find fully licensed science teachers.
- The federal No Child Left Behind law requires all teachers to be “highly qualified” in the content area taught. To be “highly qualified,” a teacher must either have a major in the subject matter taught or have passed a rigorous state test measuring content knowledge. Districts who cannot find appropriately licensed teachers are out of compliance with the federal regulations.
- Employment opportunities within private industry for individuals with expertise in science often draw potential science teachers away from the profession.

The shortages that we are experiencing in Minnesota are not unique to our state. According to the 2005 report, “Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future” (National Academies Press), there is an overall national shortage of highly qualified K-12 teachers, but the shortage areas in middle and high school mathematics and science is more acute. The study cites data showing that about 70% of high school students in the U.S. will be taught by a certified English teacher, while only about 39% of those students will be taught Chemistry by a certified teacher.

http://www7.nationalacademies.org/cosepup/COSEPUP_Publications.html

While Minnesota’s data does not perfectly parallel the national data, it is widely accepted that we have both a current and projected shortage of licensed science teachers. The 2007 Teacher Supply and Demand Report (required by MS127A.05 Subd. 6) identifies secondary science as a shortage area throughout Minnesota. Survey data was collected and analyzed by the Minnesota Department of Education; the data reflects a 74% response rate from all MN school districts and charter schools. The 2007 data is consistent with a number of other data sources, including past findings Science Licensure SONAR: March 13, 2007

on similar reports, the number of special permissions requests for science areas, and the number of individuals taking our science content knowledge exams.

<http://education.state.mn.us/mdeprod/groups/Communications/documents/Report/030485.pdf>

According to the 2005-2006 Rule Exceptions Report, as required by MN Rule 8710.0300, of all Personnel Variance requests for Core Academic subject areas (English/Language Arts, Reading, Mathematics, Science, Social Studies, World Languages, and Arts), 31% were for 9-12 Science positions. Further, 51% of survey respondents reported that the anticipated level of difficulty in filling future science positions will be "Very to Extremely Difficult," and another 18% reported that it will be "Difficult."

<http://education.state.mn.us/mde/static/010942.pdf>

For the reasons described above, the Board of Teaching is proposing rules that would allow a teacher licensed in Chemistry, Physics, Life Science, or Earth and Space Science and who has taught science for at least three years to take the content knowledge test in another area of science licensure. Successful passage of such an exam would result in the issuance of a teaching license in that area.

PROCESS

It should be noted that the Board of Teaching originally pursued a different approach to addressing this issue prior to developing the current proposal. In March, 2005, the Board passed a resolution to pursue rulemaking to create a 9-12 General Science license. Prior to this decision, the Board had convened a group of stakeholders including licensed Minnesota science teachers, representatives from Minnesota higher education institutions that prepare science teachers, the Minnesota Department of Education, and Minnesota education organizations. This group had met over the course of two years to determine how to address the state's science teacher shortage. This group found it extremely difficult to come to consensus about how best to maintain high standards in science licensure while creating an appropriately flexible system that recognizes and responds to the realities of the shortage crisis.

The proposal to develop a 9-12 General Science license was the outcome of these discussions. This would have not have replaced the four current areas of licensure for 9-12, but would have created a new licensure option that would allow a teacher to teach in any of the four areas. However, largely due to concerns raised regarding whether this type of a license would meet No Child Left Behind requirements, the Board determined to pursue a different option.

After additional study and review of options, in the spring of 2006, the Board chose to pursue the current idea of allowing a licensed and experienced science teacher to add an additional area of licensure by passing a content knowledge exam.

The rule was initially drafted by Board of Teaching staff, and a Request for Comment period was held from July 7 until September 15, 2006. About 50 comments were submitted during this period, with comments ranging from strong support to strong opposition to the proposed rule. An ad hoc advisory committee met on November 28, 2006, to discuss the proposed rule and to help develop

responses for the Regulatory Analysis required in the SONAR. This committee was comprised of stakeholders representing critical Board of Teaching constituencies. Here again, there was a wide range of perspectives, from strong support to strong opposition.

STATUTORY AUTHORITY

The Board's statutory authority to adopt the rules is set forth in Minnesota Statutes 122A.09, Subdivision 4, which provides: "The board must adopt rules to license public school teachers and interns subject to chapter 14" and Subdivision 9, which provides: "The Board of Teaching may adopt rules subject to the provisions of chapter 14 to implement sections 122A.05 to 122A.09, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, and 122A.23."

Under this statute, the Board of Teaching has the necessary statutory authority to adopt the proposed rule.

REGULATORY ANALYSIS

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

Classes of affected persons:

- High school students: This rule would allow for a greater number of high school students to be taught by a licensed science teacher.
- Current secondary science teachers: This rule would provide an option for an experienced science teacher to earn an additional area of licensure. For teachers who qualify, it would enhance their marketability and create a greater likelihood of securing a full-time teaching position.
- Local superintendents and administrators: This would likely enlarge the pool of candidates for hard-to-staff teaching positions. It would also likely allow for them to retain current staff and a greater number of full-time positions and fewer part-time positions.
- Minnesota colleges and universities that currently offer secondary science preparation programs: This rule could negatively impact the number of teachers who enroll in traditional licensure programs. It could also provide an opportunity for a new type of program, to help teachers prepare for a content knowledge test.

Those that will bear the costs of the proposed rule:

- Current science teachers: Teachers wishing to pursue this option would have to pay the \$40 registration fee to take a content knowledge exam as well as the actual \$75 exam fee. They would also have to pay the state's \$57 processing fee. There could be additional costs in the form of time spent studying or money spent on materials or coursework to prepare for the exam. Some have suggested that teachers who teach multiple areas of science may experience fatigue from having multiple areas for which to prepare.

- Colleges and universities: It is conceivable that fewer currently licensed teachers would enroll in a preparation program for an additional area of licensure. However, because all new science teachers would still have to go through an approved preparation program, it would not represent a loss of enrollment in initial science licensure candidates.
- Student in science classrooms: Opponents of the proposed rule maintain that the quality of teaching could be negatively impacted and that students would receive instruction from less qualified teachers.

Those that will benefit of the proposed rule:

- Minnesota students: This option would allow for improved access to science courses for students.
- Current science teachers: An experienced science teacher will have the option of adding a field of licensure without enrolling in a long or costly preparation program. The shortages are more acute in rural areas, and it is often difficult to find a preparation program within a reasonable distance. This option allows for individuals to study independently and increases the likelihood of being able to maintain a full-time teaching position.
- Local superintendents and administrators: Less time will need to be devoted to advertising and recruiting if they have existing staff that are able to pass a content knowledge exam. It will allow them to work individually with science teachers to address their local needs. It will also require them to spend less time filling out paperwork requesting special permissions such as Personnel Variances.
- Colleges and universities: This rule could provide an opportunity for the development of a new type of program, to help interested teachers prepare for the content knowledge exam.
- Board of Teaching: This rule will likely result in a decrease in the number of requests for special permissions such as Personnel Variances.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

The Board of Teaching will incur all costs associated with the rulemaking process, as well as the implementation and enforcement of the new rule. Projected costs are negligible. The current application fee for a teaching license is \$57, which applies to first-time licenses as well as additional fields of licensure being added to an existing license. All applications are processed by the Educator Licensing and Teacher Quality division within the Minnesota Department of Education, and the processing fee would presumably offset any increase in workload.

While this rule may generate additional application fees, the anticipated effect on state revenues is negligible.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

This licensure option is both appropriate and efficient. It is minimally intrusive for both teachers and administrators. While it is difficult to project how much time and money will be spent by individuals to prepare for the content knowledge exam, it is presumably less than what would be spent on enrolling in a traditional preparation program, and it would be determined by the individual. This rule allows for both additional flexibility in staffing and local autonomy.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

- General Science Licensure: As mentioned in the Process portion of the SONAR, the Board of Teaching originally sought to create a 9-12 General Science license in addition to the four content-specific licenses currently available. Due to concerns that such a license would not meet the federal "Highly Qualified" requirements, the rulemaking process was terminated.
- Licensure via Portfolio Process: The 2004 Legislature directed the Board of Teaching to develop teacher licensure assessment alternatives. As a result, the Board created the Licensure via Portfolio process (MN Rule 8700.7620), which allows an individual to demonstrate competence of the Minnesota licensure standards through academic preparation, professional development, teaching or related experiences, or other professional activities. Since December, 2004, of the 103 approved portfolios, about 10% have been in one of the 9-12 science licensure areas. While the Board will continue to encourage the use of the portfolio process for both new teachers and for teachers seeking additional licensure in an unrelated field (i.e.; a health teacher seeking licensure in mathematics), the Board believes that there are transferable skills and pedagogy within the sciences. With a foundational knowledge of the subject matter, as measured by the exam, a licensed and experienced science teacher should be able to succeed in a new area of science.
- Non-Renewable License: As of the fall, 2006, teachers are now eligible for a Non-Renewable License. This license is given to individuals who are already licensed in one area, have met "Highly Qualified" status, and are enrolled in a licensure program. This license allows these teachers to teach out of their field of licensure for up to three years while they pursue the licensure. Similar to the discussion of the Portfolio option, here again, the Board determined that the content knowledge is primary, which can be demonstrated through passing a content knowledge exam.
- Proposal: Amend rule to include a tenure requirement: The Board of Teaching discussed the possibility of changing the proposed rule language to require, in addition to the three years of science teaching experience, that the teacher must be tenured before qualifying for this option. The Board chose not to include this language for two primary reasons: 1) many charter schools do not have tenure systems and have no way to meet this criteria; 2) there are instances when effective teachers are not tenured due to circumstances that have nothing to do with their teaching ability, but simply reflect budgetary constraints.
- Proposal: Amend rule to issue a one-year provisional license: The Board of Teaching also discussed the idea of allowing a teacher to earn an additional license via a content knowledge test, but the license would be a one-year license rather than a standard five-year license. At the end of one year, issuance of a permanent license would be contingent upon confirmation from the school district that the teacher proved to be competent in the new licensure area. The Board rejected this idea on the basis of the logistically cumbersome and subjective nature of this proposed process.
- Targeted Licensure Programs: There are a handful of higher education institutions that currently offer science licensure programs in an alternative format. These programs have

been designed to accommodate current science teachers (i.e.; courses offered during the summer months). The Board supports programs like these. But given the small number of programs available, the immediacy of the need, and regional constraints in many of the parts of the state with the greatest need, they believe that the proposed rule is still necessary.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

- The costs of the new rule associated with the administrative burden of additional applications will be offset by the processing fees.
- Science Teachers: A science teacher pursuing this route to additional licensure would have to pay \$115 in testing fees (\$40 – registration; \$75 – exam fee) and \$57 for the state's processing fee.
- Minnesota Students: As mentioned previously, opponents of the proposed rule assert that students will bear the cost of having teachers that have gone through a science licensure program, but are teaching in an additional science area.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

- Shortages: Minnesota schools, particularly in rural areas, will not only continue to experience difficulty in finding licensed science teachers, but will likely experience increased shortages.
- Fewer full-time science teaching positions: Given the realities of declining enrollment in the vast majority of Minnesota school districts, it will be increasingly difficult for small rural school districts to maintain full-time science positions. This will compound the shortage problem, as most individuals need to work full-time. For the individual teacher, both salary and health benefits are of paramount importance, and for school districts, it is most efficient to hire full-time teachers.
- Use of special permissions: The Board of Teaching will continue to receive numerous requests for special permissions such as Personnel Variances for science teachers. These permissions are not intended to be long-term solutions to ongoing, systemic challenges.
- No Child Left Behind implications: In order to be "Highly Qualified" under the federal law, a teacher must have either earned a major in the content area or have passed a rigorous state test in the content area. Currently, all teachers who are teaching out of their field of licensure on a special Board permission are not qualified as "Highly Qualified." This creates a troubling disparity between the state licensure system and federal requirements.
- Current standards and future testing: The Minnesota K-12 Academic Standards currently require science to be taught to all students, but only the Life Science standards are currently being tested, and the test results are not being used for the purposes of meeting No Child Left Behind (NCLB) requirements. However, it is possible that the federal government will eventually require that science tests will be "high stakes" tests used for

NCLB purposes. Further, it is likely that there will be increased pressure to have students tested in other science areas beyond the Life Sciences.

- Projected need: Minnesota is already experiencing a shortage of science teachers, with only 25% of students taking Physics and 50% of students taking Chemistry. As a result of legislation passed in 2006, all students will be required to take either Physics or Chemistry by the 2013-2014 school year. The Board believes that we must proactively address this issue rather than wait for an even greater crisis.
- Preparation projections: Looking at data from 2005, it is clear that our existing preparation programs are not producing the number of teachers that Minnesota needs.
 - 172 individuals took the Life Science content knowledge exam.
 - 53 individuals took the Chemistry content knowledge exam.
 - 34 individuals took the Earth and Space Science content knowledge exam.
 - 26 individuals took the Physics content knowledge exam.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

This rule is designed to create a greater alignment between science licensure, governed by the state, and federal requirements under No Child Left Behind. Currently, there is a disconnect between the state's practice of allowing a licensed teacher (in any subject) to teach outside of his/her licensure and the federal focus on content knowledge. To be "Highly Qualified," a teacher must either have a major in the subject area or have passed a rigorous state test. This rule would create an avenue for a science teacher to meet both state licensure requirements and federal "Highly Qualified" requirements.

PERFORMANCE-BASED RULES

The Board, in developing the proposed rule, considered and implemented performance-based standards that emphasize superior achievement in meeting the Board's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals. The proposed rule is consistent with the Board's vision, which is to "maintain high licensure standards while providing flexibility in the licensing process to assure that public school students have fully licensed teachers." While providing additional flexibility, this rule will maintain the integrity of the system in two primary ways:

1. Requiring a demonstration of content knowledge through tests that the Board currently uses as an assessment tool for science licensure.
2. Requiring three years of teaching science to demonstrate pedagogical competency.

ADDITIONAL NOTICE

The Board of Teaching proposes to send notification of the Request for Comment period via email to the following:

** Note: In cases when an email address is not available, US Mail will be used.*

- All individuals and groups on the Board's general Rulemaking List.
- All individuals who participated in the original Request for Comment period and individuals who have expressed interest in the issue since the Comment period.
- All superintendents of Minnesota school districts and administrators in Minnesota charter schools via the weekly superintendent mailing sent out by the Minnesota Department of Education.
- Deans and Chairs of all Minnesota Teacher Preparation Programs in Postsecondary Education Institutions.
- Minnesota professional organizations related to science education.
- Members of the Education Committees of both the Minnesota Senate and House of Representatives.

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a June 22, 2006 letter by Administrative Law Judge Beverly Jones Heydinger.

FISCAL IMPACT ON LOCAL GOVERNMENTS

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Finance. We did this by sending to the Department of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Board publishing the Notice of Intent to Adopt. We sent the copies on February 13, 2007. The documents included: the Governor's Office Proposed Rule and SONAR Form; August 28, 2006 draft rules; and February 8, 2007 draft SONAR. In a letter dated February 22, 2007, the Department of Finance responded by stating that the proposed rule will have little fiscal impact on local units of government. The proposed rule is designed to allow previously licensed science teachers to obtain an additional teaching license in a new science content area. The teacher or district would pay the \$57.00 processing fee to the Minnesota Department of Education. Typically the individual requesting the license pays the \$57.00 fee, although it is possible that the school district may choose to pay the fee. The cost to the Department of Education would cover the costs of processing of the applications from individuals who have chosen to add this area of licensure. The projected impact would be minimal.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

LIST OF WITNESSES

If this rule goes to a public hearing, the Board anticipates having witnesses testify in support of the need for and reasonableness of the rules. The witnesses will likely include teachers, school administrators, school board members, and representatives from higher education.

RULE-BY-RULE ANALYSIS

Minnesota Rule 8710.4770: Teachers of Science Endorsement Licensure by Examination

Subpart 1

This clarification statement is found in all rules pertaining to teacher licensure, as it is necessary for the rule to clearly identify both the scope of the license and the content area specific to the license. This part identifies the four current science licensure areas: chemistry, earth and space science, life science, and physics. It identifies the scope as grades 9 through 12.

Subpart 2

This licensure option is available for a specific population, when specific criteria are met. This subpart clearly outlines the eligibility for this type of licensure and the criteria that must be met in order to qualify for the issuance of a license using this process. An individual is eligible for this licensure option only if all three of the following criteria are met:

- A) The teacher holds a valid Minnesota full professional license for grades 9 through 12 in one or more of the following licensure areas: chemistry, earth and space science, life science, and physics.
- B) The teacher has completed a minimum of three years of science teaching in grades 7 through 12 or 9 through 12.
- C) The teacher has met the qualifying score set by the Board of Teaching for the content knowledge examination in the area for which licensure is sought.

Subpart 3

Minnesota Rule 8710.0300 governs the issuance, renewal and validity of all teacher licenses. Under the rule, the Board of Teaching has authority to grant professional licenses, which are valid for five years. The Board of Teaching adheres strictly to the definitions and parameters set forth by this rule and others relating to teacher licensure.

Subpart 4

This subpart allows for immediate enactment of the rule. Given the urgency of the shortages faced in Minnesota schools, an immediate effective date is necessary.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

3/20/07
Date

Karen Balmer
Karen Balmer
Executive Director

Minnesota Board of Teaching

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Rules Governing Science Licensure, *Minnesota Rules*, 8710.4770: Teachers of Science Endorsement Licensure by Examination

Introduction. The Board of Teaching intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on April 25, 2007, a public hearing will be held in Conference Center A, Room 14, MN Department of Education, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 9:30a.m. on Tuesday, May 15, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 25 and before May 15.

Board Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the board contact person. The agency contact person is: Karen Balmer at MN Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113. Phone: 651-582-8888; Fax: 651-582-8872; Email: karen.balmer@state.mn.us. TTY users may call the Board of Teaching at 651-582-8201.

Subject of Rules and Statutory Authority. The proposed rules are about allowing a teacher licensed in Chemistry, Physics, Life Science, or Earth and Space Science and who has taught science for at least three years to take the content knowledge test in another area of science licensure. Successful passage of such an exam would result in the issuance of a teaching license in that area. The statutory authority to adopt the rules is *Minnesota Statutes*, 122A.09, Subdivision 4. A copy of the proposed rules will be published in the *State Register* and is attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, April 25, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, April 25, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request

that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the board must give written notice of this to all persons who requested a hearing, explain the actions the board took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for May 15, 2007, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-582-8888 after April 25 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7602, and FAX 612-349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the board and any interested person may respond in writing to any new information

submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The board requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the board contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the board contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the board.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the board may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the board contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the board adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the board contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

3/13/07
Date

Karen Balmer
Karen Balmer
Executive Director, MN Board of Teaching

1 **Board of Teaching**

2 **Proposed Permanent Rules Relating to Teachers of Science Endorsement Licensure**
3 **By Examination**

4 **8710.4770 TEACHERS OF SCIENCE ENDORSEMENT LICENSURE BY**
5 **EXAMINATION.**

6 Subpart 1. Scope of practice. A teacher of science is authorized to provide instruction
7 in chemistry, earth and space science, life science, or physics to students in grades 9
8 through 12. The science discipline that the teacher is qualified to teach must be
9 identified on the teacher's license.

10 Subp. 2. Qualifications for licensure by examination. A candidate for science
11 endorsement licensure by examination to teach chemistry, earth and space science, life
12 science, or physics to students in grades 9 through 12 shall:

13 A. hold a Minnesota full professional license valid for classroom teaching as
14 described in part 8710.4750 for chemistry, earth and space science, life science, or
15 physics for students in grades 9 through 12 or 7 through 12;

16 B. have completed three years of science teaching in grades 7 through 12 or 9
17 through 12; and

18 C. provide evidence of passing the required PRAXIS II science content exam for the
19 desired science discipline of licensure in chemistry, earth and space science, life science,
20 or physics.

21 Subp. 3. Professional license. A professional license shall be issued and renewed
22 according to the rule of the Board of Teaching governing licensure.

23 Subp. 4. Effective date. The requirements of this part for endorsement licensure by
24 examination for specific science disciplines are effective on the date that this part is
25 adopted and thereafter.