



Minnesota Board of Teaching

STATEMENT OF NEED AND REASONABLENESS Proposed Rules Governing Unit and Program Approval for Teacher Preparation *Minnesota Rules 8700.7600*

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, Marsha Davis-Busch at Minnesota Board of Teaching, 1500 Highway 36 West, Roseville MN 55113. Phone: 651-582-8839. Fax: 651-582-8872. TTY: 651-582-8201

INTRODUCTION

The proposed rule changes are to the rules governing teacher preparation programs and the entities/units that offer teacher licensure programs. The proposed changes are intended to accomplish the following goals:

- to add specificity to existing rules to make them clearer and measureable
- to separate multifaceted rules into discrete statements of expectations
- to update rules to align with current national norms for the field and to align with the accepted research based best practices for teacher preparation
- to clearly delineate unit approval rules from program approval rules
- to clarify the uniform expectations for all preparation programs, traditional as well as non-traditional types
- to articulate rules required by statute 122A.245 for alternative providers of teacher preparation programs.
- to articulate rules required by statute 122A.09 subd 4 (h) requiring uniform teacher performance assessment

The proposed rules are a result of intensive, stakeholder-driven work that began in earnest in fall of 2010 and continuing through March 2013 (see attachments).

Attachment A: Listing of Advisory Group Members

Attachment B: Listing of meeting dates)

Attachment C: Objectives of the Redesign Group

Attachment D: Proposed Rule Changes to MN 8710.7600 approved by Redesign Group and the Revisor's Office

Attachment E: Statute 122A.245

Attachment F: Statute 122A.09 subd 4 (h)

STATUTORY AUTHORITY

The Board's statutory authority to adopt the rules is set forth in Minnesota Statute §122A.09, Subdivision 4(c) and 4(d), which provides:

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. Teacher preparation programs including alternative teacher preparation programs under section 122A.245, among other programs, must include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and assessment; engaging students and supporting learning; and assessing student learning.

<https://www.revisor.mn.gov/statutes/?id=122A.09>

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***

Teacher candidates enrolled in a Minnesota preparation program will be impacted, as the units and programs will be held to the standards set forth in the proposed rules.

Higher education institutions that prepare teachers will be required to meet the standards and requirements set forth in the proposed rules.

Minnesota school districts that partner with teacher preparation programs may be slightly impacted as they partner with teacher preparation programs to provide clinical experiences and evaluate teacher candidates.

Minnesota students will be better by teachers prepared in programs held to the high standards set forth in the proposed rules.

- ***Those that will bear the costs of the proposed rule***

Teacher candidates enrolled in a Minnesota preparation program will continue to pay for coursework and program requirements; the proposed rules may result in new or revised program requirements, which could increase their costs. Two specific requirements set forth in the rule may result in increased costs to candidates:

- Data management system –Some teacher education units may choose to contract with third-party vendors for data management systems to house their candidate and

program assessment data. There is typically a user fee for each student associated with these systems which may be charged back to the students by some institutions.

- **Teacher Performance Assessment** – The EdTPA is a new program requirement within the proposed program rules. The EdTPA meets the statutory obligation enacted by the 2011 Legislature, requiring:

Teacher preparation programs including alternative teacher preparation programs under section 122A.245, among other programs, must include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and assessment; engaging students and supporting learning; and assessing student learning.

<https://www.revisor.mn.gov/statutes/?id=122A.09>

The cost for the review of the Ed TPA for each candidates is approximately \$300 to submit it to the testing vendor for official scoring. Teacher preparation programs have discretion regarding how this cost is handled; some units are paying for this cost for candidates; others are assessing it as a program fee or building it into differentiated tuition billing; still others are requiring direct payment by candidates.

Higher education institutions will likely incur costs associated with embedding and implementing changes in their programs required by the proposed rules. These costs will include faculty time, and possible resource allocations. The same two specific requirements noted above for teacher candidates could result in additional costs to units or the shifting of how existing resources will be allocated to meet these new requirements

- ***Those that will benefit from the proposed rule***

Teacher candidates will be better prepared to serve their students as a result of completing programs aligned to the proposed standards. The nationally normed EdTPA assessment will provide each candidate with timely formative evaluation of their teaching skills during their student teaching experience. The programs that candidates enroll in will be reviewed and re-approved biannually, based on specific Board established criteria and evidence of program efficacy.

Teacher preparation programs will benefit by having aggregated candidate and program data on which to evaluate their programs' effectiveness and to make informed decisions regarding any changes needed for each specific program. The standards for obtaining ongoing program approval will require the reporting of data driven program changes which will demonstrate that the unit is monitoring programs' effectiveness on a regular basis. Programs that do not meet Board criteria for re-approval, will be disapproved by the Board.

MN Higher Education Institutions: Teacher preparation institutions that also seek national accreditation by the Council for the Accreditation of Educator Preparation (CAEP) will benefit by these rules when CAEP and BOT establish a partnership agreement regarding shared responsibilities for reviewing and approving units and their programs. Once approved, this contract would preclude units from needing to submit program reports to CAEP for approval and thus save the institutions the costs and time associated with submission of program reports for national accreditation.

Minnesota school districts will benefit, as the rule changes will strengthen the preparation for teachers who will be hired to serve in Minnesota schools. And for schools that partner

with preparation programs by hosting teacher candidates for clinical and student teaching experiences, there will be greater opportunities for collaboration and input on teacher training and candidate and program evaluation.

Minnesota students will benefit by being taught by teachers who have met the standards set forth in the proposed rules. There will be a greater degree of consistency in preparation of Minnesota teachers across the state as the approved programs will be using a nationally normed common teacher performance assessment tool, and will be reporting to the Board program efficacy and candidate competency data on a biannual basis to retain program approval status

The Board of Teaching will benefit by having the ability to collect uniform program effectiveness data to use for ongoing program approval decisions.

“(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”

- ***Probable costs to the agency of implementation and enforcement*** – In accordance with Minn. Stat. §122A.09, Subdivisions 4(c) and 4(d), the Board of Teaching has conducted unit and program approval processes for many years. As such there are existing costs associated with these processes. We believe that the proposed rules substantially improve and clarify the Board’s expectations and as a result, will streamline and strengthen the outcomes. The costs to the Board of Teaching for unit approval will remain about the same. There will be a new cost for ongoing maintenance of a data management system to house the program reports associated with biannual program efficacy reporting by program providers.
- ***Probable costs to any other agency of implementation and enforcement*** - the proposed rule should not impact MN Department of Education or any other agency.
- ***Any anticipated effect on state revenues*** – None anticipated.

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

Less costly methods – Many states require their higher education institutions to be accredited by one of the national accrediting organizations formerly known as NCATE (National Council for the Accreditation of Teacher Education) or TEAC (Teacher Education Accreditation Council). These two bodies have now merged into one entity called Council for the Accreditation of Educator Preparation (CAEP). While Minnesota has not required national accreditation, seventeen of our 32 preparation institutions have voluntarily sought and received approval through one of these two bodies.

Some states require their teacher preparation programs to hold national accreditation and defer to CAEP to conduct the unit and program approval procedures.

The Board of Teaching is not inclined to delegate its authority to a national organization. And the CAEP rules recently adopted (2014) are not directly aligned to existing MN requirements for unit and program approval.

While it would be less costly for the Board to simply recognize CAEP accreditation in lieu of conducting its own unit and program reviews, and program reviews, the process would not result in verifying compliance to Board adopted unit and program standards.

Furthermore, national accreditation requires the payment of fees by the institutions of higher education for the program and unit reviews, which would be an additional burden for half of our institutions that presently DO NOT have national accreditation.

Therefore, the Board believes that the state-specific unit and program approval processes are the most cost effective and appropriate processes for verifying compliance to adopted standards.

- ***Less intrusive methods*** – As noted above, the Board could opt to supplant our state-specific process for unit approval and program approval with the national process, but believe that this could cause hardship for many of our preparation programs and would also not fully assess compliance to MN standards. Further, in accordance with our statutory obligations, the Board is the appropriate state entity to conduct this work.
- The Board has collaborated over the last several years with colleagues from higher education to strengthen and clarify the unit and program standards and processes which are reflected in this proposed rule revision. As such, there are no less intrusive methods for achieving the goals of the proposed rules and to meet regulatory obligations of the Board of Teaching for monitoring the quality of teacher preparation in MN.

“(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”

- ***Any alternative methods for achieving the purpose of the proposed rule that were seriously considered*** – See #3 above.
- ***Reasons why they were rejected in favor of the proposed rule*** – See #3 above.

“(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”

- ***Those that will bear the costs of the proposed rule***
Teacher candidates enrolled in a Minnesota preparation program will continue to pay for coursework and program requirements; the proposed rules may result in new or revised program requirements, which could increase their costs. Two specific requirements set forth in the rule may result in increased costs to candidates:
 - Data management system – Some teacher education units may choose to contract with third-party vendors for data management systems to house their candidate and program assessment data. There is typically a user fee for each student associated with these systems which may be charged back to the students by some institutions.
 - Teacher Performance Assessment – The EdTPA is a new program requirement within the proposed program rules. The EdTPA meets the statutory obligation enacted by the 2011 Legislature, requiring:

Teacher preparation programs including alternative teacher preparation programs under section 122A.245, among other programs, must include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and

assessment; engaging students and supporting learning; and assessing student learning.

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Higher education institutions will likely incur costs associated with embedding and implementing changes in their programs required by the proposed rules. These costs will include faculty time, and possible resource allocations. The same two specific requirements noted above for teacher candidates could result in additional costs to units or the shifting of how existing resources will be allocated to meet these new requirements

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- *Portion of costs to be borne by identifiable categories of affected parties* – See comments above.

“(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 government units, businesses, or individuals”

- *Probable costs or consequences of not adopting the proposed rules* – The current licensure rules were in 2000 and the standards found in the current licensure rules reflect the body of knowledge and instructional practice that was available in the late 1990’s and 2000 when the rules were developed. Research and instructional practices have continued to grow and deepen since that time and it is the responsibility of the Board of Teaching to ensure that teacher preparation in Minnesota reflects current research and instructional practices. The Board is obligated to periodically review and amend rules to assure we are meeting best practices in the preparation of teachers.

In addition to reflecting the current base of research and best practice, we know from feedback from many sources, including Board of Teaching staff, external reviewers, and faculty and staff in teacher preparation programs, that our standards and processes are in need of change. The current unit standards are not as clear and measurable as they need to be, and the current program standards reflect a process heavily reliant on program inputs and does not capture either the performance data of candidates nor the continuous improvement efforts within each licensure program.

Therefore the costs and consequences of NOT adopting these proposed changes are that the teacher licensure programs will not be current and reflect best practices in teacher preparation, and that the Board of Teaching will not be in compliance with state statutes like 122A.09 requiring teacher performance assessments and program approval procedures based on candidate competency and program efficacy data. Without these amendments, the Board will not have adequate program efficacy data on which to base continuing program approval decisions.

- *Portion of those costs or consequences borne by identifiable categories of affected parties*

See comments above.

“(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”

- *Differences between the proposed rule and existing federal regulations* – Title II is the only federal reporting law which the Board of Teaching must consider in this process. The proposed rules align to terms and expectations required for Title II reporting by both higher education programs and the state.

The proposed rules and support Title II data reporting requirements and thereby will achieve greater efficiency and shared use of performance data for multiple purposes. Both the program providers and the Board will benefit from this alignment.

- *Need for and reasonableness of each difference* – N/A

PERFORMANCE-BASED RULES

The Board, in developing the proposed rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the Board's regulatory objectives. The proposed rules reflect a deep commitment to the performance of teacher licensure units and programs with a new focus on candidate performance outcomes and continuous improvement processes in all teacher licensure programs.

The proposed rules were developed by elected representatives from the Minnesota Association of Colleges for Teacher Education (MACTE) in collaboration with Board of Teaching staff. Their work and collaboration substantially influenced the development of the proposed rules.

ADDITIONAL NOTICE

The Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter dated January 17, 2013 by Administrative Law Judge Beverly Manuel Cervantes. In accordance with our Notice Plan, notice of the proposed rules will be sent to the following groups or individuals:

Minnesota Association of Colleges for Teacher Education (MACTE)

- MACTE President
- Members of the BOT working groups that participated in the redesign initiative (Attachment A)
- Board of Teaching MACTE email distribution list
- Chief Institutional Representative distribution email list provided by MACTE President

Minnesota Department of Education (MDE)

- Commissioner Brenda Cassellius
- Assistant Commissioner: Kevin McHenry
- Educator Licensing Division Director Richard Wassen

Individuals and groups on the Board of Teaching's Rulemaking List

Superintendents and Charter School Directors (using MDE's site)

Board of Teaching standing advisory committee: Standards & Rules

Chairs and Vice-Chairs of the Education Committees of the Minnesota Senate and Minnesota House of Representatives

Our Notice Plan also includes giving notice required by statute. We will mail the Notice of Hearing (including a link to the website containing the rule drafts) to everyone who has registered to be on the Board's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

The Board does not anticipate a determination of fiscal impact on local governments.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The proposed rules relate to the preparation and licensing of Minnesota teachers; as such, the Board has determined that no local government entity will be impacted. No part of the proposed rules relies on local action or regulation; similarly, the proposed rules will not require a local government to adopt or amend an ordinance or other regulation.

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. The Board has made this determination based on the probable costs of complying with the proposed rule, as described in the

LIST OF WITNESSES

The Board anticipates having the following witnesses testify at the public hearing in support of the need for and reasonableness of the rules:

1. Assistant Attorney General, will introduce the Board's public record.
2. Executive Director, Board of Teaching, will provide the basis and rationale for the proposed rules.
3. A representative from the MACTE Advisory Group

4. Additional witnesses will testify; Board of Teaching will amend this section once testifiers are confirmed.

RULE-BY-RULE ANALYSIS:

See Attachment "D"

CONCLUSION

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

Date

Name

Interim Executive Director

ATTACHMENT "A": Advisory Group Members

PERCA and 8700.7600 Advisory Group			
Deb Pitton	dpitton@gustavus.edu	Gustavus	Private
Jane Anderson	janders1@smumn.edu	St. Mary's	Private
Donald Easton-Brooks	deastonbrooks01@hamline.edu	Hamline	Private
Michelle Beach	beachmi@smsu.edu	Southwest State	MNSCU
Maureen Prenn	Maureen.prenn@mnsu.edu	Mankato	MNSCU
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Jane Gilles	jfgilles@umn.edu	U of M, TC	U of M
Michelle Page	pagem@morris.umn.edu	U of M, Morris	U of M
Judy Kuechle	jkuechle@morris.umn.edu	U of M, Morris	U of M
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Karen Balmer	karen.balmer@state.mn.us	BOT	
Erin Doan	erin.doan@state.mn.us	BOT	
John Melick	john.melick@state.mn.us	MDE	
JoAnn Van Aernum	joann.vanaernum@state.mn.us	BOT	

Attachment "B": Meeting Dates

PERCA and 8700.7600 Rule Change Advisory Group Meeting Dates

Oct. 22, 2010

Nov. 5, 2010

Nov. 19, 2010

Dec. 3, 2010

Dec. 17, 2010

Jan. 7, 2011

Jan. 21, 2011

Feb. 4, 2011

Feb. 25, 2011

March 4, 2011

March 18, 2011

April 22, 2011

June 1, 2011

March 29, 2012

July 18, 2012

Aug. 17, 2012

Aug. 24, 2012

Sept 7, 2012

Oct. 5, 2012

Nov 2, 2012

Nov. 27, 2012

Nov. 30, 2012



MINNESOTA BOARD OF TEACHING

ATTACHMENT "C"

RULEMAKING INITIATIVE

MN Rule 8700.7600

Advisory Group Objective:

**To revise and update MN Rule 8700.7600
by addressing four key considerations:**

1. **Innovation and Flexibility:** How can the Board of Teaching appropriately address the desire for additional innovation and flexibility for teacher preparation programs? How can the Board of Teaching engage continued discussions around alternative pathways to licensure and provide an appropriate framework for both approving these programs and measuring their success against other types of programs?
2. **Data-driven Continuous Improvements:** How can the rule reflect the redesigned program approval structure, which combines an assurance of program inputs and demonstrations of candidate competence, as required by MS 122A.09, Subdivision 4d?
3. **Cohesion and Alignment:** How can the rule ensure that the Board of Teaching approval processes are efficient, responsive, and clear, and that the sum total of the data gathered in these processes is meaningful and used for the purpose of continuous improvement?
 - Duration of program approval? institutional approval?
 - Relationship between the requirements for program and institutional approval?
 - Requirements for initial approval? ongoing approval?
 - Relationship between the requirements for initial approval and ongoing approval?
 - Alignment with external accrediting bodies such as NCATE and TEAC?
 - Approval process for related service programs (school social worker, school nurse, school counselor, school psychologist, speech-language pathologist)?
4. **Regulatory Considerations:** How can the Board of Teaching ensure that the institutions and programs approved under this rule are effectively meeting the requirements set forth, using data to inform approval status?

Tentative Timeline for the Advisory Group Work *

Note: Final PEPER Redesign Team meeting is scheduled for Friday, January 8.

February 5	Initial meeting; SWOT analysis of current rule	CCA: 3-4
February 12	BOT workshop	
February 26	Meeting	CCA: 3-4
March 19	Meeting	CCA: 13
April 2	Meeting	CCA: 3-4
April 9	BOT workshop; updates	
April 16	Meeting	CCA: 3-4
April 30	Meeting	CCA: 3-4
May 7	BOT workshop; updates and assessment of process; next steps	

Alternate meeting dates, if needed:

March 26	CCA: 3-4
April 23	CCA: 3-4

* All meetings dates are Fridays.

* All meetings are scheduled from 10:00 – 3:00 at MDE.