

Minnesota Professional Educator Licensing and Standards Board

STATEMENT OF NEED AND REASONABLENESS (SONAR)

Possible Amendment of Rules Governing School Counseling Programs and Licensure

Revisor's ID 4703



ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact:

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GLOSSARY

Candidate: The individual working towards licensure

Preparation program: Training provided to candidates for the purposes of obtaining licensure in Minnesota

ACRONYMS

PELSB: Professional Educator Licensing and Standards Board

CACREP: Council for the Accreditation of Counseling and Related Education Programs

APPLICABLE LAWS

Minn. Stat. chapter 122A: State statutes governing teacher licensure and teacher preparation in Minnesota (including school counselors).

Minn. R. 8705.0400: State rule that establishes and approves programs for teaching school counseling.

Minn. R. 8710.6400: State rule that establishes the standards for school counseling licensure.

INTRODUCTION

The Board is considering changing the way school counselor licensure programs are approved in Minnesota.

History of school counselor program approval and school counselor licensure

- In 1989, the state legislature transferred authority from the State Board of Education to the State Board of Teaching to license school counselors and school nurses (See Minnesota Statutes, section 125.05, subd. I and the 1989 amendments to Minnesota Statutes, section 125.03; [14 S.R. 2300](#))
- In June 1990, the Board of Teaching adopted rules governing the licensure of school counselors. (See [14 S.R. 2989](#))
- It's not clear if this is when the Board of Teaching first adopted rules "approving" school counseling programs.
- In 1993, the state legislature repealed [Minn. R. 8700.8190](#), [Minn. R. 8700.8060](#), and Minn. R. 8070 (effective August 1, 1996), which detailed the approval of Minnesota IHE's that prepared school counselors for licensure. (See [L 1993, chapter 224, article 12, sections 39 and 41](#))
- It's not clear "why" the legislature repealed these rules.
- In 1998, the Board of Teaching conducted a major rule overhaul and adopted Minn. R. 8710.6400, which governs the licensure of school counselors (effective September 1, 2001). (See [23 S.R. 1928](#) and 25 S.R. 805)
- Between 2001 and 2018, the "school counselor" rule (Minn. R. 8710.6400) remained largely unchanged.
- In 2018, PELSB adopted rule changes to implement tiered licensure, including changes to Minn. R. 8710.6400.

BACKGROUND

The Professional Educator Licensing and Standards Board was created by the state legislature in 2017, when the legislature combined the work of the Board of Teaching (BOT) and the Minnesota Department of Education's Licensing Division (Laws of Minnesota 2017, 1st Spec. Sess. chapter 5, article 3). PELSB is governed by a 13-member board and is tasked with:

- Licensing teachers in Minnesota (Minn. Stat. 122A.09, subd. 4 (2019))
- Establishing and maintaining teacher licensure standards and requirements (Minn. Stat. 122A.09, subd. 9 (2019))
- Establishing and enforcing the Teacher Code of Ethics (Minn. Stat. 122A.09, subd. 1 (2019))
- Approving teacher preparation providers and programs to prepare candidates in Minnesota. (Minn. Stat. 122A.092 (2019))

During the 2017 First Special Session, the state legislature enacted major reforms to teacher licensure in Minnesota. Notably, a tiered licensure scheme was created. The tiered licensure

scheme includes four tiers of licensure and establishes several different means by which an individual can become a licensed teacher.

STATUTORY AUTHORITY

The Board's statutory authority to adopt the rules is stated in Minnesota Statutes:

Minn. Stat. 122A.09, subdivision 9 (a) – (c), provides:

- a. The Professional Educator Licensing and Standards Board must adopt rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29.
- b. The board must adopt rules relating to fields of licensure, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.
- c. The board must adopt rules relating to the grade levels that a licensed teacher may teach.

Minn. Stat. 122A.092, subdivision 1, provides:

The board must adopt rules to approve teacher preparation programs, including alternative teacher preparation programs under section 122A.2451, nonconventional programs, and Montessori teacher training programs.

2017 Minn. Laws 1st Spec. Sess. 5, art. 12, sec. 20 provides:

TRANSFER OF POWERS.

- d. The Professional Educator Licensing and Standards Board must review all rules adopted by the Board of Teaching and amend or repeal rules not consistent with statute. The Professional Educator Licensing and Standards Board must review all teacher preparation programs approved by the Board of Teaching to determine whether the approved programs meet the needs of schools in Minnesota.

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

PUBLIC PARTICIPATION

The Professional Educator Licensing and Standards Board sought public participation for this rulemaking through a number of different means. Throughout the course of this rulemaking, PELSB:

- Solicited comments by publishing a request for comments in the State Register (more information below);

- Utilized a webpage to provide updates and share relevant documents (see [School Counseling Programs and Licensure / Professional Educator Licensing and Standards Board](#));
- Utilized GovDelivery, an email platform, to share updates and relevant documents with the over 1,600 individuals subscribed to PELSB’s rulemaking listserv; and,
- Provided updates to its board members and the public during board meetings.

Request for Comments

PELSB published a Request for Comments (RFC) on a number of possible amendments to the rules relating to school counseling programs and licensure in the State Register on September 30, 2024 (49 SR 360, available at [Minnesota State Register Volume 49 Number 14](#)).

This notice was also posted to PELSB’s webpage dedicated to this rulemaking and was sent electronically to all individuals registered to receive rulemaking updates, as well as a number of other individuals and organizations that are potentially impacted by the proposed changes (totaling over 2,500 email recipients).

During this initial comment period, PELSB received 9 written comments. Comments were submitted by a number of stakeholders, including teacher preparation providers, school districts, teachers, and education advocacy organizations.

Board participation

On December 20, 2024, the Board chair appointed a subcommittee, comprised of three board members, tasked with reviewing stakeholder input and approving changes to draft rule language. This subcommittee met to review public comments and to approve changes to the draft rule changes. The subcommittee reported out to the Board on January 8, 2025, with two proposed changes based on comments received. All Board meetings are open to the public and drafts of the proposed rule changes were also made publicly available through Board minutes and presentations.

Additionally, the Board also has an advisory committee – the Standards and Rules Advisory Committee - comprised of several stakeholder organizations, which is responsible for providing input on Board policy considerations. These committee meetings are open to the public.

Table 1: Board participation

Date	Meeting type	Summary
May 14, 2021	Board meeting	Report and recommendation made to the Board to consider rulemaking changes

Date	Meeting type	Summary
June 18, 2021	Board meeting	Discussion or recommendation to open rulemaking
July 16, 2021	Board meeting	Unanimous vote to authorize rulemaking
March 17, 2022	Board meeting	Updated rule draft coming later this spring
April 8, 2022	Board meeting	After a brief delay to allow three discretionary variances from school counseling programs to move forward and be reviewed by the board, PELSB staff hope to bring a first draft for board review later this summer.
May 13, 2022	Board meeting	PELSB staff asked to research the possibility of adding in school psychologists as part of the rulemaking.
October 14, 2022	Board meeting	Staff are finalizing a draft that will be released along with a request for comments.
November 18, 2022	Board meeting	PELSB staff met with the MN School Psychologist Association and recommended to the board to postpone adding school psychologist licensing changes to this rulemaking project. Proposed request for comments will be released later this winter.
October 11, 2024	Board meeting	PELSB staff released a request for comments on the rule.
November 15, 2024	Board meeting	PELSB staff requested that three board members review comments on the rulemaking
January 17, 2025	Board meeting	After reviewing the nine comments on the proposed rule, the board subcommittee recommended two amendments.
February 21, 2025	Board meeting	The board adopted the subcommittee's recommended changes.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

“(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”

The following classes of persons will be affected by the proposed rules:

- Minnesota school counselor training programs;
- Minnesota school counselor candidates who are currently non-school counselors;
- Minnesota school districts; and,
- Students and families.

The classes that will bear the costs of the proposed rules include:

- Minnesota school counselor training programs, including the teacher educators that lead these programs, as these programs will be responsible for ensuring programmatic updates are made to implement the new rules for school counselors;
- Minnesota school counselor candidates who are currently non-school counselors, as they will have to pay for any “fill-in courses” to achieve their school counseling license; and,
- Minnesota school districts, as they may have to provide training in pre-kindergarten counseling for school counselors.
- The classes that will benefit from the proposed rules include:
- Minnesota school counselor training programs, as they would enroll school counselor candidates who are currently non-school counselors;
- Minnesota school counselor candidates who are currently non-school counselors, as they would have a shorter path to becoming school counselors;
- Minnesota school districts, as they are better able to find school counselors, and they will have school counselor licensure extensions into pre-kindergarten; and,
- Students and families, as they will be able to have trained school counselors for their grade level.

“(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”

While PELSB does not anticipate that other agencies will have costs associated with the implementation and enforcement of the proposed rules, PELSB anticipates that there will be costs and anticipated effects on state revenue for PELSB, itself.

Table 3: Probable costs to PELSB

Proposed rule change	Probable costs and any anticipated effect on state revenue
Tiered licensure rules	Nominal costs to update application forms and tiered licensure materials
School Counselor Preparation Programs	School Counselor preparation providers will be required to update their programs to align with any adopted rule changes. PELSB is responsible for approving programs. While PELSB relies on a volunteers (the Program Review Panel), PELSB will need additional meetings to review all updated programs, where mileage and/or small stipends may be provided to panel members.

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

The Board is not aware of any alternative methods to update the licensure standards that would be less intrusive than filling in school counseling licensure standards to the national standards of CACREP.

Additionally, the extension of the school counselor license to allow flexibility in grade level provides a cost-effective method of retaining school counseling staff.

Finally, the expansion of the school counselor license to the pre-kindergarten grade level formalizes what is already in place for many elementary schools.

“(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”

The Board is not aware of any alternative methods to updating licensure standards without entering into rulemaking.

“(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”

Board-approved school counselor licensure programs will bear the costs for complying with the proposed rule. Each provider will need to evaluate their existing licensure programs to determine whether their programs meet new standards. For some programs, this may mean revising, adding, or deleting courses for licensure candidates. For others, the new standards are already embedded into their programs. The time for review and the scope of the changes will vary between the programs across the state.

Similarly, school districts will bear the costs of training school counselors regarding pre-kindergarten counseling.

“(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”

The primary costs and consequences of not adopting the proposed rules are the potential impact on students, families, and future school counselors. For example, school counselors will be fully licensed to counsel at the pre-kindergarten level.

Additionally, school counselors will have the flexibility to work up to two grade levels beyond their licensed level. Otherwise, school counselors with a 7-12 license would have to get a full PreK-12 license to continue if their school changes grades to include 6th grade.

Finally, non-school counselors who have master’s degrees that are very close to a masters in school counseling would not have to repeat courses to gain eligibility for a school counseling license.

“(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”

There are no known differences between the proposed rule and existing federal regulations.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

The Board is proposing these rules and amendments to improve and clarify the licensing standards for school counselors. The proposed changes do not establish overlapping requirements with other state and federal requirements. The cumulative effect of the proposed changes to licensure standards in combination with state and federal requirements around education is a higher quality education for all of Minnesota’s students.

PERFORMANCE-BASED RULES

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

Throughout this rulemaking effort, the Board has sought to develop rules that help support an educational system that ensures all Minnesota students have high quality counselors in their schools. The Board has proposed rules that would streamline and/or clarify the application and

renewal process for school counselors; update license-specific standards; and remove barriers for candidates completing licensure programs in school counseling.

The Board believes the proposed rules strengthen Minnesota's license-specific standards, which will translate to Minnesota's school counselors being even better prepared for the first day in the school. The Board believes the proposed standards are performance-based to the extent possible because the proposed rules streamline or remove barriers for teachers seeking a license (replacing outdated or moot old standards). This is especially seen in the Board's proposed changes to the school counselor license, while still ensuring the foundational knowledge and skills remain the underpinning of all programs.

TEACHER SUPPLY AND DEMAND

Minnesota Statutes, section 122A.09, subdivision 9 (e) requires the Board to include a description of a proposed rule's probable effect on teacher supply and demand in the statement of need and reasonableness.

School counselors are in the related services category for teacher licensure. The changes in licensure-specific standards for school counselors clarify, update, and simplify the standards to be met. This should increase candidates for school counseling licensure with reduced requirements and streamlined placement opportunities. The supply of school counselors should grow by allowing counselors in fields other than school counseling to fill in courses to obtain their school counseling license.

By allowing school counselors flexibility in grade level assignments, they will be able to switch grade levels if the school changes its grade levels. That will allow maximum supply of school counselors for school districts.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter by Administrative Law Judge Kimberly Middendorf on September 19, 2024. PELSB's Notice Plan includes:

Electronic notice: On the same date that the Request for Comments was published in the *State Register*, PELSB electronically provided notice to the following individuals and/or organizations:

- Minnesota School Counselor Association
- Minnesota Association of Colleges for Teacher Education (MACTE)
- Minnesota State Colleges and Universities (Minnesota State)
- Minnesota Association of Elementary School Principals
- Minnesota Association of Secondary School Principals
- Minnesota Association of School Administrators (MASA)
- Minnesota School Boards Association (MSBA)

- Minnesota Rural Educator Association (MREA)
- Association of Metro School Districts (ASMD)
- Education Minnesota (Minnesota’s union representing over 86,000 teachers and related service providers, school support staff, and higher education faculty)
- Department of Education (MDE)
- Office of Higher Education (OHE)
- Board of School Administrators (BOSA)
- Tribal Nations Education Committee (TNEC)

Additionally, the Board provided all notices to individuals and organizations registered to receive communications through the following listservs:

- Rulemaking listserv (2,419 email addresses)
- Standards and Rules Advisory Committee (27 email addresses)
- All approved teacher preparation providers in Minnesota (31 email addresses)
 - This includes all providers with school counseling licensure programs (Alfred Adler Graduate School, Capella University, Minnesota State University – Mankato, Minnesota State University – Moorhead, St. Cloud State University, University of Minnesota – Twin Cities, Walden University, and Winona State University).

Finally, the Board created a webpage dedicated to this rulemaking project. Drafts, updates, and key documents will be posted to this webpage throughout the rulemaking process. On the same date that the Request for Comments was published in the State Register, PELSB posted its Request for Comments on this webpage. This webpage is available at [School Counseling Programs and Licensure / Professional Educator Licensing and Standards Board \(PELSB\) \(mn.gov\)](https://www.pelsb.mn.gov).

PELSB’s Additional Notice Plan includes the use of a webpage dedicated to this rulemaking project. Drafts, updates, and key documents will be posted to this webpage throughout the rulemaking process.

Finally, 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, PELSB will consult with Minnesota Management and Budget (MMB) by sending MMB copies of the documents that are sent to the Governor’s Office for review and approval on the same day that the documents are sent to the Governor’s Office. PELSB will consult with MMB before 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.

PELSB 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.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, PELSB 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. PELSB has determined that they do not because the proposed rules pertain to school counseling licensure and preparation, and do not pertain to local governments. Compliance with these rules falls solely on approved school counselor preparation providers, license applicants, licensed school counselors, and school districts seeking to hire. Enforcement of these rules falls solely on the Board.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, PELSB 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. PELSB 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 city or small business.

LIST OF WITNESSES

If these rules go to a public hearing, the board anticipates that the following organizations will have one or more representatives testify on the proposed rules:

1. Yelena Bailey, PELSB Executive Director
2. Steven Rollin, PELSB Rulemaking Specialist

RULE-BY-RULE ANALYSIS

This section describes each rule change or proposed repeal of obsolete, unnecessary, or duplicative rules.

8705.0400. School Counselor [New Rule].

Subpart 1. Accreditation or approval required.

PELSB proposes the following new rule, Minn. R. 8710.0400, subpart 1:

Subpart 1. Accreditation or approval required. To prepare individuals for licensure

as a school counselor under part 8710.6400, a school counseling program based in Minnesota must hold accreditation from the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or be approved to recommend candidates for licensure pursuant to subpart 2.

PELSB is seeking to require school counseling programs in Minnesota to hold accreditation from the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) rather than require these programs to obtain state approval through PELSB by meeting state specific standards.

Subpart 2. State-approved school counseling programs.

PELSB proposes the following new rule, Minn. R. 8705.0400, subpart 2:

Subp. 2. State-approved school counseling programs.

A. A school counseling program may seek approval to recommend candidates for licensure who have completed a portion or subset of the program that is accredited by CACREP. To be approved, the program must comply with subitems (1) to (4).

(1) The program must obtain board approval of its program model before recommending candidates for licensure.

(2) The program must have a documented enrollment policy that includes an enrollment requirement that a candidate hold a master's degree in counseling or a related area. A related area is defined as a profession closely related to counseling or the school context, and must be commensurate with the clinical preparation and experience of professional counselors.

(3) The program must have a documented process for evaluating the candidate's prior experiences in order to determine gaps in coursework and clinical experience, including whether the candidate has completed coursework aligned to CACREP's common core areas of foundational knowledge and whether the candidate has had clinical experiences equivalent to the CACREP practicum.

(4) The program must ensure the candidate completes at least 600 total clinical experience hours, including a minimum of 240 hours of direct service with students. The program may evaluate a candidate's prior experiences to determine whether to waive up to 150 of the clinical experience hours. The program may not waive direct service hours.

B. The board may grant approval for a term of up to eight years to align approval with the CACREP accreditation cycle.

PELSB is proposing to, upon approval, allow providers to create a school counseling program tailored to candidates who already hold a master's degree, which would allow these candidates to be recommended for licensure as a school counselor without obtaining an additional master's degree.

Subpart 3. Notice Required.

PELSB proposes the following new rule, Minn. R. 8705.0400, subpart 3:

Subp. 3. **Notice required.** A program must notify the board if its CACREP accreditation status changes or if it makes changes to its program model.

8710.6400. School Counselor.

Subpart 1. Scope of Practice.

PELSB proposes the following changes to Minn. R. 8710.6400, subpart 1:

Subpart 1. **Scope of practice.** A school counselor is authorized to provide to ~~kindergarten~~ prekindergarten through grade 12 students school counseling services that focus on the promotion of ~~preventive and educational strategies to enhance the cognitive, emotional, and behavioral development; effective decision-making skills; and resiliency capabilities of students~~ the academic, career, and personal and social development of all students through data-informed school counseling programs.

PELSB is seeking to expand the scope of the school counselor license to allow school counselors to also serve pre-kindergarteners. Many school districts already have pre-kindergarten students, and this change will match. PELSB has previously adopted a resolution for this expanded scope for a number of license areas ([Certificate of the Minnesota Professional Educator Licensing and Standards Board](#)).

Subpart 1b. Requirements for Tier 2 license.

PELSB proposes the following changes to Minn. R. 8710.6400, subpart 1b:

Subp. 1b. **Requirements for Tier 2 license.** A Tier 2 license issued under part 8710.0312 must be issued to a school counselor if the requirements of this subpart are met.

A. The applicant must:

(1) hold a master's degree in counseling; or

(2) hold a baccalaureate degree and:

(a) be enrolled in an accredited a school counselor program approved by the state where the program resides or the Council for the Accreditation of Counseling and Related Educational Programs, with no less than 24 semester credit hours in school-counseling-specific coursework or content, including introduction to the field, counseling skills, and ethical standards; and must

(b) verify to the board in writing a plan of study of full- or part-time enrollment to achieve licensure within three years.

[For text of items B and C, see Minnesota Rules]

[For text of subpart 1c, see Minnesota Rules]

Subpart 2. Requirements for Tier 3 license.

PELSB proposes the following changes to Minn. R. 8710.6400, subpart 2:

Subp. 2. **Requirements for Tier 3 license.** A Tier 3 license issued under part 8710.0313 must be issued to a school counselor if the applicant:

A. holds a master's degree ~~or the equivalent in school counseling~~ from a college or university that is regionally accredited by the association for the accreditation of colleges and secondary schools; and

B. shows verification of having completed a school counselor preparation program approved by the state where the program resides or the Council for the Accreditation of Counseling and Related Educational ~~Services~~ Programs.

[For text of subpart 2a, see Minnesota Rules]

Subpart 3. Subject matter standard.

PELSB proposes to repeal Minn. R. 8710.6400, subpart 3, which contains the subject matter standards that board-approved programs were required to meet in order to prepare candidates for licensure.

Subpart 5. License renewal.

PELSB proposes the following changes to Minn. R. 8710.6400, subpart 5:

Subp. 5. **License renewal.** ~~A school counselor license issued under subpart 2 or 2a shall be renewed according to the rules of the Professional Educator Licensing and Standards Board governing professional licensure. It is the responsibility of the individual seeking the renewal of a Tier 3 or Tier 4 license to comply with licensure requirements in part 8710.7100 and to submit the application, appropriate verification, and other supporting materials to the local continuing education or relicensure committee, in accordance with procedures and due dates established by the committee under 8710.7200~~

Subpart 6. Effective date.

PELSB proposes to repeal Minn. R. 8710.6400, subpart 6, which contains the effective date for the requirements for licensure as a school counselor.

Subpart 7. Restrictions and expansions.

PELSB proposes the following changes to Minn. R. 8710.6400, subpart 7:

Subpart 7. Restrictions and expansions.

A. An applicant whose school counseling preparation or experience does not align to a currently approved Minnesota license, but for which past rules have been adopted, and who meets all other requirements of subpart 2, must be issued a Tier 3 or 4 license restricted to the scope of the applicant's content training or experience.

B. An applicant with preparation or experience within two grade levels of a currently approved Minnesota licensure scope must be granted the full scope of the Minnesota license.

C. Upon request and at the time of application or renewal, an applicant who holds a Tier 3 or 4 license that is restricted or limited in scope must be granted the full scope of a currently approved Minnesota license when the applicant:

(1) has two years of experience as a licensed school counselor within two grade levels of a currently approved Minnesota licensure scope; or

(2) has completed a school counseling clinical experience within two grade levels of a currently approved Minnesota licensure scope.

REPEALER. Minnesota Rules, parts 8705.1010, subpart 7; and 8710.6400, subparts 3 and 6, are repealed.

EFFECTIVE DATE. Part 8705.0400, subpart 1, is effective July 1, 2025. A program may choose to meet this requirement before July 1, 2025.

PELSB proposes to create pathways by which a licensed school counselor, who holds a restricted license (i.e., older licenses that cover grades K-6 or 7-12 instead of the current K-12 license), would be able to expand the scope of their license.

LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, the Board anticipates that it will enter the following exhibits into the hearing record:

Exhibit A: The Request for Comments, as published in the State Register on September 30, 2024

Exhibit B: Not included – a petition for rulemaking

Exhibit C-1: A draft of the proposed rule changes, dated February 13, 2025

Exhibit C-2: The Revisor’s certificate of approval

Exhibit D: The Statement of Need and Reasonableness (SONAR)

Exhibit E-1: The Notice of Intent to Adopt Rules without a Hearing, as mailed

Exhibit E-2: The Notice of Intent to Adopt Rules, as published in the State Register on [Date TBD]

Exhibit F: Not included - a letter from the Chief Administrative Law Judge authorizing the Board to omit the text of the proposed rules from the Notice of Intent to Adopt Rules published in the State Register

Exhibit G -1: Certificate of Mailing the Notice of Intent to Adopt Rules

Exhibit G-2: Certificate of Accuracy of the Mailing List

Exhibit H: Certificate of Additional Notice

Exhibit I: Certificate documenting that the Board sent a copy of the SONAR to the Legislative Reference Library (LRL)

Exhibit J: All written comment and submission on the proposed rule changes that the Board received during the comment period

Exhibit K: Not included - Other documents to demonstrate compliance with other laws and rules [as necessary]

Exhibit K-1: Board resolution authorizing rulemaking, dated July 16, 2021

Exhibit K-2: Not included - Notice to Close Comment Period, as published in the State Register

Exhibit K-3: Certificate of Notifying Legislators of Publication of Notice of Intent to Adopt Rule

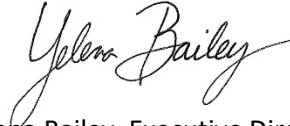
Exhibit K-4: Consultation with Minnesota Management and Budget (MMB)

CONCLUSION

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

March 14, 2025

Date

A handwritten signature in black ink, reading "Yelena Bailey". The signature is fluid and cursive, with the first name "Yelena" and last name "Bailey" clearly distinguishable.

Yelena Bailey, Executive Director