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MINNESOTA BOARD OF TEACHING

REPORT TO THE LEGISLATURE

**Review of the Board of Teaching Rules as Required
by Minnesota Statute, § 14.3691**

AUGUST 1, 2004

ESTIMATED COST OF PREPARING THIS REPORT

This report provides information that is maintained and published as Minnesota Rules by the Office of Revisor of Statutes as part of its normal business functions. Therefore, the cost information reported below does not include the cost of gathering the data but rather it is limited to the estimated cost of actually analyzing the data, determining recommendations and preparing this report document.

Special funding was not appropriated for the cost of preparing this report.

The estimated cost incurred by the Minnesota Board of Teaching in preparing this report is:
\$2,424.02

**Report on the Review of the Board of Teaching Rules as Required
by Minnesota Statute, § 14.3691.**

14.3691 Rule review and legislative oversight.

Subdivision 1. **Reports.** An entity whose rules are scheduled for review under this section must report to the governor and the appropriate committees of the legislature by August 1 of the year before the legislative session in which the entity's rules are scheduled for review. The speaker of the house of representatives and the senate committee on rules and administration shall designate the appropriate committees to receive these reports. The report must: (1) list any rules that the entity recommends for repeal; (2) list and briefly describe the rationale for rules that the entity believes should remain in effect; and (3) suggest any changes in rules that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the entity.

Subd. 2. **Schedule.** (a) Rules of the administration department, agriculture department, children, families, and learning department, commerce department, corrections department, economic security department, employee relations department, and health department will be reviewed before and during the legislative session in 2002. Policies and procedures of the board of trustees of the Minnesota state colleges and universities that would be rules if they were not exempt from chapter 14 will be reviewed before and during the legislative session in 2002.

(b) Rules of the environmental assistance office, board of teaching, housing finance agency, human rights department, human services department, labor and industry department, and mediation services bureau will be reviewed before and during the legislative session in 2003.

(c) Rules of the natural resources department, pollution control agency, public safety department, public service department, and revenue department will be reviewed before and during the legislative session in 2004.

(d) Rules of the state planning agency, trade and economic development department, transportation department, and veterans affairs department will be reviewed before and during the legislative session in 2005.

Subd. 3. **Expiration.** This section expires June 30, 2005.

EXECUTIVE SUMMARY

The members of the Board of Teaching are constantly vigilant of the ever changing educational environment and the need to meet the content and pedagogical requirements of the children who are served by the licensed teachers in the state. The Board will amend, repeal and / or make new rules that will be responsive to the public need.

The Executive Committee for the Board of Teaching annually reviews its rules and recommends to the Board's Legislative Committee any changes or modifications to its rules that will be needed in the up coming fiscal year. The Board's Legislative Committee will also recommend, to the full Board, any proposal to be presented to the Legislature to amend, repeal or request new legislation. The Board has through its review process has amended or repealed almost all of the rules under its jurisdiction within the last (4) four to (6) six years.

Rules recommended for repeal.

The Board of Teaching does, not at this time, recommend the repeal of any rule. However, since MN Statute 122A.21 Teachers' and administrators' licenses; fees, has been amended and reference to the Board setting the fees by rule has been struck, the Board may want to repeal MN Rule 8710.0200 Fees.

Suggested rule changes

Due to the enactment of the Federal Elementary and Secondary Education Act of 2001, the Board will need to amend several of its rules to meet the "highly qualified" and the "high objective uniform State standard of evaluation" requirements of this legislation.

Also, the Board has recognized that the science and keyboard rules may need to be modified to meet the needs of all districts in the state. Committees, representative of the constituents impacted by the rule, will be established to review and recommend to the Board any modifications necessary to meet the challenges that need to be addressed.

Also, the Board was given authority to develop rules for a paraprofessional credential in MN Statute 120B.363 Credential for Educational Paraprofessional. The Board is in the process of adopting rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction.

Rules that should remain in effect.

The Board of Teaching, except for otherwise noted, recommends all rules remain in effect and enforced, at this time.

Organization of this report

This report contains a chapter-by-chapter analysis of the rules under the jurisdiction of the Board of Teaching (BOT). The analysis of each chapter includes a brief description of the rationale for rule and a comment regarding the Board's recommendation for the future status of the rule.

CHAPTER 8700 LICENSURE

All rules in this chapter have been renumbered or repealed except:

8700.7500, Code of Ethics for Minnesota teachers;
8700.7600, Institutional program approval for teacher preparation; and,
8700.7620, Teacher licensure candidate assessment alternatives.

Part 8700.7500 Code of Ethics for Minnesota teacher

Minnesota Rules, part 8700.7500, defines the standards of professional conduct for teachers. The rule identifies the process and procedures used in the enforcement of the provisions. The rule is necessary for maintaining high standards for teacher quality and a minimum level of expectation of professional conduct for the practicing teacher. The BOT recommends this rule remain in effect.

Part 8700.7600 Institutional program approval for teacher preparation

Minnesota Rules, part 8700.7600, governs the teacher preparation programs for the purpose of preparing individuals for teacher licensure. The rule identifies the process for application, evaluation and duration of the institutional and program approval for the college or university wanting or having a teacher preparation program. The rule is necessary for maintaining high standards for teacher quality and to ensure that all teacher preparations programs meet the rule requirements for offering a program. The BOT recommends this rule remain in effect.

Part 8700.7620 Teacher licensure candidate assessment alternatives

Minnesota Rules, part 8700.7620, authorizes the Executive Director of the BOT to recommend candidates for licensure having met all the qualifications through an alternative path. This rule is necessary to meet the new requirements of the federal Elementary and Secondary Education Act legislation for those individuals

who wish to enter the field of education from a non-traditional path. The BOT recommends this rule remain in effect.

CHAPTER 8710 TEACHER AND OTHER SCHOOL PROFESSIONAL LICENSING

Minnesota Rules, Chapter 8710, governs the procedures for licensure and the educational requirements for instructional and support personnel who are required to be licensed by the Board of Teaching. The members of the Board of Teaching are constantly vigilant of the ever changing educational environment and the need to meet the content and pedagogical requirements of the children who are served. The Board will amend, repeal and / or make new rules that will be responsive to the public need.

Part 8710.0100 Scope

Minnesota Rule, Part 8710.0100, governs the procedures for licensure.

Part 8710.0200 Fees

Minnesota Rule, Part 8710.0200, governs the processing fee charged for the issuance and / or renewal of a license. Since MN Statute 122A.21 Teachers' and administrators' licenses; fees have been amended and rulemaking authority for the Board to set fees has been removed. The Board may want to repeal this rule in the next several months.

Part 8710.0300 Issuance, renewal, and validity of all licenses

Minnesota Rule, Part 8710.0300, defines the requirements of applicable statutes and rules for the granting of a license. The rule defines the type of licenses and the criteria for granting that license. The rule is necessary for maintaining and ensuring highly qualified teachers have met the requirements and / or standards for licensure. The BOT recommends this rule remain in effect.

Part 8710.0400 Applicants prepared outside Minnesota

Minnesota Rule, Part 8710.0400, defines the requirements for applicants prepared outside Minnesota to be licensed in Minnesota. The rule is necessary for maintaining and ensuring highly qualified teachers have met the requirements and / or standards for licensure. The BOT recommends this rule remain in effect.

Part 8710.0500 Examinations for teacher licenses

Minnesota Rule, Part 8710.0500, defines the examination requirements for the first professional teaching license. The rule further defines the administration, scoring and reporting requirements for the BOT. The rule is necessary for maintaining and ensuring highly qualified teachers have met the requirements and / or standards for licensure. The BOT recommends this rule remain in effect.

Part 8710.0600 Procedures for issuance of life licenses

Minnesota Rule, Part 8710.0600, defines the criteria for application for a life license. The BOT recommends this rule remain in effect.

Part 8710.0700 Procedures for voluntary surrender of licenses

Minnesota Rule, Part 8710.0700, defines the process for an individual to voluntarily surrender their license. The BOT recommends this rule remain in effect.

Part 8710.0800 Procedures for revocation or suspension of all licenses

Minnesota Rule, Part 8710.0800, defines the statutory requirements for the revocation or suspension of a license. The rule is necessary for maintaining and ensuring highly qualified teachers have met the requirements and / or standards for licensure. The BOT recommends this rule remain in effect.

Part 8710.0850 Issuance or reinstatement of license after revocation or suspension

Minnesota Rule, Part 8710.0850, defines the terms and conditions for a person whose license or renewal privilege for receiving a license has been revoked or suspended. This rule is necessary for those individuals who have met all the terms and conditions imposed by the Board for the suspension or revocation and now want to hold a license granted by the Board. The BOT recommends this rule remain in effect.

Part 8710.0900 Appeal to board of teaching

Minnesota Rule, Part 8710.0900, defines the process and procedures needed by a person to appeal a decision of the board of teaching. This rule also includes permission for an institution and continuing education committee to appeal a decision made by the respective units. This rule is necessary for the board to serve as a facilitator when the interpretation of the board's rule or rules is or are in question. The BOT recommends this rule remain in effect.

Part 8710.1000 Substitute teachers

Minnesota Rule, Part 8710.1000, defines the various types of substitute teaching licenses available and the requirements needed to obtain such a license. In today's market, the need for highly qualified substitute teachers is increasing but the availability of these individuals is declining. The BOT recommends this rule remain in effect.

Part 8710.1050 Limited intern license

Minnesota Rule, Part 8710.1050, defines and authorizes the issuance of limited intern licenses that permit a person to serve as an intern under the direct supervision of a licensed teacher or other education professional licensed by the Board of Teaching for the equivalent of no more than one school year while completing a preparation program leading to Board of teaching licensure. The limited intern license does not authorize the intern to serve as a teacher or other education professional.

Part 8710.1250 Temporary limited licenses

Minnesota Rule, Part 8710.1250, defines the criteria for and authorizes the issuance of temporary limited licenses that permit a person to teach in an area for which the person has not completed an approved teacher preparation program that leads to a Board of Teaching license. This rule is necessary to meet the new requirements of the federal Elementary and Secondary Education Act legislation for those individuals who wish to enter the field of education from a non-traditional path. Due to the enactment of the Federal Elementary and Secondary Education Act of 2001, the Board may want to amend this rule to meet the "highly qualified" and the "high objective uniform State standard of evaluation" requirements of the legislation.

Part 8710.1400 Personnel variances

Minnesota Rule, Part 8710.1400, defines the criteria for and authorization to issue personnel variances, which permit a licensed teacher to teach in related subjects or fields for which such teacher is not currently licensed. This rule is necessary to meet the changing needs of a school district and permits the administrator to provide a temporary solution for the district when a licensed teacher is not available. Due to the enactment of the Federal Elementary and Secondary Education Act of 2001, the Board may want to amend this rule to meet the "highly qualified" and the "high objective uniform State standard of evaluation" requirements of the legislation.

Part 8710.2000 Standards of effective practice for teachers

Minnesota Rule, Part 8710.1400, defines what a teacher must understand regarding the central concepts, tools of inquiry, and structures of the disciplines taught and be able to create learning experiences that make the aspects of subject matter meaningful for students. This rule is necessary, as a standard in a teacher preparation program as it serves as the bases of the pedagogical requirement. The BOT recommends this rule remain in effect.

Part 8710.3000 to 8710.5900 Teacher of ... (Multiple licenses are addressed)

Minnesota Rule, Part 8710.3000 to 8710.5900, defines the criteria for licensure requirements for the specific content and grade levels as established by this rule and authorizes the issuance of a license if the requirements have been met. These rules are necessary, as they define and establish the requirements necessary to meet the content standards for an individual to be licensed. Although the Board will review the requirements of MN Rule 4750 Teachers of Science and MN Rule 4525 Teachers of keyboarding for computer applications, the BOT recommends all current rules remain in effect.

Part 8710.6000 to 87100.6400 Educational specialists requirements

Minnesota Rule, Part 8710.6000 to 8710.6400, defines the scope of practice and the requirements for speech-language pathologist, school nurse, psychologist, social worker and counselor. These rules are necessary as they define the role and responsibility of licensed support staff. The BOT recommends these rules remain in effect.

Part 8710.7000 to 8710.7700 Duty of licensee to renew

Minnesota Rule, Part 8710.7000 to 8710.7700, defines the responsibility of the person seeking the renewal of a continuing or professional teaching license to comply with licensure renewal requirements and to submit the application, appropriate verification, and other supporting materials to the local continuing education / re-licensure committee, in accordance with procedures and due dates established by that committee. These rules are necessary to ensure opportunities for the individuals continued growth within the profession. The BOT recommends these rules remain in effect.

Part 8710.8000 to 8080 Teachers of ... vocational programs

Minnesota Rule, Part 8710.8000 to 8710.8080, defines the criteria for licensure requirements for licensure in career and technical education as established by these rules and authorizes the issuance of a license if the requirements have been met. These rules are necessary, as they define and establish the requirements necessary to meet the content standards for an individual in career and technical education to be licensed. The BOT recommends these rules remain in effect.