

# State Register

STATE OF MINNESOTA

Pages 301-348



## HIGHLIGHTS:

Financial Accounting Reporting Requirements

—Adopted Rules from the Board of Education

Home Improvement Grant Program

—Adopted Rules from the Housing Finance Agency

Continuing Medical Education

—Proposed Rules from the Board of Medical Examiners

Licensing Requirements and Code of Ethics for Teachers

—Proposed Rules from the Board of Teaching

Standardized Type Styles for Insurance Policies

—Public Opinion Sought by the Department of Commerce

Outdoor Display Lighting

—Public Opinion Sought by the Energy Agency

Proposed Stadium Sites

—Notice of Public Hearing from the Metropolitan Sports Facilities Commission

New Ambulance Service

—Notice of Application for License by the Sunburg Rescue Squad

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# RULES

## Board of Education Adopted Temporary Rules Governing Financial Accounting Reporting Requirements

The State Board of Education adopted the temporary rules relating to uniform financial accounting and reporting standards on August 1, 1977. These rules, EDU 764E-769, (5 MCAR §§ 1.0764E-1.0769) are identical to those printed in the *State Register*, April 25, Vol. 1, Number 42, pp. 1539-1542. The attorney general approved the rule on August 10, 1977, with the following amendments.

Howard B. Casmev  
Commissioner

5 MCAR § 1.0764 Audited and unaudited financial statements, budgets. § 1.0764 A., B., C., and D. remain unchanged.

**E. An audit shall be defined as an examination of the various financial statements of the funds and account groups of a school district by the state auditor, an independent certified public accountant, or a public accountant who for the five previous years has been actively engaged exclusively in the practice of public accounting. This examination shall be performed in accordance with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants. Audited financial statements shall be defined as those financial statements which have been [[subjected to audit.]] examined pursuant to an audit.**

§ 1.0767 Statutory operating debt. § 1.0767 A., B., C., and D. remain unchanged.

**[[E. If as of June 30, 1977, the unaudited financial statements submitted to the department show an operating debt in excess of five percent of the expenditures identified in subdivision C. or show that it will require more than two years to eliminate such debt pursuant to the statutory operating debt levy, then the district shall be required to levy an additional 1.5 mills on the adjusted assessed valuation of the district and to comply with other provisions of Minn. Stat. § 121.917 and § 275.125, subd. 9a. If subsequently, the audited financial statements show the district had not been in statutory operating debt and was thereby ineligible for such additional levy, the district shall recognize the additional**

**levy as revenue to the general fund deferred one year and shall reduce the following maintenance levy by a like amount.]]**

**[[F. If as of June 30, 1977, the unaudited financial statements submitted to the department show an operating debt of less than five percent of the expenditures identified in subdivision C. and show that it will require two years or less to eliminate such debt pursuant to the statutory operating debt levy, the department shall require a reexamination of the financial statements and redetermination of operating debt. The district shall request and utilize the services of a regional accounting coordinator, a representative of the appropriate regional service agency or a representative of the department of education to assist in this reexamination and redetermination. Upon completion the district shall recertify the financial statements as to their accuracy and compliance with this chapter and with Minn. Stat. § 121.914. If a statutory operating debt levy is authorized and subsequently the audited financial statements show the district was not in statutory operating debt and was therefore ineligible for such additional levy, the procedure in § 1.0767E is to be followed. If a statutory operating debt levy is not authorized and subsequently the audited financial statements show the district was in statutory operating debt and was therefore eligible for the additional levy, the district shall make up the levy deficiency.]]**

**[[G. If as of June 30, 1977, the unaudited financial statements show no operating debt, there shall be no verification procedure required for statutory operating debt. If subsequently, the audited financial statements show the district was in statutory operating debt and was thereby eligible for the additional levy, the district shall make up the levy deficiency.]]**

**[[H. Prior to June 30, 1979, the commissioner may, on the basis of the audited financial statements submitted by a district to the department, pursuant to Minn. Stat. § 121.914, subd. 5, adjust the total amount of statutory operating debt of the district, determined as of June 30, 1977.]]**

**[[I. The commissioner shall not be required to certify a levy for statutory operating debt in 1977 if the unaudited financial statements for the preceding fiscal year are not submitted by August 15. If subsequently, the audited financial statements show that the district was in statutory operating debt and was therefore eligible for an additional levy, the district shall make up the levy deficiency.]]**

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## RULES

§ 1.0768 Balance sheet funds. § 1.0768 A., B.1, B.3, B.4, B.5, B.6, B.7, C.1, C.2, C.3, D., and E. remain unchanged.

### B. Assets.

2. Cash shall include amounts on deposit in officially designated depositories, undeposited cash, petty cash, interest bearing accounts, change funds, travel advance funds and cash with fiscal agents. Investments shall include investments in securities, commercial certificates of deposit or obligations of various [[governments.]] governmental agencies.

### C. Liabilities.

4. [[6.]] Amounts due to other Minnesota school districts and other governmental units includes amounts due to all districts as defined in § 1.0760.

5. [[7.]] Claims payable include losses incurred for which claims have not been paid. This category includes estimates of expenditures for losses which have occurred in the current period but for which payments have not been made or claims have not been filed.

Administrative awards, made against a district by a state or federal agency, which are not on appeal are included if unpaid.

6. [[8.]] Accounts and contracts payable are amounts due for goods received or services rendered.

Payroll deductions and employer contributions include amounts already expensed to appropriate accounts which are temporarily held until they are required to be transmitted.

7. [[4.]] Property taxes levied for the subsequent year's expenditure shall be the amount, including abatements and portions to be assumed by the state, certified to the county auditor.

8. [[5.]] Revenues collected in advance of June 30 but not earned [[in the]] until a following year are deferred revenues.

F. Unappropriated fund balances. The unappropriated fund balance is equal to the assets less the sum of the liabilities, encumbrances outstanding and [[appropriate]] appropriated fund balances. The unappropriated fund balance represents amounts that may be expended in the future for the operation of that fund.

§ 1.0769 Unchanged.

## Housing Finance Agency Rules Governing Occupancy Requirements for Rented Housing, the Home Improvement Grant Program and the Home Mortgage Program

The rules published at State Register Vol. 1, No. 36, p. 1315, March 14, 1977, are adopted and are identical in every respect to their proposed form, with the following amendments:

MHFA 2 [[(o)]] O. 'Persons and Families of Low and Moderate Income' means:

[[ (i) ]]  
1. With respect to **Limited-Unit Mortgage Loans** pursuant to Chapter Four of these Rules, **Development Cost Loans** pursuant to Chapter Three of these Rules, **Planning Grants** pursuant to Chapter Five of these Rules, and **American Indian Housing Loans** pursuant to Chapter Eight of these Rules, which loans and grants are intended for a **Limited-Unit Development**, or a dwelling unit in a planned unit development or a condominium, those persons and families whose Adjusted Income does not exceed \$16,000;

[[ (ii) ]]  
2. With respect to **Multi-Unit Mortgage Loans** pursuant to Chapter Four of these Rules, **Development Cost Loans** pursuant to Chapter Three of these Rules, **Planning Grants** pursuant to Chapter Five of these Rules, and **American Indian Housing Loans** pursuant to Chapter Eight of these Rules, which loans or grants are intended for a **Multi-Unit Development**, those persons and families whose Adjusted Income does not exceed the **greater of \$16,000** or 550 percent of the gross rental for the dwelling unit to be occupied; provided, however, that the gross rentals for at least 75 percent of the dwelling units in such **development** shall not exceed 120% of the Fair Market Rents for the geographical area in which such **projects** are located, as determined and adjusted from time to time by the United States Department of Housing and Urban Development; provided **further**, that the Members may allow higher gross rentals for units in any structure if the Members determine that such higher gross rentals are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or similar factors relating to income available for housing or housing costs;

[[ (iii) ]]  
3. With respect to home improvement grants to be made by the Agency, those persons and families whose Adjusted Income does not exceed \$5,000 and whose [[gross]] assets, excluding the property to be improved, does not exceed \$25,000; and

## RULES

[[iv)] **4.** With respect to home improvement loans pursuant to Chapter Six of these Rules, those persons and families whose Adjusted Income does not exceed **[[(\$14,000.)] \$16,000.**

MHFA 3 Agency meetings.

[[a)] **A.** Regular meetings of the Agency shall be held on the **[[third]] fourth** Thursday of each month at 1:00 PM at the offices of the Agency in St. Paul, Minnesota, unless another place of meeting is designated by resolution. In the event such date shall fall on a legal holiday, the regular meeting shall be held the next succeeding business day.

MHFA 61 Reservation of funds.

[[d)] **D.** The Agency shall allocate the total funds available at any time ratably among the several regions, based upon data assembled by the Agency and accurately reflecting housing needs and related factors. **[[At least 50 percent of the total grant funds allocated to each Administering Entity must be delivered to elderly applicants, i.e., persons 62 years of age or older, who are Eligible Recipients.]]**

MHFA 62 Eligible recipients of rehabilitation grants.

[[a)] **A.** The recipient(s) must occupy the structure to be improved as the recipient's(s') principal place of residence and individually or in the aggregate have at least (i) a life estate or (ii) a one-third interest in the fee title or in the contract for deed with respect to such structure. The Agency may waive or modify the ownership and security requirement when necessary to permit rehabilitation grants for structures located on Indian Reservations.

[[d)] **D.** **'[[Gross]] Assets' for purposes of the home improvement grant program shall be the sum of the following, after deducting any outstanding indebtedness:**

[[i)] **1.** Cash on hand or in checking or savings accounts;

[[ii)] **2.** securities or U.S. Savings Bonds;

[[iii)] **3.** market value of all interest in real estate (exclusive of the structure to be improved and a parcel of

real property of not more than two acres on which such structure is located);

[[iv)] **4.** cash value of life insurance policies; and

[[v)] **5.** all other property, exclusive of household furnishings, clothing, and one automobile.

MHFA 64 Responsibilities of administering entity. The Administering Entity shall have the following responsibilities:

[[a)] **A.** The Administering Entity shall have full responsibility for program implementation including public information, reviewing and screening applicants, choosing recipients, and **[[ensuring]] certifying** that the rehabilitation work is satisfactorily completed.

[[d)] **D.** The Administering Entity may, with the prior written consent of the Agency, allocate **[[up to three percent of the total funding in municipal areas and up to five percent of the total funding in primarily rural areas]] part of its total funding in accordance with a formula based upon data assembled by the Agency and reflecting administrative costs, geographic area, level of funding, and other related factors, to defray a portion of the administrative costs of the program, to the extent that other sources are not available.** It shall be the responsibility of the Administering Entity to bear all administrative costs, including salaries and office rental, automobile and telephone expenses, and costs of counseling or technical assistance. The administrative allowance, if any, shall be distributed by the Agency according to a budget submitted by the Administering Entity and approved by the Agency. Disbursements of the administrative allowance shall be contingent upon the Agency's review and approval of the satisfactory progress of the program.

MHFA 67 Repayment. The recipient of a grant fund and all individuals who signed the application for such fund shall enter into an agreement with the Agency for repayment, which shall provide that in the event that the property (upon which the improvement is located) is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence within **[[five]] six** years from the date upon which the grant application was approved, then the recipient shall repay, and the Agency shall have a lien as security for repayment of, all or a portion of such grant funds in accordance with the following schedule:

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## RULES

Period of Time Within  
Which Sale, Transfer, Conveyance,  
or Cessation of Residency Occurs

### Percent Repayment

Prior to end of [[12th]] <u>35th</u> full month	100%
After end of [[12th]] <u>36th</u> full month until end of [[24th]] 48th full month	[[80%]] <u>75%</u>
After end of [[24th]] <u>48th</u> full month until end of [[36th]] <u>60th</u> full month	[[60%]] <u>50%</u>
After end of [[36th]] <u>60th</u> full month until end of [[48th]] <u>72nd</u> full month	[[40%]] <u>25%</u>
[[After end of 48th full month until end of 60th full month]]	[[20%]]
After end of [[60th]] <u>72nd</u> full month	No repayment

If any grant funds are used for purposes other than an eligible improvement upon eligible property or if the recipient's application is found to contain a material misstatement of fact the recipient shall be liable for repayment of the grant. **No repayment shall be required to the extent that the grant is made to improve the accessibility of residential housing to a handicapped occupant.**

MHFA 68 Home owner labor agreement. An eligible recipient may agree with an Administering Entity to do some or all of the improvement work without compensation from the proceeds of the grant, if the Administering Entity is satisfied as to the recipient's skill and ability to perform the work by the scheduled completion date(s). In such circumstances [[the Agency shall forward to the Administering Entity funds sufficient to cover the estimated material costs of the improvements and shall withhold from the Administering Entity]] sufficient grant funds to cover the costs of the labor, in the event that paid contractors must be used to complete such improvements, **may be withheld.** [[The total amount of the funds so forwarded and so withheld shall not exceed \$5,000 for each grant.]] **Upon successful completion of the improvement work so funded, the Administering Entity may make available to the recipient all or part of the withheld funds for further eligible improvements if it is satisfied on the basis of its prior experience with the recipient that there is no need to withhold funds to ensure completion of the new improvement work.**

MHFA 69 Emergency home improvement grant fund. The Agency may establish a separate fund known as the Emergency Home Improvement Grant Fund [[for the purpose of making home improvement grants]]. **Grants from the Emergency Home Improvement Fund shall be made to eligible applicants [[to correct]] provided that the dwell-**

**ing contains defects or deficiencies which (i) are the direct result of an occurrence which took place [[not more than 60 days]] within a reasonably recent period of time prior to the grant application, and (ii) if left uncorrected would render the dwelling immediately uninhabitable. Before an application to the Emergency Home Improvement Grant Fund is accepted, the Administering Entity in the region in which the dwelling is located must establish that it has no funds available from its regular grant fund to cover the cost of repairs. Such funds may also be used to correct serious defects or deficiencies in the dwelling other than the specific defect or deficiency which rendered the dwelling immediately uninhabitable.** Grants from the Emergency Home Improvement Fund shall be made to eligible applicants pursuant to the procedures set forth in Chapter Seven of these Rules, provided however, that the Emergency Home Improvement Fund shall not be subject to the allocation requirements of MHFA 61(d).

## Department of Personnel

### Adopted Temporary Rules

**Governing Labor Service,  
Leaves of Absence, Allocation  
and Reallocation of Positions,  
Layoffs, and Travel  
Reimbursement**

The temporary rules published at State Register Vol. 2, No. 1, p. 50, July 11, 1977 (2 S.R. 50), are adopted and are identical in every respect to their proposed form.

# PROPOSED RULES

## Board of Medical Examiners Proposed Rules Governing Continuing Medical Education

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Tuesday, October 4, 1977, commencing at 9:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed rules as captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to George Beck, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone: (612) 296-8108, either before the hearing or within five (5) days after the close of the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed rules is attached hereto and made a part hereof. More copies of the proposed rules are now available and at least one free copy may also be obtained by writing to the State of Minnesota Board of Medical Examiners, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Extra copies will also be available at the door on the date of the hearing.

A Statement of Need explaining the Board of Medical Examiners' position relative to the necessity for the proposed rules and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed rules will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to

the hearing and will be available there for public inspection. The statutory authority of the Board of Medical Examiners to promulgate and adopt these rules is contained in Minn. Stat. § 214.12 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 a year or five (5) hours per month for lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone: (612) 296-5615.

Loren E. Nelson, M.D.  
Secretary-Treasurer

### Rules as Proposed

#### 7 MCAR § 4.012 Continuing medical education.

**A. During three year cycles, each physician licensed to practice by this Board shall obtain 150 hours of continuing medical education credit as required by this rule.**

**1. For the purpose of administering this rule, the Board will establish three classes of licensees as follows:**

**Class I. Licensees in this class will be required to complete 50 hours of continuing education by December 31, 1978. These hours shall include at least 20 hours of Category 1 credit. However, no more than 15 hours of credit may be obtained in any one of the other categories. Thereafter, the licensees in this class shall report to the Board at three year intervals.**

**Class II. Licensees in this class will be required to complete 100 hours of continuing education by December 31, 1979. These hours shall include at least 40 hours of Category 1 credit. However, no more than 30 hours of credit may be obtained in any one of the other categories. Thereafter, the licensees in this class shall report to the Board at three year intervals.**

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## PROPOSED RULES

Class III. Licensees in this class shall be required to complete 150 hours of continuing education by December 31, 1980. These hours shall be obtained in such a way as to fully comply with the requirements of 7 MCAR § 4.012 B. Thereafter, the licenses in this class shall continue to report to the Board at three year intervals.

2. The Board shall place licensees in these three classes so as to create classes that are approximately equal. No other standard shall be used in determining the class into which licensees shall be placed.

3. Each person initially licensed after the effective date of this rule shall commence his or her first three year cycle on January 1 following the date of initial licensure.

B. Continuing medical credit may be obtained from the following activities:

Category 1. No less than 60 hours of credit shall be obtained in any cycle by attendance at educational activities approved by the Board pursuant to 7 MCAR § 4.012 B.

Category 2. No more than 45 hours of credit may be obtained in any cycle through educational activities sponsored by a hospital, clinic, or medical or osteopathic society and not meeting the standards contained in category 1.

Category 3. No more than 45 hours of credit may be obtained in any cycle through medical teaching of medical students, residents, practicing physicians and allied health professionals.

Category 4. No more than 40 hours of credit may be obtained in any cycle for papers, publications, books, lectures and exhibits.

1. Papers, publications and books. Ten hours of credit shall be granted for a scientific paper or book chapter published in a scholarly medical journal or book.

2. Lectures. An hour of credit shall be granted for each hour spent lecturing at a course which would qualify for approval under these rules.

3. Exhibits and non-published papers. Ten hours of credit shall be granted for a paper or exhibit presented before a professional medical or allied health audience. Credit may be claimed only once for each scientific material presented.

Category 5. No more than 45 hours of credit may

be obtained by engaging in professional reading, peer patient care review activities, self assessment examinations sponsored by a professional organization recognized by the Board as maintaining a significant level of quality control, and preparation for certification or recertification examinations administered by a national specialty board.

C. Approval of courses for credit. Persons or organizations intending to offer courses for continuing education credit not included under 7 MCAR § 4.012 D.6. should apply to the Board in advance for approval. Any person or organization may submit a course for approval by the Board. The following information shall be provided to the Board, as well as any other information which the Board may reasonably require for the purpose of evaluating the course for which approval is sought.

1. The name and address of the organization sponsoring the course.

2. A detailed description of the course content including a time schedule for the course.

3. The name of each instructor or person making a presentation and his or her credentials.

4. The location — including the name and address of the facility at which the course will be conducted.

D. The Board shall grant Category 1 continuing education credit for any educational activity which meets the following standards:

1. The educational activities shall have significant intellectual or practical content dealing primarily with matter directly related to the practice of medicine or to the professional responsibility or ethical obligations of the participants.

2. Each person making a presentation shall be qualified by practical or academic experience to teach the subject he or she covers.

3. Participants shall attend educational activities in a classroom, laboratory, or setting suitable for the activity. Video, motion picture or sound tape presentations may be used.

4. Ordinarily, credit will not be given for speeches given at lunches or banquets.

5. One hour of credit shall be given for each 60 minutes actually spent on educational activities.

6. Any course planned, sponsored or co-sponsored by a medical or osteopathic medical school, state or na-

## PROPOSED RULES

tional medical or osteopathic association, or a national medical specialty board shall be presumed to meet the above standards. This presumption may be withdrawn by the Board if it determines that a school, association or specialty board has sought credit for a course not meeting these standards.

E. The Board shall state in writing its reasons for denying any application for approval of a course for credit.

F. The Board may accept certification or recertification by an American specialty board in lieu of compliance with the continuing education requirements during the cycle in which certification or recertification is granted. The Board may also accept certification of other state or national medical groups whose continuing medical education requirements are the equivalent of or greater than those of this Board in lieu of compliance with these standards.

G. Upon application, the Board shall issue retroactive approval of any educational activity offered after January 1, 1977 which meets the standards for approval contained in this rule.

H. Licensees shall, at the relicensure period coinciding with the end of their cycle, provide a signed statement to the Board on a form provided by the Board indicating compliance with this rule. The Board may, in its discretion, require such additional evidence as is necessary to verify compliance with the rule.

A licensee failing to submit a statement or who submits a statement which, on its face, indicates non-compliance with this rule may be subject to the disciplinary provisions contained in 7 MCAR § 4.012 J.

I. Exemptions. The Board may grant an exemption from these continuing education requirements to a licensee for either of the following reasons:

1. Full time participation in residency or fellowship training at a professionally accredited institution; or

2. Other circumstances which, in the opinion of the Board, obviate or minimize the need for continuing education.

J. The Board may refuse to renew, suspend, condition, limit or qualify the license of any person whom the Board determines has failed to comply with the requirements of this rule.

If the Board refuses to renew a license, a hearing shall be held only if the licensee submits a written request for a hearing within thirty days after receiving notice of the refusal to renew. Any such hearing shall be conducted pursuant to the provisions of the Minnesota Administrative Procedure Act.

## Board of Teaching Proposed Rules Governing Elementary and Secondary School Counselors; Code of Ethics for Teachers; and Licenses for Teachers of Art, Family Life Education, and American Indian Language and Culture

### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1977), in the above-entitled matter in the State Office Building Auditorium, St. Paul, Minnesota 55101 on Friday, October 28, 1977, and Saturday, October 29, 1977, commencing at 9:00 a.m., on each day and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for five (5) days after the public hearing ends.

The Board proposes to adopt, amend, or repeal rules governing Requirements for Issuance and Renewal of all Licenses, Qualifications for Physical Education and Health Teachers, Suspension or Revocation of Licenses to Teach, Appeal to the Minnesota Board of Teaching, Social Studies in Secondary Schools, Science for Grades 5-9 and Grades 7-12, Human Relations Components in all Programs Leading to Licensure in Education, Issuance and Renewal of all Licenses, Fees, Teachers of Art, Teachers of Family Life Education, Teachers of American Indian Language and Culture, Code of Ethics, Continuing Education/Relicensure, Career Licensure in Teaching,

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## PROPOSED RULES

Nursery School Teachers, Licensure of Prekindergarten Teachers and Prekindergarten Assistant Teachers, Teachers of Industrial Arts, Elementary School Counselors, Secondary School Counselors, Teachers in Middle Schools. The authority of the Board to promulgate the proposed rules is found in Minn. Stat. chs. 15 and 125, as amended. A copy of the proposed amendments and repeals is attached hereto.

Under Minn. Stat. §§ 10A.01, subd. 11 and 10A.03 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethical Practices Board as a lobbyist within five (5) days of the commencement of such activity by the individual.

Public comment will be accepted after presentation of each of the proposed rules. After the presentation of the last rule, 5 MCAR § 3.054 Teachers in Middle Schools, general and specific public comment on any and all of the above captioned rules will be accepted.

Copies of the proposed rules are now available and may be obtained by writing to:

Minnesota Board of Teaching  
607 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Additional copies of the proposed rules will be available at the door on the date of the hearing.

Kenneth L. Peatross  
Executive Secretary

### Rules as Proposed

[5 MCAR § 3.001 Requirements for issuance and renewal of all licenses.]

**5 MCAR 3.001 Requirements for the issuance and renewal of all licenses.**

**A.** Licenses to teach in Minnesota may be granted to persons who complete approved programs leading to teacher licensure in Minnesota institutions which are approved by the Minnesota board of teaching to prepare persons for teacher licensure.

**B.** An applicant must qualify separately for each licensure area and provide evidence of satisfactory completion of a program in each licensure area which has been approved by the Minnesota board of teaching.

**C.** The initial license which may be issued in any licensure area is an entrance license, valid for two years.

**D.** There are three exceptions to the requirement that the initial license which may be issued in any licensure area must be an entrance license. For these three exceptions, a continuing license for each licensure area may be granted to:

1. An applicant who holds a life or continuing license as a secondary school classroom teacher who subsequently completes an approved program in an additional classroom teaching licensure area at the secondary school level.

2. An applicant who holds a life or continuing license as an elementary school classroom teacher or a secondary school classroom teacher who completes an approved program as a middle school classroom teacher in the same licensure area or in a different licensure area.

3. An applicant who holds a life or continuing license to teach who completes an approved program in an additional licensure area for which the licensure rule specifies that the applicant must hold a license to teach as a requirement for the issuance of the additional license.

**E.** When one year of teaching experience is not completed prior to the expiration of an entrance license, another entrance license in that licensure area may be issued upon application. If an entrance license in any licensure area is allowed to lapse, it may be renewed, upon application, until the applicant has had one year of teaching experience in that licensure area after which time an applicant must qualify for a continuing license.

**F.** A continuing license, valid for five years, may be issued to an applicant who has completed at least one year of teaching experience in a licensure area while holding an entrance license, as verified by the local continuing education committee. When a licensure area is added to a continuing license already in force, the expiration date becomes that already established for the continuing license in force.

**G.** Any person who applies for the renewal of a continuing license who has not, at any time during the five-year period immediately preceding, been employed in the licensure area for which the license is valid shall furnish evidence of having been granted 120 renewal units as verified by the local continuing education committee.

**H.** If a continuing license in any area is allowed to lapse, one of the following may be issued:

1. A continuing license based upon verification by a local continuing education committee that the applicant



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has been granted 120 renewal units, during the five-year period immediately preceding the application, or

2. A continuing license based upon evidence that the applicant earned at least 12 quarter or 8 semester hours of credit, in the licensure area where application is being made, during the five-year period immediately preceding the application, or

3. A one-year renewal of the lapsed continuing license based upon evidence that the applicant has been offered a position contingent upon holding a valid license. In order to qualify for a continuing license at the end of one year, the applicant shall provide evidence that at least 12 quarter or 8 semester hours of credit have been earned in the licensure area where application is being made during the five-year period immediately preceding the date of application for the continuing license.

I. Continuing licenses, valid for five years, may be renewed according to the rules of the board of teaching pertaining to continuing education.

### J. Substitute teachers.

1. A long call substitute teacher is one who teaches for 15 or more consecutive days in a single classroom or teaching assignment. Long call substitute teachers shall hold an entrance or continuing license to teach for each licensure area taught.

2. Short call substitute licenses to teach, valid for five years, may be issued to a previously licensed applicant which shall authorize teaching on a day-to-day basis not to exceed 15 consecutive days in a single classroom or teaching assignment. A short call substitute license may be renewed upon application.

### § 3.003 Issuance and renewal of all licenses; fees.

A. All licenses to teach shall be issued and/or renewed in accordance with Minn. Stat. § 125.05 and criteria established in rules of the board of teaching and shall be valid for the period of time specified in rules of the board of teaching:

1. Limited license — valid for 1 year.
2. Entrance license — valid for 2 years.
3. Continuing license — valid for 5 years.
4. Career license — valid for 10 years.

B. All licenses to teach shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.

C. After July 1 in the year of expiration, all licenses to teach not renewed shall be deemed expired and no longer valid for teaching.

D. Each application for the issuance and/or renewal of a license to teach shall be accompanied by a processing fee in the amount of twenty dollars (\$20.00). Such fees shall be paid to the commissioner of education who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

E. The fee shall be nonrefundable for applicants not qualifying for a license, provided however, that the fee shall be refundable by the state treasurer in those cases in which the applicant already holds a valid unexpired license.

F. This rule shall become effective on July 1, 1977.

**§ 3.004 Career licensure in teaching.** A career license in teaching shall be granted to an applicant who has met the requirements set forth in this rule. The career license shall be valid so long as the holder meets the requirements set forth in this rule.

A career license attests to the commitment of the holder to teaching as a career and to planned personal professional growth and development.

A. An initial career license shall be granted to an applicant who holds a continuing teaching license or a life teaching license and who has met the following requirements:

1. Has earned at least a master's degree or a fifth year certificate from a regionally accredited college or university in the teaching field(s) or area(s) in which continuing licensure or life licensure is held or in professional education programs which have as their focus the improvement of the instructional/learning process, or

2. Has earned at least a baccalaureate degree and has earned at least 450 renewal units in accordance with the procedures set forth in 5 MCAR § 3.005 and has earned such units in at least five of the experiences outlined in 5 MCAR § 3.005 E.1. and/or the local continuing education committee guidelines, and

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3. Has engaged in full-time teaching for a minimum of 12 consecutive years including a maximum of 2 years of school board approved leave while holding a license valid for the position(s) in which the experience was obtained, and

4. Has taught in the general area for which career licensure is requested for at least three of the preceding five years, and

5. Has paid such processing fees as may be established by the board of teaching.

B. Once obtained, a career license shall be the property of the holder for life, and shall not be suspended or revoked except for those causes authorized under applicable Minnesota statutes or rules.

1. Withdrawal from active teaching for a period of at least five years or failure to fulfill the responsibilities of a career license shall authorize the board of teaching to designate the holder's license as inactive. In this event the licensee's status shall revert to that credential held prior to the attainment of the career license, and shall be subject to those requirements as may be outlined in 5 MCAR § 3.005.

2. An inactive license held by career or life licensed teachers may be converted to active status by the affirmation of growth experiences and upon endorsement by the local committee as outlined below.

C. Teachers holding life licensure in the state of Minnesota may qualify for a career license by meeting the requirements of A. above, except that: units may have been earned during the preceding five calendar years or experiences in lieu of renewal units may be accepted as outlined in D.3.

D. The privilege and high professional stature accorded to holders of the career license carry the responsibility and obligation for service to the teaching profession as well as for continued professional growth. These areas of responsibility include:

1. Participation in pre-service and in-service instruction and service on college or university advisory committees.

2. Supervision of interns, student teachers, and entry-level licensees during these field experiences and/or probationary periods of licensure.

3. Continued professional growth throughout the licensee's career. The holder of a career license shall remain registered with the local committee and shall, at each ten-year interval following the granting of the

license, affirm to the local committee such growth experiences as:

a. May meet those requirements established for holders of a continuing license

OR

b. May indicate at least two significant contributions to the development of the teaching profession during the preceding five-year periods. Significant contributions to the profession shall include:

(1) Participation on college or university advisory committees.

(2) Instruction in pre-service or in-service education courses.

(3) Membership on task forces, advisory committees, boards or commissions whose primary responsibility is in the area of public education.

(4) Involvement in the student teaching or internship programs of colleges or universities approved to prepare teachers in the state of Minnesota.

(5) Publication of a professional article in a recognized educational journal.

(6) Contribution in a significant form to the curriculum of a school district, college or university, or profession.

(7) Leadership relating directly to teaching or professional development in professional associations, learned societies, or curriculum groups at a state, regional, or national level.

(8) Other professional accomplishments which are classified by the local committee as significant contributions within the meaning of this section.

E. The local committee shall have the responsibility for:

1. Receiving and forwarding to the director of licensing at ten-year intervals affidavits and career licensure renewal forms together with processing fees submitted by applicants for or holders of career licenses.

2. Endorsing original applications for career licensure in those instances where applicants have met the requirements of this rule.

3. Accepting subsequent written affirmations or growth by the career licensee without regard to evidence

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or prior approval, but consistent with such other guidelines as the local committee might establish.

4. Reporting to the board of teaching such violations in the affirmations of growth as may require the designation of such licenses as inactive.

F. The provisions of 5 MCAR§3.001 shall govern the issuance and renewal of the career license.

G. The provisions of Minn. Stat. § 125.09 shall apply to the initial issuance and maintenance of career licenses issued according to the provisions of this rule.

5 MCAR § 3.005-§ 3.015 is repealed.

### § 3.005 Continuing education/relicensure.

A. The provisions of this rule apply only to persons licensed by the board of teaching.

B. A continuing license, valid for five years, shall be issued to an applicant who holds a valid entrance license and who has met the requirements for the issuance of the continuing license as set forth in rules of the board of teaching. A continuing license is required for those subjects and grades where life licensure has not been granted.

C. Pursuant to procedures specified in this rule, a valid continuing license may be renewed for a subsequent period of five years when an applicant presents evidence of having been granted 120 renewal units during the five-year period immediately preceding the date on which the requested renewal is to be made effective.

D. Applicants who do not qualify for a continuing license.

1. An applicant having teaching experience who transfers from another state and who does not hold a valid Minnesota license must obtain an entrance license.

2. An applicant who once held a Minnesota entrance or continuing license in a field and has allowed it to lapse may be issued an entrance license in that field.

3. An applicant holding a continuing or life license in one education area and who wishes to engage in another education area for which the applicant is not presently licensed may be issued a continuing license for

the additional area upon meeting the requirements for that license.

### E. Renewal units.

1. Experiences for which renewal units may be granted are listed below. Renewal units must be earned in two or more of the following categories:

a. College courses and related work.

b. Supervision of clinical experiences.

c. Attendance at professional meetings.

d. Attendance at lectures by persons with expertise in the areas for which licensure is requested.

e. Systematic, purposeful observation during visits to schools.

f. Volunteer work in professional organizations or situations related to the areas for which licensure is requested.

g. Development of demonstrations or curriculum innovations for use with student teachers or in in-service programs.

h. Creative endeavor (art, music, writing) related to the individual's licensure.

i. Publication of professional articles in a professional journal in an appropriate field.

j. Travel related to the professional licensure areas. Prior approval of this experience shall be obtained.

k. Maintenance and evaluation of an annotated log or record of activities with a class or group.

l. Exchange situations to gain experience with students at another age, ability, socioeconomic level or in another subject for which the teacher is qualified.

m. Attendance at and participation in in-service meetings with opportunity for staff members in various roles (college faculty, community persons) to work together.

n. Participation in in-service meetings to include active staff planning and involvement (demonstrations

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with student exhibits, explanation of special or new techniques).

o. Direct involvement, individually or within a group, to research, plan, and implement innovative educational practices.

p. Planning and production of television or other special programs for use in the schools.

q. Leadership experiences, which involve the exercise and/or development of new or broader skills and sensitivities to the school, community, and profession.

r. Membership on state and local committees involved with licensure, teacher education, or professional standards.

s. Additional kinds of experiences may be approved. These experiences shall be experiences especially appropriate for a particular school district or a particular education area.

2. The local committee may grant renewal units and allow accumulation of renewal units for the experiences listed in 1., above. Maximum renewal unit allocations for specific experiences identified below are to be used as a guide for allocating renewal units for other experiences.

a. One quarter credit (when related to professional growth) equals ten renewal units.

b. One semester credit (when related to professional growth) equals fifteen renewal units.

c. Supervision of the clinical experiences of a college student for one quarter or one semester equals ten renewal units, provided that no more than thirty such renewal units may be granted in any five-year period.

d. One week of approved travel equals ten renewal units, provided that no more than thirty such renewal units may be granted in any five-year period.

e. A one-day workshop, seminar, or conference equals up to five renewal units based on type of experience, involvement, and outcome product.

3. Experiences for renewal unit credit must aid the applicant in maintaining and improving general, academic, or professional qualifications.

4. An applicant requesting renewal of a license to teach must earn a minimum of 120 renewal units during each five-year licensure period from July 1 of the year of

issuance to June 30 of the year of expiration. An applicant may not bank renewal units for purposes of relicensure, but may accumulate renewal units according to provisions relating to career licensure.

5. In cases where local school board policies require further education on a periodic basis, such education shall be evaluated in the same manner as other experiences and may apply as renewal units.

6. An applicant who seeks renewal of a continuing license for two or more areas shall allocate at least 30 renewal units to each of the licensure areas for a total of no fewer than 120 units, with priority given to work in areas where the candidate is employed during the licensure period. Those candidates possessing administrative licensure may allocate units for the renewal of teaching licensure in this same manner.

7. One hundred twenty units for renewal shall be required for licenses expiring July 1, 1978, and thereafter.

F. The state committee for continuing education/relicensure.

1. The state committee shall be selected and constituted by the board of teaching as follows:

a. Four full-time licensed classroom teachers.

b. One full-time vocationally-licensed classroom teacher.

c. One person currently serving on a local school board.

d. One licensed school administrator.

e. One teacher educator.

f. One member of the lay public.

g. A department of education staff member selected by the board of teaching shall be an ex officio, non-voting member.

2. The terms of office of voting members of the state committee shall be three calendar years.

3. The state department of education shall provide clerical and staff assistance for the state committee. Expenses incurred by the state committee shall be paid by the board of teaching.

4. At the first meeting in each calendar year, the

## PROPOSED RULES

state committee shall elect a chairman and secretary whose duties shall be established by the state committee.

5. Meetings may be called by the chairman of the committee, by the board of teaching, or by written request of four or more of the members. Written notice of each meeting shall be sent to each member of the committee and shall be mailed at least five days prior to the date of the meeting.

6. A quorum shall be more than fifty percent of the total voting membership of the committee. A majority vote of those voting members present shall be sufficient to take action.

7. The duties of the state committee are as follows:

a. Establish rules for its own operation in accordance with law.

b. Review annually the criteria for granting renewal units identified in this rule.

c. Review decisions and interpretations on guidelines at request of local continuing education committees.

d. Consider and decide appeals from decisions of local committees.

e. Review statewide in-service education needs.

f. Provide all pertinent information to the board of teaching in cases of appeal to that board.

g. Perform such other duties as the board of teaching may direct.

8. All rules, interpretations and decisions promulgated by the state committee shall be subject to the final authority of the board of teaching.

G. Local committees for continuing education/relicensure.

1. A local committee shall be established in each Minnesota public school district with membership as follows:

a. Five persons licensed by the board of teaching who hold at least a baccalaureate degree, to be elected by the licensed teaching faculty. Nominations may be by

building, grade level, or other appropriate categories, provided that all eligible persons have a fair and equitable chance for selection.

b. One licensed person who holds an administrator's license, representing the elementary and secondary administration, to be elected by the licensed administrators employed by the district.

c. One resident of the district who is not an employee of the district, to be designated by the local school board. School board members are not considered to be employees of the district.

2. All members of an appropriate voting group shall be notified of the meeting at which the elections are to be held at least five days prior to the meeting. The meeting shall be held at a convenient time and place and elections shall be by secret ballot.

3. In districts where either teachers or administrators with the specified qualifications are not available for service on the local committee, the superintendent will report the situation to the board of teaching who shall make special provisions for establishing a continuing education committee.

4. Members of the local committee shall be elected in May of each year for terms to begin no later than the following September 1. The term of office of members of the local committee shall be two years.

5. The local committee shall hold its organizational meeting no later than September of each year. At the organizational meeting the local committee shall elect a chairman and secretary whose duties shall be established by the local committee.

a. Up to three days per month may be provided by the local school district to each local committee member to attend local committee meetings.

b. Clerical assistance and supplies as requested by the local committee may be provided by the local school district in sufficient amount to enable the local committee to comply with the record keeping and reporting required by the rule.

6. A quorum shall be more than fifty percent of the total voting membership of the committee. A majority vote of those voting members present shall be sufficient to take action. Meetings may be called by the chairman

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## PROPOSED RULES

of the committee or by written request of three or more of the members. Notice of meetings shall be provided to each member of the committee at least five days prior to the date of the meeting, and shall be posted or otherwise advertised in such a manner as to provide reasonable notice to those teachers subject to the actions of the committee.

### 7. The duties of the local committee are as follows:

a. Set rules for its own operation and establish such written guidelines as may be necessary to implement those duties outlined in this section. These rules and guidelines shall not be in conflict with law or other provisions of this rule.

b. Determine the number of renewal units to be granted for experiences, in accordance with the maximum renewal unit allocations identified in this rule.

c. Act, within a reasonable time, upon requests for recommendation for renewal of the continuing license by determining whether the applicant has met the requirements of this rule.

d. Endorse the application for renewal of the continuing license of each qualified applicant and return the endorsed application to the applicant, who will forward it to the director of licensing.

e. Provide supporting evidence to the state committee when an appeal is taken from a decision of the local committee.

f. Provide recommendations to appropriate personnel concerning the in-service needs of the district.

g. Evaluate procedures and criteria for granting renewal units and make recommendations for modifications to the director of licensing during February of each year. Recommendations will be referred to the state committee.

h. Forward to the director of licensing verification of the membership of the local committee on an annual basis by November 1 of each year.

i. Forward to the director of licensing a copy of the local committee guidelines. Guidelines shall be forwarded at least every five years, and whenever substantial changes are made.

j. Verify one year of successful teaching experience for individuals on an entrance license. Successful teaching shall be determined by satisfying one or more of the following three criteria:

(1) A teacher receives an offer of a contract for the ensuing year.

(2) A teacher gains tenure or acquires a continuing contract.

(3) Supportive evidence is presented from supervisory personnel, professional colleagues, and/or administrators.

k. Evaluate the experiences and certify the acceptable applications of all requests for career licensure.

l. Accept the affirmations of career licenses, and certify an active or inactive status.

m. Initiate and maintain a current file of all career licenses within the local committee's area of responsibility.

n. Provide those services and reports that may be required from time to time by the board of teaching.

8. It shall be the responsibility of the person seeking the renewal of a continuing license to submit the application and supporting materials to the local committee of the employing school district, in accordance with procedures and due dates established by that committee.

9. If a licensed person employed by one school district becomes employed by a different district during a renewal period, units already earned and granted during that renewal period shall forthwith be transferred to the local committee for the new district. Such units shall be accepted by that committee.

10. Renewal units will be granted by the committee of the district where the applicant was employed at the time that the experience was completed. In the case of a person who has not been employed by a school district for a period of time, renewal units will be granted by the committee of the district where the applicant was once employed; or where the applicant currently resides if accepted by the local committee. Persons who have never been employed on a continuing basis by a school district shall affiliate with the local committee in the district in which they reside.

11. Each local committee shall be provided with current information regarding changes in board of teaching rules which pertain to licensure in education by the director of licensing.

### 12. Option for formation of joint local committees.

a. Two or more districts situated in close proxim-

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ity to each other shall have the option of joining together to establish a joint local committee.

b. A plan for two or more districts to formulate a joint local committee shall be drawn up by a committee consisting of two teachers, one administrator, and one school board member or a designee, from each participating district, and be ratified by at least seventy percent of the licensed personnel employed by each participating district. The plan shall provide for fair representation of all licensed personnel and insofar as possible, shall be consistent with G.1. and other provisions of this rule.

c. The ratified plan shall be submitted by the superintendent of the district employing the largest number of licensed personnel to the director of licensing.

d. The joint local committee, if approved by the state committee, shall be treated as any local committee and shall comply with all provisions of this rule.

### 13. Nonpublic schools.

a. Licensed personnel in a nonpublic school may establish a local committee for the same purpose as local committees established by public school districts. Licensed personnel in two or more nonpublic schools may combine to form a local committee upon the agreement of seventy percent of the licensed personnel in each school. The chairman of the committee shall submit to the director of licensing, on an annual basis no later than November 1 of each year, verification of the membership of the committee and verification of the school or schools whose personnel have established the committee.

b. Licensed personnel in one or more nonpublic schools may join with an appropriate public school district in the establishment of a local committee, provided that seventy percent of the licensed personnel from each nonpublic school and seventy percent of the licensed personnel employed by the public school district agree to such a committee. The superintendent of the district shall submit to the director of licensing, verification of the membership of the committee and verification of the nonpublic schools whose personnel has joined in the establishment of the committee.

c. Insofar as possible, the committees authorized in a. and b., above, shall be established and shall function in the same manner as provided in this rule for committees of public school districts and in such way as

to provide fair representation for all licensed personnel and objective evaluation of requests for renewal of licenses.

### 14. Vocational teachers.

a. The criteria for licensure renewal contained in the Minnesota state plan for vocational-technical education shall replace the provisions of E.1.

b. Vocational teachers shall be subject to the continuing or career education structure as outlined in the Minnesota state plan for vocational-technical education. Such licensure shall be recommended by a local vocational committee. Vocational teachers employed in school districts or state board approved vocational or cooperative center currently employing a combination of individuals with standard and vocational licenses shall select one of the options listed below. The selection of alternatives shall be made by a vote of these teachers currently using vocational licensure, and such election shall originally be supervised by the chairman of the local continuing education committee.

(1) Vocational teachers may be subject to the local committee as established in G.1., except that five vocationally-licensed vocational teachers currently teaching full-time on a valid vocational license, as elected in secret ballot by the district or state board approved vocational or cooperative center vocationally licensed teachers, shall be the teaching faculty members on the committee whenever issues of vocational licensure arise.

(2) A separate local vocational committee, subject to all of the provisions of G., may be formed by election of the vocational teachers, along with representation from the public and administration. This option shall be limited to those school districts or state board approved vocational or cooperative center utilizing twenty five (25) or more vocational licensees.

(3) Vocational teachers in two or more districts or state board approved vocational or cooperative centers situated in close proximity may operate under the provisions of G.1., and may select either option (1) or (2).

c. The membership of the state committee for continuing education/relicensure shall be reconstituted in those instances involving appeals on vocational licensure to substitute four vocationally licensed teachers

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currently teaching full-time on a valid vocational license for the four full-time classroom teachers. Such members shall be selected by the Minnesota board of teaching. In such cases, the committee shall be known as the state committee for vocational continuing education/relicensure, and shall meet in conjunction with the standard state committee when informed of such a need by the director of licensing. A coordinator for vocational continuing education, who shall serve as an ex officio, non-voting member during vocational appeals, shall be appointed by the commissioner of education.

d. Colleges or universities which prepare teachers for licensure in education may, if at least twenty of its faculty members apply for teacher licensure, either form a local committee or combine with other colleges or universities to form joint committees. The structure and guidelines of such committees shall be subject to the approval of the state committee.

### H. Right of appeal.

1. An appeal may be made to the state committee where an applicant has not been granted the requested number of renewal units. To initiate the appeal process, an applicant must appeal to the state committee within twenty days after notification of the decision of the local committee. In cases where the applicant has not been granted the required number of renewal units for relicensure, local committees shall not endorse the application for renewal of the continuing license.

a. In the event that the renewal units under appeal result in loss of licensure, it shall be the responsibility of the appellant to inform the director of licensing of such loss of licensure. The director of licensing shall extend the previous continuing license until all avenues of administrative appeal have been exhausted.

2. The applicant making the appeal may submit written evidence in support of the appeal and may appear before the state committee. The local committee shall present written evidence supporting its decision and may also send a representative to appear before the state committee.

3. If the decision of the local committee is upheld by the state committee, an appeal may be made to the board of teaching within twenty (20) days of the notification of the appellant of the decision of the state committee.

### I. Evaluation.

1. The functions of the state committee and the local committee shall be evaluated by the board of teaching during each calendar year which is divisible by five.

J. Effective date: July 1, 1978.

Chapter Two: Licenses; Suspension or Revocation of License to Teach, 5 MCAR § 3.020-§ 3.031 is repealed.

### Chapter Two: Appeals

§ 3.020 Appeal to the Minnesota board of teaching.

A. All persons denied issuance or renewal of teaching licenses, and all Minnesota teacher preparing institutions denied program or college approval, and all persons licensed by the Minnesota board of teaching whose appeals are denied by the state committee for continuing education/relicensure, are hereby entitled to a hearing pursuant to Minnesota statutes chapter 15 on such denial and to a final decision by the Minnesota board of teaching.

B. A person or an institution entitled to a hearing under the provisions of this rule shall file a written request for such hearing with the executive secretary of the board of teaching within thirty (30) days from the date of the denial. Failure to file a written request for a hearing within thirty (30) days constitutes a waiver of the individual's right to a hearing.

C. This rule shall be effective July 1, 1978.

§ 3.041 Human relations components in all programs leading to licensure in education.

C. Programs may be approved which vary in curricular design provided that program components meet the requirements in A. and B., above, and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

Chapter Four: Licensure; Elementary Education is repealed.

### Chapter Four: Licensure; Elementary Education and Middle School Teaching

Chapter Five: Licensure; Secondary Education is repealed.

### Chapter Five: Licensure; Secondary Education and Kindergarten Through Grade 12 Subjects

§ 3.052 Nursery school teachers.

[A.3. Licensed kindergarten and elementary school teachers who have not prepared to teach in nursery school



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but who wish to do so, shall take one course in nursery school education either as a part of, or in excess of, the requirements for kindergarten and/or elementary education. In addition, they must have 2 semester (3 quarter) hours of credit in student teaching in nursery school.] This section is repealed effective July 1, 1978.

[A.4] This number is changed effective July 1, 1978 to A.3.

[C. Temporary (limited) permit. A temporary (limited) permit may be issued to a person not fully meeting the requirements for a provisional license upon the written request of the director of the nursery school or the chairman of the sponsoring board certifying that a qualified person is not available and requesting permission to employ said applicant. This permit may be renewed annually for not more than five years provided the applicant shall meet in-service training requirements of the state board of education (8 quarter hours of credit earned during the period of the temporary (limited) permit).] This section is repealed effective July 1, 1978.

### § 3.053 Licensure of prekindergarten teachers and prekindergarten assistant teachers.

#### A. Prekindergarten teacher.

1. The prekindergarten teacher is licensed to teach a group of children on a daily basis as well as plan and coordinate the instructional program which addresses the intellectual, emotional, social, cultural, and physical needs of the children in the prekindergarten classroom.

a. Prekindergarten teacher licensure may be issued to an applicant who has completed the following:

(1) A baccalaureate degree (B.A. or B.S.) from an accredited college or university and

(2) The requirements of a prekindergarten teacher preparation program approved by the Minnesota board of teaching. The prekindergarten teacher preparation program shall include 18 semester or 27 quarter hours of the course work which is listed below. These courses may be taken as part of, or in addition to, the baccalaureate degree.

b. The prekindergarten teacher preparation program shall include the following:

(1) Prekindergarten education, early childhood, preschool, or nursery school education course

work. A minimum of 10 semester or 15 quarter hours shall be in prekindergarten education and shall include course work in:

- (a) Theory
- (b) Curriculum
- (c) Classroom management
- (d) Teacher-child relations
- (e) Home-school relations

(f) A minimum of 2 semester or 3 quarter hours shall be in student teaching at the prekindergarten level.

(2) Child development/child psychology and parent-child relations. A minimum of 6 semester or 9 quarter hours shall be course work in:

(a) Child development/child psychology which shall include the study of infants and young children with emphasis on

(i) Stages of development

(ii) Individual differences in rates and styles of learning

(iii) Assessment, record keeping, and observation skills.

(b) Parent-child relations shall include

(i) The study of the child in the family

(ii) The family as a social/cultural unit.

(3) Guided electives. A minimum of 2 semester or 3 quarter hours shall be course work in one of the following:

(a) Child health, nutrition, and safety

(b) Infant development

(c) Young children with special needs.

b. Prekindergarten teacher licensure requirements for kindergarten/elementary teachers are as follows:

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(1) Licensed kindergarten and elementary teachers who desire prekindergarten licensure shall complete a program of 14 semester or 21 quarter hours of prekindergarten teacher preparation, as part of, or in addition to previous teaching preparation.

(2) The program requirements shall include:

(a) A minimum of 6 semester or 9 quarter hours in prekindergarten education, including not fewer than 2 semester or 3 quarter hours of credit in student teaching at the prekindergarten level.

(b) A minimum of 6 semester or 9 quarter hours of course work in child development/child psychology and parent-child relations.

(c) A minimum of 2 semester or 3 quarter hours of credit in one of the following:

(i) Child health, nutrition, and safety

(ii) Infant development

(iii) Young children with special needs.

c. Continuing licensure may be granted to a candidate who:

(1) Possesses a previously issued valid and appropriate entrance license and

(2) Has completed the equivalent of one school year of full-time teaching experience at the prekindergarten level.

d. The continuing license may be renewed according to the rules of the board of teaching pertaining to continuing education.

e. All persons licensed under this rule shall meet the human relations requirements as outlined in rules of the board of teaching.

f. This rule shall become effective July 1, 1984, for all entrance licenses.

### B. Prekindergarten assistant teacher.

1. The prekindergarten assistant teacher is licensed to teach a group of children on a daily basis under the direct supervision of a licensed prekindergarten teacher. The prekindergarten assistant teacher takes an active part in planning and implementing the instructional program, but does not assume overall responsibility for the program.

a. Prekindergarten assistant teacher licensure may be issued to an applicant who has completed the following:

(1) 60 semester or 90 quarter hours or an associate of arts or associate of science degree from an accredited college or university, and

(2) The requirements of a prekindergarten assistant teacher preparation program approved by the Minnesota board of teaching. The prekindergarten assistant teacher preparation program shall include 12 semester or 18 quarter hours of the course work or its equivalent which is listed below. These courses may be taken as part of, or in addition to, the 60 semester or 90 quarter hours or associate of arts or associate of science degree.

b. The prekindergarten assistant teacher preparation program shall include the following:

(1) Prekindergarten education including early childhood, preschool, or nursery school education course work. A minimum of 6 semester or 9 quarter hours shall be in prekindergarten education and shall include course work in:

(a) Theory

(b) Curriculum

(c) Classroom management

(d) Teacher-child relations

(e) Home-school relations

(f) A minimum of 2 semester or 3 quarter hours shall be in student teaching at the prekindergarten level.

(2) Child development/child psychology and parent-child relations. A minimum of 4 semester or 6 quarter hours shall be course work in:

(a) Child development/child psychology which shall be course work in study of developmental characteristics of infants and young children with emphasis on:

(i) Stages of development

(ii) Individual differences in rates and styles of learning.

(b) Parent-child relations shall include:

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- (i) The study of the child in the family
- (ii) The family as a social/cultural unit
- (iii) Assessment, record keeping, and observation skills.

(3) Guided electives. A minimum of 2 semester or 3 quarter hours shall be course work in one of the following:

- (a) Child health, nutrition, and safety
- (b) Infant development
- (c) Young children with special needs.

c. Continuing licensure may be granted to a candidate who:

(1) Possesses a previously issued valid and appropriate entrance license, and

(2) Has completed the equivalent of one school year of full-time teaching experience at the prekindergarten level.

d. The continuing license may be renewed according to the rules of the board of teaching pertaining to continuing education.

e. All persons licensed under this rule shall meet the human relations requirements as outlined in rules of the board of teaching.

f. This rule shall become effective July 1, 1984, for all entrance licenses.

### § 3.054 Teachers in middle schools.

A. A teacher who teaches in a middle school shall hold a valid Minnesota elementary classroom teaching license or secondary classroom teaching license. In addition, except as provided in B. of this rule, a teacher teaching in a middle school shall complete a preparation program, approved by the board of teaching, leading to the licensure of middle school teachers.

1. A teacher holding a valid Minnesota elementary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or

the equivalent. Such programs shall include all of the following areas:

- a. Philosophy and organization of the middle school
- b. Adolescent psychology
- c. Interdisciplinary planning
- d. Special learning and behavior problems
- e. Teaching experience with adolescents
- f. A minimum of 12 quarter hours or the equivalent of course work in a single subject field.

2. A teacher holding a valid Minnesota secondary classroom teaching license shall complete an approved program leading to the licensure of middle school teachers consisting of a minimum of 24 quarter hours or the equivalent. Such programs shall include all of the following areas:

- a. Philosophy and organization of a middle school
- b. Pre-adolescent psychology
- c. Developmental reading
- d. Interdisciplinary planning
- e. Remedial reading
- f. Special learning and behavior problems
- g. Teaching experience with pre-adolescents.

B. Provisions of this rule shall not be interpreted to prevent a teacher from teaching in a middle school at those grade levels for which valid Minnesota classroom teaching licensure is held or to require such teacher to secure additional licensure to continue to teach at those grade levels in a middle school for which valid Minnesota classroom teaching licensure is held.

C. Minnesota colleges and universities approved to prepare teachers and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school teachers submitted for approval have been developed with participation

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from elementary and secondary teachers, middle school administrators, students, and interested citizens. Such programs shall also include:

1. A statement of philosophy which sets forth the view of the institution with respect to the middle school.
2. An enumeration of the specific knowledge, skills, and understandings to be developed in the proposed program.
3. A description of program components which includes statements specifically relating individual components of the program to the philosophy and outcomes enumerated under 1. and 2., above.
4. A plan for assessing learning outcomes for individual candidates for licensure.

D. All approved programs leading to middle school teacher licensure shall include a description of the way in which practicing teachers may have their teaching experience and teacher preparation in those areas enumerated in A. above, evaluated and credited by an institution maintaining an approved program leading to middle school teacher licensure. Such evaluation may include previous teaching experience and/or previous teacher preparation.

E. Persons holding a valid Minnesota elementary or secondary classroom entrance teaching license may be issued an entrance middle school teaching license upon the completion of the requirements of A.1. or 2. of this rule.

F. Persons holding a valid Minnesota elementary or secondary classroom continuing or life teaching license may be issued a continuing middle school teaching license upon the completion of the requirements of A.1. or 2. of this rule.

G. The first and subsequent continuing middle school teaching licenses may be issued to persons who have completed the requirements of A.1. or 2. of this rule and who meet the requirements of the board of teaching for the issuance of the first and/or subsequent Minnesota elementary or secondary classroom continuing teaching licenses.

H. From July 1, 1978, until July 1, 1983, any person licensed by the Minnesota board of teaching for any of the grade levels in a middle school where the person is assigned to teach is granted authority to teach areas and subjects specified by the duly issued licenses at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.

I. Provision H. of this rule shall be effective July 1, 1978. All other provisions shall become effective July 1, 1983.

§ 3.065 Science for grades 5-9 and grades 7-12.

H. Programs may be approved which vary in curricular design provided that program components meet the requirements in A., B., C., D., E., F., and G., above, and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

[H.] I.

[I.] J.

§ 3.068 Social studies in secondary schools.

E. Programs may be approved which vary in curricular design provided that program components meet the requirements in A., B., C., and D., above and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

[E.] F.

[F.] G.

[G.] H.

§ 3.072 Qualifications, physical education and health teachers.

A. 4. Student teaching. Public school instructional experience at both elementary (k-6) and secondary (7-12) school levels [should] **shall** be included.

§ 3.073 Teacher of industrial [education] arts. This rule applies to all persons who teach industrial [education] arts in grades 5-12.

A. All candidates for licensure to teach industrial [education] arts must hold a baccalaureate degree and have successfully completed a program of teacher education which has been approved by the [state department of education] Minnesota board of teaching.

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B. Programs submitted for approval shall include all of the following:

1. A list of program objectives regarding the development of technical knowledge and skill.
2. A list of program objectives regarding the development of educational knowledge and teaching competency.
3. A description of program components describing the activities that are designed to achieve the program objectives.
4. A description of the plan for assessing whether candidates for licensure have developed the required knowledge and skills.
5. A description of the program of clinical experiences for student teachers and interns.

C. The two program options shall include at least the minimum requirements as listed in sections 1. and 2. which follow:

1. A middle school industrial [education] **arts** teaching license (valid for teaching grades 5-9) may be granted upon the completion of an industrial [education] **arts** teacher education program in which the portions of the program dealing with a., below constitute at least one-third of the total baccalaureate program and in which there are the following components:

a. Development of technical skills and knowledge in the areas of [graphic] communications, manufacturing, energy, [and] construction, **and transportation**, together with career information, and a knowledge of the socio-economic aspects, of the cultural functions, and of the organizational strategies related to the areas mentioned above. and

b. The selection, adaptation, evaluation and use of strategies and materials for teaching of industrial [education] **arts** so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of industrial [education] **arts**. and

c. Completion of a supervised practicum teaching experience in [middle school] **industrial arts**. and

d. A minimum of [one thousand (1000)] **one thousand twenty (1020) hours** of industrial wage earning experience **appropriate to the skills and knowledges involved in the subjects included in the approved program** and approved by the teacher education institution or the completion of a minimum of five hundred (500) hours of participation in an industrial internship supervised by the teacher education institution.

2. A secondary school industrial [education] **arts** teaching license (valid for teaching grades 9-12) may be granted upon the applicant's completion of an industrial [education] **arts** teacher education program in which the portions of the program dealing with a. and b., below constitutes at least one-third of the total baccalaureate program and in which there are the following components:

a. The development of basic technical skills and knowledge in the areas of [graphic] communications, manufacturing, energy, [and] construction, **and transportation**, together with career information and a knowledge of the socio-economic aspects, of the cultural functions related to the areas mentioned above.

with

b. A concentration in at least one of the above identified areas. A concentration implies participation in learning experiences designed to develop in-depth knowledge and technical skill.

and

c. The selection, adaptation, evaluation and use of strategies and materials for the teaching of industrial [education] **arts** so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of industrial [education] **arts**.

and

d. Completion of a supervised practicum teaching experience in [a senior high school or secondary vocational center] **industrial arts**.

and

e. A minimum of [fifteen hundred (1500)] **fifteen hundred thirty (1530) hours** of industrial wage earning experience in the area of concentration **appropriate to the**

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skills and knowledges involved in the subjects included in the approved program and approved by the teacher education institution or the completion of a minimum of seven hundred fifty (750) hours of participation in an industrial internship supervised by the teacher education institution.

and

f. The provisions of this rule shall not limit teaching to the area of concentration only.

D. Programs may be approved which vary in curricular design provided that program components meet the requirements in A., B., and C., above, and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

[D.] E. Issuance of continuing (five-year) license.

1. Persons trained in Minnesota institutions with approved programs in industrial [education] arts may receive a continuing license by meeting requirements of appropriate rules. (§ 3.001).

2. Persons trained in another state in a regionally accredited institution may receive an entrance license and are subject to the existing requirements for moving from an entrance to a continuing license (§ 3.001). These persons shall also have their pre-service training program reviewed by the state department of education and complete recommended work, if any is necessary, to make their training consistent with that described above before a continuing license may be granted. It is recommended that this review is made early in the entrance license period.

[E.] F. Renewal of continuing (five-year) license. The continuing license may be renewed according to rules of the board of teaching pertaining to continuing education. [§§ 3.005-3.015.]

[F.] G. This provision is effective July 1, 1979, for all applicants for entrance licenses.

### § 3.074 Teachers of art.

A. For the purpose of this rule, art education shall consist of:

1. The visual arts which are ideas, experiences, and processes which lead to the creation of two-dimensional and three-dimensional objects.

and

2. Instructional programs in art in which learners perceive and respond to sensory qualities of visual art; recognize and accept art as a basic realm of human experience; produce original and imaginative works of art; develop an understanding of art heritage; and form sensitive, reasoned, critical judgments about the significance and aesthetic quality of art.

B. All candidates recommended for licensure to teach art shall hold a baccalaureate degree and have satisfactorily completed a program in art education which has been approved by the Minnesota board of teaching and is appropriate to their teaching assignment (kindergarten-grade 12, pre-kindergarten-grade 6, grade 7-grade 12).

C. Intent. It is the intent of this rule to preclude the teaching of art by persons with a minor in art or less than the preparation specified in this rule.

1. An exception to this rule shall be the teaching of art by a licensed elementary school teacher employed in pre-kindergarten-grade 6 working in a team or other cooperative arrangement whose teaching assignment in art is not more than 33% of a full-time teaching assignment.

D. To be eligible for approval in art education, a program shall include:

1. A written rationale which sets forth the view of the preparing institution with respect to the role of teachers of art.

2. Evidence that the programs in art education submitted for approval have been developed with participation from the college departments involved with the proposed art education program; from pre-kindergarten, kindergarten, elementary, and secondary school teachers; from school administrators; as well as from art education candidates and interested citizens.

3. An enumeration of specific knowledge, skills, and understandings for teachers of art to be developed in a proposed art education program. The program components shall be designed to effectively provide candidates recommended for licensure with knowledge, skills, and understandings in the following:

a. Art studio.

(1) A proficiency in a diversity of media and material skills with major studio emphasis as defined for each licensure program in E.1., 2., 3., of this rule.

(2) The skill to communicate and use both

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two-dimensional and three-dimensional visual art elements and principles.

b. Art history, aesthetics, criticism.

(1) A working knowledge of past and contemporary theories of art.

(2) A broad knowledge of art history and criticism with research skills in at least one period of art history.

(3) The skill to instill an awareness of cultural heritages.

(4) An understanding of the philosophic positions of leading art philosophers and artists.

c. Art education.

(1) A working knowledge of past and contemporary theories of art education.

(2) A commitment to a role as advocate of creativity.

(3) The skills to recognize and provide for individual differences among students, including the broad spectrum of the exceptional student.

(4) A knowledge of visual, emotional, and physical growth patterns of students.

(5) The skills to effectively budget for an art program and manage art classroom procedures.

(6) The ability and skills to understand and promote the interdisciplinary relationship of art to other curricular areas.

(7) The skill to develop evaluation techniques related to art education.

(8) A knowledge of appropriate behavior and art product expectancies for identified stages of student development.

(9) The ability to utilize effective public relations skills with administrators, other professional staff, school support staff, and community.

(10) The ability to effectively utilize human

and community resources such as practicing professional artists and designers.

(11) The ability to develop a variety of art curricula appropriate to various instructional levels and settings.

(12) A knowledge of state and federal safety regulations and laws as applied to the use of art media, tools, and equipment.

(13) The skill to use audio-visual techniques as applied to the teaching of art at all instructional levels.

(14) The skill to effectively utilize research procedures in art education.

(15) The ability to relate art education to the total life experience of all students.

(16) The ability to effectively relate to students and demonstrate concern for the learning needs of students.

4. A written description of program components which includes statements which relate individual program components to the knowledge, skills, and understandings to be developed by candidates for licensure in art education.

5. A written plan for assessing the level of performance of each candidate recommended for licensure in art education which ascertains the development of all the specified knowledge, skills, and understandings.

6. Programs may be approved which vary in curricular design provided that program components meet the requirements in D.1., 2., 3., 4., and 5., above, and that these components are designed to provide candidates who are recommended for licensure in art education with the knowledge, skills, and understandings for each licensure program as specified in E.1., 2., and 3., of this rule.

E. Licenses for the teaching of art are issued for one or more of the following school levels: kindergarten through grade 12, pre-kindergarten through grade 6, grade 7 through grade 12.

1. All candidates recommended for licensure as teachers of art for kindergarten through grade 12 shall have satisfactorily completed approved programs which include all of the following:

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a. Learning experiences in art studio, art history, aesthetics, criticism, and art education which are equivalent to not less than 40% of the baccalaureate degree program.

b. Experience in six or more diverse art studio areas with emphasis in at least two.

c. Learning experiences in the professional education sequence including all of the following:

- (1) Child growth and development
- (2) Adolescent growth and development
- (3) Information media
- (4) School organization
- (5) Alternative education.

d. Field experiences including:

(1) Pre-student teaching field experiences in art education in kindergarten, elementary school, middle school or junior high school, and high school.

(2) Student teaching experience shall consist of full school day experiences under the supervision of a licensed teacher of art at both the kindergarten through grade 6 level and the grade 7 through grade 12 level for a minimum of six weeks at one level and an additional minimum of four weeks at the other level.

2. All candidates recommended for licensure as teachers of art for pre-kindergarten through grade 6 shall have satisfactorily completed approved programs which include all of the following:

a. Learning experiences in art studio, art history, aesthetics, criticism, and art education which are equivalent to not less than 33% of the baccalaureate degree program.

b. Experience in six or more diverse art studio areas with emphasis in at least one.

c. Learning experiences in the professional education sequence including all of the following:

- (1) Early childhood development
- (2) Child growth and development
- (3) Information media
- (4) School organization

(5) Alternative education.

d. Field experiences including:

(1) Pre-student teaching field experiences in art education in pre-kindergarten, kindergarten, primary grades (grades 1-2-3), and upper elementary grades (grades 4-5-6).

(2) Student teaching experience shall consist of full school day experiences under the supervision of a licensed teacher of art at the pre-kindergarten, primary grades (grades 1-2-3), and upper elementary grades (grades 4-5-6) levels for a minimum of ten weeks.

(3) A candidate for licensure as a teacher of art who has completed student teaching requirements for another elementary teaching license may, upon satisfying all other requirements of this rule, student teach for a minimum of five weeks under the supervision of a licensed teacher of art to be recommended for licensure as a teacher of art for pre-kindergarten through grade 6.

3. All candidates recommended for licensure as teachers of art for grade 7 through grade 12 shall have satisfactorily completed approved programs which include all of the following:

a. Learning experiences in art studio, art history, aesthetics, criticism, and art education which are equivalent to not less than 33% of the baccalaureate degree program.

b. Experience in six or more diverse art studio areas with emphasis in at least two.

c. Learning experiences in the professional education sequence including all of the following:

- (1) Adolescent growth and development
- (2) Information media
- (3) School organization
- (4) Alternative education.

d. Field experiences including:

(1) Pre-student teaching field experiences in art education in junior high school and high school.

(2) Student teaching experiences shall consist of full school day experiences under the supervision of a licensed teacher of art at the junior high school and/or the high school level for a minimum of a total of ten weeks.



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F. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid and appropriate entrance license, and
2. One year of teaching experience in art.

G. The continuing license may be renewed according to general rules of the board of teaching pertaining to continuing licensure.

H. This rule is effective July 1, 1983, for all applicants for entrance licenses. All persons holding a license as a teacher of art prior to July 1, 1983, based on less than major preparation who have not acquired necessary credits for a major in art prior to July 1, 1983, shall meet the requirements of this rule at the time of the first renewal after July 1, 1983.

### § 3.085 Teachers of family life education.

#### A. Family life education.

1. As used in this rule, the term family means two persons or more related by blood, marriage, or adoption residing together.

2. Family life education in elementary and secondary schools is a systematic instructional program to encourage individuals and families in their growth toward self-understanding, and to increase their ability to sustain meaningful interpersonal relationships. Family life education deals with the behavior of individuals acting singly and in groups, with the aim of such education being to enable people of all ages and life styles to live constructive and satisfying lives in a pluralistic society.

3. Courses in family life education in elementary and secondary schools provide instruction with content concerning family relationships, including marriage preparation, in one or more of the following areas: family structure and function; parenting and parent education; relationships within the family and relationships of the family and its members to society; development of human sexuality.

B. Each person who provides instruction in family life education at the secondary level shall hold licensure as a teacher of family life education if one half or more of the content of any one course taught is in one or more areas of family life education as defined in A.3.

Each person who provides instruction in family life education at the elementary level shall hold licensure as a teacher of family life education if one third or more of the person's annual classroom teaching assignment is in one or more of the areas of family life education as defined in A.3.

C. All candidates for entrance licenses as teachers of family life education shall:

1. Hold a baccalaureate degree, and
2. Hold a valid license as a classroom teacher at the grade levels where assignments may be made to teach family life education, and
3. Satisfactorily complete a family life education program, approved by the Minnesota board of teaching, consisting of at least 27 quarter hours, or the equivalent, which includes at least 3 quarter hours, or the equivalent, in each of the following areas:

- a. Family structure and function
- b. Parent education
- c. Relationships within the family and relationships of the family and its members to society
- d. Development of human sexuality
- e. Curriculum, methods, and materials for family life education.

or

be recommended by an approved institution on the basis of experience and preparation in family life education for which credit has been granted.

#### D. Continuing licensure.

1. The issuance of the first continuing license is contingent upon the candidate's possession of a previously issued valid and appropriate entrance license.

2. The continuing license may be renewed according to rules of the Minnesota board of teaching pertaining to continuing education.

E. Evidence shall be provided to show that programs submitted for approval have been developed with ap-

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appropriate participation from elementary school teachers, secondary school teachers, and administrators in schools which work with the preparation institutions as well as from students and interested citizens. Programs submitted for approval shall include the following:

1. A statement of rationale which sets forth the view of the institution with respect to the role of family life educators.

2. Enumeration of specific knowledge, skills, and understandings to be developed in the proposed program.

3. A description of program components which includes statements which specifically relate individual components of the program to the learning outcomes required of prospective family life educators.

4. A plan for assessing learning outcomes for individual candidates for licensure.

F. Programs may be approved which vary in curricular design provided that program components meet the requirements in C., above, and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

G. All approved programs in family life education shall include a description of the way in which teachers who hold licenses on July 1, 1980, may have their experience and preparation in family life education evaluated by a preparation institution. The approved program for that institution shall be the basis for determining areas in which experience and preparation are equivalent to the approved program.

H. This rule is effective July 1, 1983, for all applicants for entrance licenses.

### § 3.086 Teachers of American Indian language and culture.

A. Upon the recommendation of the school board of a Minnesota school district, the board of teaching shall in accordance with this rule authorize the issuance of a license to teach an American Indian language and culture to any person who has achieved and demonstrated competence in teaching an American Indian language and culture.

Nothing in this rule shall prohibit a school board from employing a person to teach an American Indian language and culture who does not hold the license authorized by this rule.

B. An application for a license authorized by this rule shall be submitted by the superintendent or other authorized official of a school district on behalf of an individual who has demonstrated competence in teaching an American Indian language and culture. The application shall indicate the specific language, culture, and grade levels to be taught by the applicant, and shall also include the following:

1. An affidavit of the applicant attesting that the candidate is fluent in speaking an American Indian language and has demonstrated competence in the areas of listening, comprehension, reading, and writing the language for which licensure is requested and has a thorough knowledge and understanding of the culture of people who speak the language as natives; and

2. Certified copies of resolutions attesting to the applicant's competence from at least two of the following: the tribal government governing the tribe or community speaking the language for which licensure is requested, the reservation business committee serving the tribe or community speaking the language for which licensure is requested, the local Indian education committee serving the tribe or community speaking the language for which licensure is requested, or other body governing or serving the tribe or community speaking the language for which licensure is requested, or two (2) certified statements from authorized officials of professional or learned societies, organizations, or institutions who are qualified to assess the applicant's competence to teach the language and culture for which licensure is requested; that they have assessed the applicant and the applicant is competent to teach the language and culture of the American Indian language for which licensure to teach is requested; and

3. Certified copies of the resolution adopted by the school board of its intention to employ the applicant to teach the American Indian language and culture; and

4. A processing fee as established by the board of teaching.

C. Each application for licensure shall be sent to the director of teacher licensing who shall review it and recommend appropriate action to a committee of the board of teaching. The committee shall determine the validity of the application, review all material submitted, and shall decide on behalf of the board whether the license should be issued.

D. The license issued hereunder authorizes the holder

## PROPOSED RULES

to teach the American Indian language and culture at the grade levels approved by the board of teaching for the school district which forwards the application.

E. The license shall be valid for a one-year period and renewable for one year increments upon the receipt by the director of teacher licensing of a certified copy of the resolution adopted by the school board of its intention to reemploy the applicant and notwithstanding any rule to the contrary the individual applicant shall show evidence of professional growth by the acquisition of 15 renewal units approved and granted by the local continuing education committee prior to the date of the application.

F. The board of teaching shall review this rule at least every five years following enactment. The initial review shall include specific proposals for a rule authorizing issuance of a standard two-year entrance license.

G. This rule shall become effective July 1, 1978.

[§ 3.102 Counselors, secondary schools.]

### § 3.102 School counselors, secondary.

A. Qualifications for licensure. All candidates recommended for licensure as a school counselor, secondary, shall complete all of the following requirements:

1. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary counselor preparation program approved by the Minnesota board of teaching.

2. Have satisfactorily completed practica in school guidance and counseling at the secondary school levels. Practica shall be under the supervision of counselor educators from an approved college guidance and counseling program. Practica shall be in a secondary school setting for a minimum of 300 clock hours and 100 hours in supervision for a total of 400 hours. Practica experiences are in addition to internship experiences described in A.4. of this rule.

3. Hold a valid license to teach in the public schools of Minnesota.

4. Have completed two years of teaching experience. Candidates holding a valid license to teach in the public schools of Minnesota but who have not completed

two years of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the secondary school level. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the employing school district. The provisions of the internship agreement shall be forwarded to the board of college approved to recommend candidates for licensure as a school counselor.

5. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. The graduate level program in school guidance and counseling completed by all candidates recommended for licensure as a school counselor shall contain components designed to provide candidates with knowledge, skills, and understandings in all of the following:

#### 1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with adolescents and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

(1) Ability to differentiate feeling

(2) Recognition of strengths and limitations

(3) Awareness of alternatives and their implications

(4) Ability to make decisions and value choices and accept responsibility for them

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## PROPOSED RULES

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(5) Skill in open interpersonal communication including non-verbal behavior

(6) Acquisition of coping skills.

d. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.

e. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.

f. The understanding of cultural differences.

### 2. Consulting.

a. The knowledge of a variety of consultation models and their application in practice in secondary schools.

b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of secondary students.

c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to educational and career planning, academic achievement, personal-social development, and total school progress.

d. The knowledge and ability to make referrals to community agencies and utilize businesses, educational institutions, and other helping professionals.

e. The knowledge and ability to utilize results of evaluative studies including follow-up as a consultant in program development and/or revision at the secondary level.

f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum and employability skills training in the classroom.

g. The knowledge and ability to design, initiate, and conduct in-service training programs for staff personnel relative to development of adolescents.

### 3. Developmental-career guidance.

a. The understanding of the basic principles of child and adolescent growth and development, including physical, emotional, cognitive, ego, moral, career, and social.

b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.

c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

d. Knowledge and ability to assist students, individually and/or in groups, in exploring educational and occupational information in view of their aptitudes, interests, and personal-social needs in choosing career and avocational goals.

e. The knowledge of educational, occupational, and employment trends for purposes of assisting students in program planning and selection.

f. The ability to assist in the coordination of educational and job placement for students, graduates, and school leavers.

### 4. Evaluation and assessment.

a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in the cognitive, affective, psychological, and social aspects of adolescents.

b. The knowledge of, and the ability to use, a variety of evaluation procedures including follow-up studies for individual and institutional decision making.

c. The ability to assist students and parents to use information derived from educational measurement including career and vocational assessment services in planning and decision making.

d. The knowledge and ability to identify and assess secondary student developmental needs.

### 5. Guidance program development, coordination, and management.

a. The knowledge and ability to formulate guidance and counseling program goals and priorities.

b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.

c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.

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d. The knowledge of organizational theory relating to change and humanization of social systems.

e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.

f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

C. An institution applying for approval of its counselor education program shall include in its application:

1. A written rationale which sets forth the view of the preparing institution with respect to the role of school counselors.

2. An enumeration of specific knowledge, skills, and understandings for school counselors to be developed in a proposed school guidance and counseling program. Included shall be knowledge, skills, and understandings enumerated in B.1., 2., 3., 4., and 5., above.

3. A written description of program components which includes statements which relate individual program components to the knowledge, skills, and understandings to be developed by candidates for licensure in school guidance and counseling.

4. A written plan for assessing the level of performance of each candidate recommended for licensure in school guidance and counseling which ascertains the development of specified knowledge, skills, and understandings.

5. Programs may be approved which vary in curricular design provided that program components meet the requirements in C.1, 2., 3., and 4., above, and that these components provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

6. A list of its qualified staff and other institutional resources.

D. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid and appropriate entrance license, and

2. One year of school counseling experience.

E. The continuing license may be renewed according to the rules of the board of teaching pertaining to continuing education.

F. This rule is effective July 1, 1982, for all applicants for entrance licenses.

G. All persons holding a license as a secondary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the board of teaching.

H. All programs for preparation of school counselors shall be submitted for approval to the Minnesota board of teaching and shall include a description of the procedures by which persons who hold elementary school counselor entrance, continuing, or life licensure and wish to be licensed as a secondary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Candidates may be recommended licensure as an elementary school counselor according to this provision.

[§ 3.103 Counselors, elementary schools.]

§ 3.103 School counselors, elementary.

A. Qualifications for licensure. All candidates recommended for licensure as a school counselor, elementary, shall complete all of the following requirements:

1. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the Minnesota board of teaching.

2. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be under the supervision of counselor educators from an approved college guidance and counseling program. Practica shall be in an elementary

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school setting for a minimum of 300 clock hours and 100 hours in supervision for a total of 400 hours. Practica experiences are in addition to internship experiences described in A.4. of this rule.

3. Hold a valid license to teach in the public schools of Minnesota.

4. Have completed two years of teaching experience. Candidates holding a valid license to teach in the public schools of Minnesota but who have not completed two years of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the elementary school level. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the employing school district. The provisions of the internship agreement shall be forwarded to the board of teaching in writing as part of the program proposal and shall become a component of the approved program for each college approved to recommend candidates for licensure as a school counselor.

5. Have at least 2000 hours of accumulated work experience outside of the field of education.

B. The graduate level program in school guidance and counseling completed by all candidates recommended for licensure as a school counselor shall contain components designed to provide candidates with knowledge, skills, and understandings in all of the following:

### 1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with children and adults.

b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.

c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:

- (1) Ability to differentiate feelings
- (2) Recognition of strengths and limitations

(3) Awareness of alternatives and their implications

(4) Ability to make decisions and value choices and accept responsibility for them

(5) Skill in open interpersonal communication including non-verbal behavior

(6) Acquisition of coping skills.

d. The knowledge and ability to use play media for guidance and assessment.

e. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.

f. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.

g. The understanding of cultural differences.

### 2. Consulting.

a. The knowledge of a variety of consultation models and their application in practice in elementary schools.

b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of elementary students.

c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to personal-social development, total school progress, academic achievement, and educational planning and career awareness.

d. The knowledge and ability to make referrals to community agencies, utilize businesses, educational institutions, and other helping professionals.

e. The knowledge and ability to utilize results of evaluative studies as a consultant in program development and/or revision at the elementary level.

f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum in the classroom.

g. The knowledge and ability to design, initiate,

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and conduct in-service training programs for staff personnel relative to development of children.

### 3. Developmental-career guidance.

a. The understanding of the basic principles of child development, including physical, emotional, cognitive, ego, moral, career, and social.

b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.

c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

d. The knowledge and ability to assist students in personal-social needs and career awareness.

### 4. Evaluation and assessment.

a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in cognitive, affective, and psychomotor domains of children.

b. The knowledge of, and the ability to use, a variety of evaluation procedures for individual and institutional decision making.

c. The ability to assist students and parents to use information derived from educational measurement in planning and decision making.

d. The knowledge and ability to identify and assess developmental needs of children.

### 5. Guidance program development, coordination, and management.

a. The knowledge and ability to formulate guidance and counseling program goals and priorities.

b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.

c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.

d. The knowledge of organizational theory relating to change and humanization of social systems.

e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.

f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.

### C. An institution applying for approval of its counselor education programs shall include in its application:

1. A written rationale which sets forth the view of the preparing institution with respect to the role of school counselors.

2. An enumeration of specific knowledge, skills, and understandings for school counselors to be developed in a proposed school guidance and counseling program. Included shall be knowledge, skills, and understandings enumerated in B.1., 2., 3., 4., and 5., above.

3. A written description of program components which includes statements which relate individual program components to the knowledge, skills, and understandings to be developed by candidates for licensure in school guidance and counseling.

4. A written plan for assessing the level of performance of each candidate recommended for licensure in school guidance and counseling which ascertains the development of specified knowledge, skills, and understandings.

5. Programs may be approved which vary in curricular design provided that program components meet the requirements in C.1., 2., 3., and 4., above, and that these components provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.

6. A list of its qualified staff and other institutional resources.

### D. The issuance of the first continuing license is contingent upon:

1. Possession by the candidate of a valid and appropriate entrance license; and

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### 2. One year of school counseling experience.

E. The continuing license may be renewed according to the rules of the board of teaching pertaining to continuing education.

F. This rule is effective July 1, 1982, for all applicants for entrance licenses.

G. All persons holding a license as an elementary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the board of teaching.

H. All programs for preparation of school counselors shall be submitted for approval to the Minnesota board of teaching and shall include a description of the procedures by which secondary counselors who hold entrance, continuing, or life licensure and wish to be licensed as an elementary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Candidates may be recommended for licensure as a secondary school counselor according to this provision.

### Chapter Nine: Code of Ethics

#### § 3.130 Code of ethics for Minnesota teachers.

A. Each teacher upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Minnesota board of teaching.

#### B. Standards of professional conduct.

1. A teacher shall provide professional educational services in a non-discriminatory manner regardless of age, sex, national origin, race, color, creed, religion, disability, or status with regard to public assistance, and/or marriage.

2. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

3. A teacher shall protect the right of individual privacy in accordance with existing law.

4. A teacher shall take reasonable disciplinary action in exercising the authority to maintain classroom management in order to provide an atmosphere conducive to learning.

5. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

6. A teacher delegates authority for teaching responsibilities only to licensed personnel.

7. A teacher shall not deliberately distort subject matter in order to promote the personal views of the teacher.

8. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teacher's qualifications.

9. A teacher shall not knowingly make false or malicious statements about students or colleagues.

10. A teacher shall accept contractual teaching assignments only in those areas for which that teacher is licensed.

#### C. Complaints, investigation and hearing.

1. The enforcement of the provisions of the code of ethics for Minnesota teachers shall be in accord with Minn. Stat. § 214.10:

Minn. Stat. § 214.10 Complaints; investigation and hearing.

Subd. 1. Receipt of complaint. The executive secretary of a board, a board member or any other person who performs services for the board who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication on a form prepared by the attorney general to the designee of the attorney general responsible for providing legal services to the board. Before proceeding further with the communication, the designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints which re-



## PROPOSED RULES

late to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive secretary. An officer of that agency shall advise the executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which a licensing board is empowered to enforce shall be forwarded to the executive secretary of the board to be processed in accordance with this section.

**Subd. 2. Investigation and hearing.** The designee of the attorney general providing legal services to a board shall evaluate the communications forwarded to him by the board or its members or staff. If the communication alleges a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the executive secretary or, if the board determines, a member of the board who has been designated by the board to assist the designee. He may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive secretary or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts he may be assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the executive secretary or the consulted board member, or if after investigation the designee providing legal services to the board, the executive secretary or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, he shall inform the executive secretary of the board who shall schedule a disciplinary hearing in accordance with Minnesota statutes, chapter 15. Before the designee of the attorney general or the executive secretary may direct the holding of a disciplinary hearing, he shall have considered the recommendations of the consulted board member. Before scheduling a disciplinary hearing, the executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint. Nothing in this section shall preclude the board from scheduling, on its

own motion, a disciplinary hearing based upon the findings or report of the board's executive secretary, a board member or the designee of the attorney general assigned to the board. Nothing in this section shall preclude a member of the board or its executive secretary from initiating a complaint.

**Subd. 3. Discovery; subpoenas.** In all matters pending before it relating to its lawful regulation activities, a board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith. The chairman of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

2. When oral complaints alleging violations of the code of ethics are received, the executive secretary of the Minnesota board of teaching shall request the complaining party to submit the complaint in writing within 10 days.

3. Upon the receipt of a complaint in writing alleging violations of the code of ethics, the teacher named in the complaint shall be notified in writing within 10 days of the receipt of the complaint.

4. The teacher shall be entitled to be represented by the teacher's own counsel or representative at each stage of the investigation and hearing.

### D. Enforcement procedures.

1. The Minnesota board of teaching may in its dis-

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## **PROPOSED RULES**

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cretion impose one or more of the following penalties when it has found a violation of the code of ethics. These actions shall be taken only after all previous efforts at remediation have been exhausted.

a. A letter of censure from the board of teaching may be sent to the person determined to be in violation of the standards of the code of ethics. A copy of the letter shall be filed with the Minnesota board of teaching. Such letters shall be kept on file for a period of time not to exceed one calendar year.

b. The board of teaching may enter into agreements with teachers accused of violating the code of ethics which would suspend or terminate proceedings against the teacher on conditions agreeable to both parties.

c. A teacher who has been found to have violated the code of ethics may be placed on probationary licensure status for a period of time to be determined by the board of teaching. The board may impose conditions on

the teacher during the probationary period which are to be directed toward improving the teacher's performance in the area of the violation. During this period, the teacher's performance or conduct will be subject to review by the board of teaching or its designee. Such review will be directed toward monitoring the teacher's activities or performance with regard to whatever conditions may be placed on the teacher during the probationary period. Before the end of the probationary period the board of teaching shall decide to extend or terminate the probationary licensure status or to take further disciplinary actions as are consistent with this rule.

d. The license to teach of the person determined to be in violation of the standards of the code of ethics may be suspended for a period of time determined by the Minnesota board of teaching.

e. The license to teach of the person determined to be in violation of the standards of the code of ethics may be revoked by the Minnesota board of teaching.

# OFFICIAL NOTICES

## Cable Communications Board

### Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Expansion of Cable Communications Service

Notice is hereby given that the Minnesota Cable Communications Board is seeking information or opinions from outside the agency in preparing to propose the adoption of rules governing procedures and criteria to be used in determining when cable communications systems may be required to extend service to locations **within** established cable service territory boundaries, and also governing procedures to be used in authorizing voluntary expansion of service by cable communication systems into areas which are located **beyond** existing franchise boundaries.

It is anticipated that the drafting of proposed rules will begin by November 1, 1977. Therefore, it is suggested that any interested persons who wish to submit data or views on this subject do so prior to that date.

**A public meeting to hear from interested parties on this subject will be held October 6, 1977 at 6:00 o'clock p.m., Auditorium, (room 83), State Office Building, Wabasha Street between Aurora and Fuller, St. Paul.**

Any interested persons may submit data or views on this subject in writing or orally to:

Robert J. McDonald  
State of Minnesota  
Cable Communications Board  
500 Rice Street  
St. Paul, Minnesota 55103

Phone: (612) 296-2545

This subject will be under consideration at most regular meetings of the Minnesota Cable Communications Board from now at least through March 1978. Agendas of regularly scheduled monthly meetings of the Minnesota Cable Communications Board will constitute notice of those deliberations.

Further written information concerning the scope of the subject and the types of information being sought may be obtained by contacting the Minnesota Cable Communications Board at the address or phone number listed above.

## Department of Commerce Insurance Division

### Notice of Intent to Solicit Outside Opinion on the Adoption of Emergency Rules Establishing the Type Style and Size of Print Used in Insurance Policies

Notice is hereby given that the Department of Commerce, Insurance Division, shall entertain considerations for proposed rules establishing the type face style of print mandated for use in insurance policies as required by Laws of 1977, ch. 345 § 7, subd. 1. This provision requires the Commissioner to establish by emergency rulemaking procedures a list of the type face styles of print which he will approve as legible and readable in insurance policies in accord with the Readability of Insurance Policies Act. These rules will apply to all policies of private passenger vehicle insurance, to all policies of homeowner's insurance, to all policies of life insurance, to all certificates of a fraternal beneficiary association, to all policies of accident and health insurance and to all subscriber contracts of nonprofit health maintenance contracts. All interested or affected individuals or groups are requested to submit their considerations relating to the rules establishing a list of the type face styles of print that should be adopted by the Commissioner of Insurance.

Proposals, information and comment shall be submitted in writing and may be addressed to:

Mary E. Mahoney  
Assistant to the Commissioner  
Insurance Division  
Department of Commerce  
500 Metro Square Building  
St. Paul, MN 55101

All statements of information and comment must be received within thirty (30) days of the above date.

Berton W. Heaton  
Commissioner of Insurance and  
Chairman Commerce Commission

## Energy Agency

### Notice of Intent to Solicit Outside Opinion on the Proposed Amendment of Rules Governing the Certificate of Need Program

Notice is hereby given that the Minnesota Energy Agency

## OFFICIAL NOTICES

(hereinafter the "Agency") is seeking information or opinions from sources outside the Agency in preparing to amend Rules of Procedure governing the Agency's Certificate of Need Program, Minnesota Rules EA 500-520. The amendments would reflect two years' experience operating under the current rules, which were made effective on September 30, 1975.

The Agency requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information and comments orally or in writing. Written statements may be addressed to:

David L. Jacobson  
Chief Energy Facility Analyst  
Minnesota Energy Agency  
740 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-7502, and in person at the above address.

All statements of information and comments must be received by December 16, 1977. Any written material received by the Agency shall become part of the hearing record in the event that amendments to the rules are promulgated.

Richard A. Wallen  
Director, Certificate  
of Need Program

### **Revised Notice of Intent to Solicit Outside Opinion on Rules Governing Outdoor Display Lighting**

The Minnesota Energy Agency (hereinafter the "Agency") gave notice on June 13, 1977 (1 S.R. 1801) that it is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules establishing permissible hours of operation and setting standards governing the quantity and the efficiency of outdoor display lighting. The rules are required by Laws of 1977, ch. 381, § 11 which amends Minn. Stat. § 116H.12 (1976) by adding subdivisions 1a and 1b.

That notice required that all statements of information and comment be received by August 26, 1977.

The Agency requests information and comments concerning the subject matter of the proposed rules. Interested or affected persons or groups may submit statements of information and comment orally or in writing. Written statements may be addressed to:

Richard A. Wallen  
Minnesota Energy Agency  
740 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-7457, and in person at the above address.

Notice is hereby given that the last date for receiving statements of information and comments amending the subject matter of the proposed rules is extended to October 7, 1977. Any written material received by the Agency shall become part of the hearing record when rules governing this subject are promulgated.

Richard A. Wallen  
Director, Certificate  
of Need Program

## **Department of Labor and Industry**

### **Notice of Workers' Compensation Advisory Council Meeting**

Public notice is hereby given that the Workers' Compensation Advisory Council, created under Minn. Stat. § 175.007, meets the first Thursday of each month at 1:00 p.m. in Room 551, 444 Lafayette Road, St. Paul, Minnesota, 55101, unless notice is given otherwise.

E. I. Malone  
Commissioner

## **Metropolitan Sports Facilities Commission**

### **Notice of Public Hearings on Three Proposed Stadium Sites**

The Metropolitan Sports Facilities Commission will hold three public hearings to receive public testimony on the three proposed stadium locations and related design spec-

## OFFICIAL NOTICES

ifications. Following each of the public hearings, there will be an informational session by the Minnesota State Planning Agency to receive testimony, comments, and general input from the public about the environmental impact factors prior to commencing preparation of environmental impact statements on the three locations. All interested persons are invited to attend these sessions and offer their comments to both the Metropolitan Sports Facilities Commission and the Minnesota State Planning Agency.

The sessions will be held on the following dates at locations indicated:

Monday, September 12, 1977 — 7:30 p.m.  
Eagan City Hall  
3795 Pilot Knob Road (Dakota County Road #31)  
Eagan, Minnesota 55122

Tuesday, September 13, 1977 — 7:30 p.m.  
Minneapolis City Hall Council Chambers  
5th Avenue South between 4th and 5th Streets South  
(use 3rd Avenue South entrance)  
Minneapolis, Minnesota 55415

Wednesday, September 14, 1977 — 7:30 p.m.  
Bloomington City Hall Council Chambers  
2215 West Old Shakopee Road  
Bloomington, Minnesota 55431

Persons who wish to register in advance to speak at the public hearings and/or informational sessions or who desire further information, may contact the Metropolitan Sports Facilities Commission, 402 Metro Square Building, St. Paul, Minnesota 55101, telephone: 291-6595.

Dan Brutger, Chairman  
Metropolitan Sports Facilities Commission

### **Sunburg Rescue Squad Notice of Application to Operate Ambulance Service**

On August 11, 1977, Sunburg Rescue Squad filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a (an) emergency/nonemergency ambulance service with a base of operation in Sunburg, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that Subdivision 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case

hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

## **Teachers Retirement Association**

### **Notice of Board of Trustees Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Friday, September 16, 1977, at 9 A.M. in the office of the Association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may promptly come before the Board.

## **Department of Transportation**

### **Revised Notice of Hearing on a Proposed Highway Railroad Grade Crossing in Faribault, Minnesota**

A request for a continuance has been granted by the Hearing Examiner appointed to serve in the above entitled matter.

Please be advised that the hearing originally scheduled for August 16, 1977 at 10:00 A.M. has been postponed and rescheduled for September 20, 1977 at 10:00 A.M., in the City Council Chambers, City of Faribault, 208 - 1st Avenue N.W., Faribault, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The Hearing will be conducted pur-

## OFFICIAL NOTICES

suant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transportation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.39 all parties and potential parties of interest are given an opportunity to be heard on the public safety conditions surrounding the proposed establishment of a public highway railroad grade crossing at the point where Highland Place, when extended, would cross the right of way and tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the City of Faribault, Minnesota.

All parties are advised that if a party intends to appear at the hearing scheduled for September 20, 1977 at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington  
Commissioner of Transportation

### Notice of Appearance

Date of Hearing: September 20, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Bernard Singer  
1745 University Avenue  
Saint Paul, Minnesota 55104  
612-296-8119

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

## Department of Transportation

### Notice of Contested Case Hearing on a Proposed Vertical Clearance Variance at United States Steel Corporation's Plant in Mountain Iron, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on September 14, 1977 at 9:30 A.M., at the Offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104 (Telephone: 612-296-8113), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Special Assistant Attorney General Frederick S. Suhler, Jr., 5th Floor Transpor-

## OFFICIAL NOTICES

tation Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-3257).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. §§ 219.46 and 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed vertical clearance variance at United States Steel Corporation's plant at Mountain Iron, Minnesota.

All parties are advised that if a party intends to appear at the hearing scheduled for September 14, 1977 at 9:30 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a pre-hearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing

Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington  
Commissioner of Transportation

### Notice of Appearance

Date of Hearing: September 14, 1977

Name and Telephone Number of Hearing Examiner:

Mr. Richard DeLong  
1745 University Avenue  
Saint Paul, Minnesota 55104  
296-8113

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

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