

Minnesota Board of Teaching

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date

Karen Balmer
Executive Director, MN Board of Teaching

Board of Teaching {PRIVATE }
Proposed Permanent Rules Relating to Teachers of Science
Endorsement Licensure By Examination
8710.4770 TEACHERS OF SCIENCE ENDORSEMENT LICENSURE BY
EXAMINATION.

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

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

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

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

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

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

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