

(o) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department.

#### Sec. 6. COST ALLOCATION STUDY.

Subdivision 1. STUDY REQUIRED. The commissioner of transportation shall contract with a qualified and impartial consultant to conduct a study of how the costs of state and local highways in Minnesota, including costs and revenues attributable to federal aid programs, are allocated among users. This study shall:

(1) determine the costs of designing, constructing, administering, and maintaining state and local highways in Minnesota;

(2) determine the extent to which those costs are attributable to various classes of vehicles using those highways;

(3) determine the extent to which various classes of vehicles contribute revenue, including federal highway user taxes, for the design, construction, administration, and maintenance of those highways; and

(4) recommend changes in highway financing which would make the payments of various classes of vehicles for the design, construction, administration, and maintenance of state and local highways more nearly equal the costs those classes impose on those highways.

The commissioner shall regularly consult with the commissioner's motor carrier advisory board on the design of the request for proposals for the study, the selection of the consultant to perform the study, and the periodic review and evaluation of the study.

Subd. 2. REPORT. The commissioner shall report the results of the study to the chairs of the senate and house committees on transportation not later than October 1, 1990.

Presented to the governor May 22, 1989

Signed by the governor May 25, 1989, 5:40 p.m.

#### CHAPTER 251—H.F.No. 412

*An act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; clarifying and changing the kinds of personnel licensed by the board of teaching, the state board of vocational technical education, and the state board of education; changing the composition of the board of teaching; placing certain limits on the board of teaching; making stylistic changes; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1, 2, and by adding a subdivision; 125.08; and 125.183, subdivisions 1 and 3.*

New language is indicated by underline, deletions by ~~strikeout~~.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 125.03, subdivision 1, is amended to read:

Subdivision 1. The term "teachers" for the purpose of licensure, means ~~and includes any and~~ all persons employed in a public school or education district or by an ECSU as members of the instructional ~~and~~, supervisory, and support staff such as including superintendents, principals, supervisors, secondary vocational and other classroom teachers, ~~and~~ librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

Sec. 2. Minnesota Statutes 1988, section 125.03, subdivision 4, is amended to read:

Subd. 4. "Supervisory ~~and support~~ personnel" for the purpose of licensure means: superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, and includes athletic coaches, counselors, school nurses, athletic coaches, and other professional employees who engage primarily in nonclassroom activities. The term does not include: librarians, school psychologists, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, or speech therapists.

Sec. 3. Minnesota Statutes 1988, section 125.05, subdivision 1, is amended to read:

Subdivision 1. **QUALIFICATIONS.** The authority to license teachers as defined in section 125.03, subdivision 1, is vested in the board of teaching except that the authority to license supervisory ~~and support~~ personnel as defined in section 125.03, subdivision 4, is vested in the state board of education. The authority to license post-secondary vocational and adult vocational teachers, support personnel, and supervisory personnel in technical institutes is vested in the state board of vocational technical education according to section 136C.04, subdivision 9. Licenses ~~shall~~ must be issued to ~~such~~ persons as the board of teaching or the state board of education finds to be competent for their respective positions. For teachers, as defined in section 125.03, subdivision 5, competency includes successful completion of an examination of skills in reading, writing, and mathematics for persons applying for initial licenses. Qualifications of teachers and other professional employees except supervisory ~~and support~~ personnel ~~shall~~ must be determined by the board of teaching under the rules it ~~promulgates~~ adopts. Licenses under the jurisdiction of the board of teaching ~~shall~~ must be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education ~~shall~~ must be issued through the licensing section of the department of education.

Sec. 4. Minnesota Statutes 1988, section 125.05, subdivision 2, is amended to read:

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Subd. 2. **EXPIRATION AND RENEWAL.** Each license issued through the licensing section of the department of education ~~shall~~ must bear the date of issue. Licenses ~~shall~~ must expire and be renewed in accordance with the respective rules ~~promulgated~~ adopted by the board of teaching or the state board of education. Renewal Requirements for the renewal of a license shall must include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or the completion of such additional preparation as the board of teaching shall prescribe. Requirements for the renewal of the licenses of supervisory and support personnel shall must be established by the state board of education.

Sec. 5. Minnesota Statutes 1988, section 125.05, is amended by adding a subdivision to read:

Subd. 7. LIMIT ON FIELDS OF LICENSURE. Unless the action of the board of teaching is approved by specific law, the board may not, after July 1, 1989:

- (1) develop additional fields of licensure;
- (2) divide existing fields of licensure; or
- (3) extend any licensure requirements to any duties that could be performed on March 15, 1989, without a license.

The board may establish fields for provisional licensure, but shall submit each field to the legislature for approval. If approval by specific law is not obtained within one year after the provisional license is established, the board shall discontinue the field of provisional licensure.

Sec. 6. Minnesota Statutes 1988, section 125.08, is amended to read:

**125.08 TEACHERS' AND ADMINISTRATORS' LICENSES, FEES.**

Each application for the issuance, renewal, or extension of a license to teach ~~shall~~ must be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for the issuance, renewal, or extension of a license as supervisory ~~or support~~ personnel ~~shall~~ must be accompanied by a processing fee in an amount set by the state board of education by rule. The processing fee for a teacher's license ~~shall~~ must be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory ~~and support~~ personnel ~~shall~~ must be paid to the commissioner. The executive secretary of the board of teaching and the commissioner shall deposit the fees with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fees as set by the boards ~~shall be~~ are nonrefundable for applicants not qualifying for a license; ~~provided.~~ However, ~~that~~ a fee ~~shall~~ must be refunded by the state treasurer in any case in which the applicant already holds a valid unexpired license. The

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boards may waive or reduce fees for applicants who apply at the same time for more than one license, even if the licenses are under the jurisdiction of different boards.

Sec. 7. Minnesota Statutes 1988, section 125.183, subdivision 1, is amended to read:

Subdivision 1. ~~A~~ The board of teaching ~~consisting~~ consists of ~~45~~ 11 members appointed by the governor ~~is hereby established~~. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. No member ~~shall~~ may be reappointed for more than one additional term.

Sec. 8. Minnesota Statutes 1988, section 125.183, subdivision 3, is amended to read:

Subd. 3. **MEMBERSHIP.** Except for the representatives of higher education and the public, to be eligible for appointment to the board of teaching a person must be fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board ~~shall~~ must be composed of ~~one teacher whose responsibilities are those either of a librarian, psychologist, remedial reading teacher, speech therapist, or vocational teacher, three elementary school classroom teachers, three secondary;~~

(1) ~~six~~ six classroom teachers;

(2) one higher education representative, ~~from a higher education who must be a faculty member~~ preparing teachers;

(3) one school administrator; and ~~six~~

(4) ~~three~~ three members of the public, two of whom ~~shall~~ must be present or former members of local school boards. ~~Each nominee other than a public nominee shall be selected on the basis of professional experience, and knowledge of teacher education, accreditation and licensure.~~

Sec. 9. **TIME OF EFFECT.**

The changes in the composition of the board of teaching required by section 8 must be made as soon as possible after the effective date of section 8 as vacancies occur or terms of members expire.

Presented to the governor May 22, 1989

Signed by the governor May 25, 1989, 5:30 p.m.

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