

**CHAPTER 3512**  
**DEPARTMENT OF EDUCATION**  
**QUALIFICATIONS AND LICENSURE**  
**OF SCHOOL PERSONNEL**

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**SUPERINTENDENTS AND PRINCIPALS**

**3512.0100 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 3512.0100 to 3512.1700, the terms defined in this part have the meanings given them.

Subp. 2. **Administrative licensure areas.** “Administrative licensure areas” means the licensure areas of directors, superintendent of schools, and school principal.

Subp. 3. **Commissioner.** “Commissioner” means the commissioner of education.

Subp. 4. **Department.** “Department” means the Department of Education.

Subp. 5. **Director.** “Director” means the director and the assistant director of special education, or the director and assistant director of community education.

Subp. 6. **Principal.** “Principal” means elementary and secondary school principals and assistant principals.

Subp. 7. **Superintendent.** “Superintendent” means superintendents and assistant superintendents.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 397 art 11 s 3; L 2003 c 130 s 12*

**3512.0200 EDUCATION AND EXPERIENCE REQUIREMENTS.**

Subpart 1. **Scope.** A person holding a position as a superintendent, principal, assistant superintendent, or assistant principal must hold the appropriate license as a superintendent or principal.

Subp. 2. **Teaching experience.** An applicant for licensure as a superintendent or principal shall have three years of successful classroom teaching experience while holding a classroom teaching license valid for the position or positions in which the experience was gained. Licensure as an elementary school principal shall be granted to those applicants with an elementary teaching license and the elementary teaching experience required in this part. Licensure as a secondary school principal shall be granted to those applicants with a secondary teaching license and the secondary teaching experience required in this part. For purposes of this subpart, “classroom teaching license” means a license valid to teach elementary school, secondary school subjects, prekindergarten, or kindergarten to grade 12 subjects. It does not include limited licenses, provisional licenses, intern licenses, postsecondary vocational licenses, or secondary vocational licenses based on criteria other than degree requirements.

Subp. 3. **K–12 principals and superintendents.** An applicant for licensure as a K–12 principal or superintendent must:

A. complete a specialist or doctoral program or a program consisting of a master’s degree plus 45 quarter credits in school administration. Each program must be approved by the commissioner pursuant to part 3512.2500 and be offered at a regionally accredited Minnesota graduate school; and

B. have field experience of at least 320 hours or eight weeks to be completed within 12 continuous months in elementary or secondary schools as an administrative aide to a licensed and practicing school principal, or have placement with a licensed educational administrator appropriate for the school superintendency and principalship.

Subp. 4. **Licensed elementary and secondary school principals.** A person licensed under this part as an elementary school principal must complete a field experience of at least 200 hours in secondary administration to qualify for licensure as a K–12 principal. A person licensed under this part as a secondary school principal must complete a field experience of at least 200 hours in elementary administration to qualify for licensure as a K–12 principal. In addition to the field experience required in this subpart, an elementary or secondary school principal must meet the requirements in part 3512.0400, subparts 2 and 3.

Subp. 5. **Provisional license.** A two-year nonrenewable provisional license shall be issued upon application to currently licensed elementary and secondary school principals seeking entry into a position as a K–12 principal. Evidence must be provided that the candidate is enrolled in an approved administrative licensure program for licensure as a K–12 principal.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.0300 SCHOOL SUPERINTENDENTS AND PRINCIPALS.

Subpart 1. **License required.** A person who serves as or performs the duties of a superintendent or principal shall hold a license appropriate to the position of school superintendent or school principal. Performance of duties includes duties that provide assistance to the superintendent or principal consisting of 50 percent or more in administration, supervision, evaluation, and curriculum.

Entrance licenses may be issued for each administrative licensure area for which licensure is sought. An applicant must meet requirements for licensure as a superintendent of schools or as a school principal.

Subp. 2. **Institutional requirement.** An institution applying to the commissioner for approval of a preparation program leading to licensure as superintendent or principal shall comply with part 3512.2500. An approved program must include a description of how applicants for licensure may have their experience and preparation in those areas listed in subpart 3 or 4 evaluated by an institution with an approved program. The evaluation must include representation from college departments involved with the licensure program and licensed practicing superintendents and principals. This evaluation must result in a plan for the applicant to complete the knowledge, skills, and abilities listed in parts 3512.0500 and 3512.0600, and may include a reduction of the required college credits necessary for an applicant to be

recommended for licensure or a recommendation for licensure for currently licensed elementary and secondary principals.

An approved program for the competency and situational observation component must include an exit evaluation that requires a licensure candidate to demonstrate aptitude with the knowledge, understanding, and abilities listed in parts 3512.0500 and 3512.0600. The exit evaluation must focus on those skill components not previously demonstrated during completion of the field-based experience requirement. One acceptable model for evaluating aptitude in these components places the candidate in a series of realistic hypothetical problem-solving situations while being observed by a team of two to four persons including practicing administrators competent to evaluate the candidate's aptitude and knowledge of skill areas. This exit evaluation must allow the candidate to demonstrate aptitude with the knowledge areas within a reasonable time frame.

**Subp. 3. Continuing licensure.** A continuing license shall be issued and renewed according to part 3512.2300 governing continuing licenses.

**Subp. 4. Persons holding life or permanent licenses.**

A. A person holding a Minnesota life or permanent license as a superintendent or principal need not hold an entrance license or a continuing license in that administrative licensure area.

B. A person holding a Minnesota life license as a superintendent may serve as a secondary school principal or assistant principal or as an elementary school principal or assistant principal.

**Subp. 5. Administrative licensure completed outside of Minnesota.** A person prepared in another state must be granted an initial license in accordance with part 3512.2600. One year of full-time experience as a superintendent, assistant superintendent, principal, or assistant principal in another state may be substituted for the field experience required by part 3512.0400.

**Subp. 6. Effective date.** After December 31, 1996, persons who make application for licensure as a superintendent or principal must comply with this part.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

**3512.0400 PROGRAM REQUIREMENTS.**

**Subpart 1. Field experience.** A college or university shall design a field experience to accommodate a person's needs and emphasize the knowledge and skills of the program outcomes. A person taking part in field experiences shall not replace required principals or superintendents. Program outcomes of the field experience should be mutually agreed upon with the candidate and the on-site administrator. Emphasis should be placed on knowledge, skills, and outcomes not included in a person's previous preparation and experiences.

**Subp. 2. Evaluation of prior experience and preparation.** An approved administrative licensure program must include a description of how an applicant's experience and preparation is evaluated by an institution for licensure or for recommendation for licensure for licensed elementary and secondary school principals.

**Subp. 3. Situational observation component.** An approved licensure program for superintendents and principals must include a component that requires a person to demonstrate mastery of the program knowledge and skills contained in parts 3512.0500 and 3512.0600. The extent of mastery shall be evaluated by placing the person in a series of realistic hypothetical problem-solving situations while being observed by a team of two to four persons, including a licensed school administrator, competent to evaluate the extent of mastery of the knowledge and skills. Other committee members should be selected from higher education preparers of school administrators and school board members. The exit evaluation should focus on knowledge and skills not previously demonstrated during the field experience re-

quirements and may contain a combination of objective examinations, portfolio reviews, and observations.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.0500 PROGRAM REQUIREMENTS FOR K–12 PRINCIPALS.

Subpart 1. **Scope.** A program leading to the licensure of K–12 principals must provide an applicant for licensure with knowledge, skills, and abilities in all of the subjects listed in subparts 2 to 22.

Subp. 2. **Leadership.** Possessing leadership skills includes the ability to:

- A. provide purpose and direction for individuals and groups;
- B. shape school culture and values;
- C. facilitate the development of a shared vision for the school; and
- D. formulate goals and plan change efforts with staff by setting priorities in the context of community and district priorities and student and staff needs.

Subp. 3. **Information collection.** Possessing information collection skills includes the ability to:

- A. gather data and facts from a variety of sources about families, students, parents, staff members, administrators, and community members;
- B. seek knowledge about policies, rules, laws, precedents, or practices;
- C. manage data flow; and
- D. classify and organize information for use in decision making and monitoring information.

Subp. 4. **Problem analysis.** Possessing problem analysis skills includes the ability to:

- A. identify the elements of a problem situation by analyzing relevant information, frame issues, and identify possible causes;
- B. seek additional needed information and frame and reframe possible solutions;
- C. demonstrate conceptual flexibility; and
- D. assist others in forming opinions about problems and issues.

Subp. 5. **Judgment.** Possessing judgment skills includes the ability to:

- A. reach logical conclusions by making quality, timely decisions based on the available information;
- B. demonstrate adaptability; and
- C. give priority to significant issues.

Subp. 6. **Organizational oversight.** Possessing skills in organizational oversight includes the ability to:

- A. plan and schedule work so that resources are used appropriately and goals are met;
- B. schedule the flow of activities;
- C. establish procedures to regulate activities; and
- D. monitor projects to meet deadlines.

Subp. 7. **Implementation skills.** Possessing implementation skills includes the ability to:

- A. put programs into action;
- B. facilitate the coordination and collaboration of tasks;
- C. establish project checkpoints and monitor progress;
- D. provide corrections when actual outcomes start to diverge from intended outcomes or when new conditions require adaptation; and
- E. support those persons responsible for carrying out projects and plans.

Subp. 8. **Delegation of authority.** Possessing skills in the delegation of authority includes the ability to:

- A. assign projects, tasks, and responsibilities with delegated authority to accomplish them in a timely and acceptable manner;
- B. utilize subordinates effectively; and
- C. follow up on delegated activities.

Subp. 9. **Instruction and the learning environment.** Possessing instruction and learning environment skills includes the ability to:

- A. create a school culture for learning;
- B. envision and enable instructional and auxiliary programs for the improvement of teaching and learning;
- C. recognize the developmental needs of elementary, secondary, and middle level students in order to design positive learning experiences;
- D. accommodate differences in cognition and achievement; and
- E. mobilize the participation of appropriate people to develop programs and to establish a positive learning environment.

Subp. 10. **Curriculum design.** Possessing knowledge of curriculum design includes the ability to:

- A. understand major curriculum design models and interpret school district curricula;
- B. initiate needs analysis and plan and implement with staff a framework for instruction;
- C. align curriculum and outcomes;
- D. monitor social and technological developments as these developments affect curriculum, including youth service programs;
- E. solicit input from families, parents, the public, and the business community; and
- F. adjust curriculum content as needs and conditions change.

Subp. 11. **Student guidance and development.** Possessing knowledge of student guidance and development includes the ability to:

- A. understand and accommodate student growth and development;
- B. provide for student guidance and auxiliary services;
- C. utilize community organizations in responding to family needs;
- D. enlist the participation of people to design and conduct programs for connecting school programs with plans for adult life; and
- E. plan for a comprehensive program of student activities.

Subp. 12. **Staff development.** Possessing knowledge of staff development includes the ability to:

- A. work with faculty and staff to identify professional needs and to plan, organize, and facilitate programs that improve faculty and staff effectiveness that are consistent with institutional goals and needs;
- B. supervise individuals and groups;
- C. provide feedback on staff performance and arrange for remedial assistance;
- D. engage faculty and others to plan and participate in recruitment and development activities;
- E. initiate self-development; and
- F. ensure the provision of training for all general education, special education, and interagency staff, including administrative, professional, paraprofessional, and support staff, on skills for collaboration, teaming, consulting, and conflict resolution.

Subp. 13. **Measurement and evaluation.** Possessing skills in measurement and evaluation includes the ability to:

- A. determine what diagnostic information is needed about students, staff, and the school environment;

B. examine the extent to which outcomes meet defined standards, goals, or priorities;

C. draw inferences for program revisions;

D. interpret measurements or evaluations;

E. relate programs to outcomes; and

F. develop equivalent measurements of competence and design accountability mechanisms.

Subp. 14. **Resource allocation.** Possessing skills in resource allocation includes the ability to:

A. procure, apportion, monitor, account for, and evaluate fiscal and human materials and time resources to reach outcomes that reflect the needs and goals of the school; and

B. plan and develop the budget process with appropriate staff.

Subp. 15. **Motivation.** Possessing knowledge of motivation includes the ability to:

A. develop conditions that enhance the staff's willingness to focus on achieving educational excellence;

B. plan and encourage participation;

C. facilitate teamwork and provide intellectual stimulation and support innovation;

D. recognize and reward effective performance; and

E. provide feedback, coaching, guidance, and needed resources.

Subp. 16. **Sensitivity.** Possessing sensitivity includes the ability to:

A. understand the concerns of others;

B. deal tactfully with others;

C. work with others in stressful situations or in conflict;

D. manage conflict and obtain feedback;

E. recognize multicultural differences; and

F. advocate for family and child issues and work with families to develop parent involvement in the education of children.

Subp. 17. **Oral and nonverbal expression.** Possessing skills in oral and nonverbal expression includes the ability to:

A. make presentations that are clear and easy to understand and clarify and restate questions;

B. respond, review, and summarize information for groups;

C. utilize communication aids;

D. recognize cultural and gender-based norms; and

E. adapt to audiences and make educational issues clear to parents and the public.

Subp. 18. **Written expression.** Possessing skills in written expression includes the ability to:

A. express ideas clearly in writing;

B. write appropriately for different audiences such as students, teachers, and parents; and

C. prepare memoranda, letters, reports, and other job-specific documents.

Subp. 19. **Philosophical and cultural values.** Possessing knowledge of philosophical and cultural values includes the ability to:

A. act with an understanding of the role of education in a democratic society in accordance with accepted ethical standards;

B. recognize philosophical influences in education; and

C. reflect an understanding of American culture including current social and economic issues related to education.

Subp. 20. **Legal and regulatory applications.** Possessing knowledge of legal and regulatory applications includes the ability to:

- A. act in accordance with federal and state constitutional provisions, statutory law, and regulatory applications governing education;
- B. work within local rules, procedures, and directives;
- C. recognize standards of care involving civil and criminal liability for negligence, harassment, and intentional torts;
- D. administer contracts and financial accounts; and
- E. understand:
  - (1) state and federal laws governing special education;
  - (2) alternative instructional designs;
  - (3) curriculum and behavior modifications;
  - (4) assessment accommodations;
  - (5) parent involvement; and
  - (6) labor relations and collective bargaining.

Subp. 21. **Policy and political influences.** Possessing knowledge of policy and political influence includes the ability to:

- A. understand schools as political systems;
- B. identify relationships between public policy and education;
- C. recognize policy issues;
- D. examine and affect policies individually and through professional and public groups;
- E. relate policy initiatives to the welfare of students and families; and
- F. address ethical issues.

Subp. 22. **Public and media relations.** Possessing knowledge of public and media relations includes the ability to:

- A. develop perceptions about school issues;
- B. interact with internal and external publics;
- C. understand and respond to the news media;
- D. initiate and report news through appropriate channels;
- E. manage school reputations by promoting a positive image;
- F. enlist public participation and support; and
- G. recognize and provide for various markets.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.0600 PROGRAM REQUIREMENTS FOR SUPERINTENDENTS.

Subpart 1. **Scope.** A program leading to the licensure of superintendents must provide an applicant for licensure with knowledge, skills, and abilities in all of the subjects listed in subparts 2 to 9.

Subp. 2. **Leadership and district culture.** Possessing leadership skills and knowledge of district culture includes the ability to:

- A. demonstrate collaborative leadership by developing district vision, school culture, and climate;
- B. provide purpose and direction for individuals and groups;
- C. demonstrate an understanding of issues affecting education;
- D. formulate strategic plans and goals with staff and community;
- E. set priorities in the context of community, student, and staff needs; and
- F. serve as a spokesperson for the welfare of all students in a multicultural context.

Subp. 3. **Policy and governance.** Possessing skills in policy and governance includes the ability to:

A. develop and implement procedures for working with the commissioner of education in defining expectations, working relationships, and strategies for formulating district policy for external and internal programs;

B. adjust local policy to state and federal requirements and constitutional provisions, standards, and regulatory applications;

C. recognize and apply standards involving civil and criminal liabilities;

D. understand state and federal laws governing special education;

E. understand alternative instructional designs, curriculum, behavior modifications, and assessment accommodations;

F. foster family and parent involvement in the education of children; and

G. understand labor relations and collective bargaining.

**Subp. 4. Communications and community relations.** Possessing knowledge of communications and community relations includes the ability to:

A. articulate district purpose and priorities to the community and media;

B. request and respond to community feedback and demonstrate consensus building and conflict mediation;

C. identify, track, deal with issues, and formulate and carry out plans for internal and external communications;

D. exhibit an understanding of school districts as political systems by applying communication skills to strengthen community support;

E. align constituencies in support of district priorities, building coalitions to gain financial and programmatic support, and to formulate strategies for referenda; and

F. relate political initiatives to children and families, including parental involvement programs.

**Subp. 5. Organizational management.** Possessing organizational management skills includes the ability to:

A. demonstrate an understanding of the school district as a system by defining processes for gathering, analyzing, and using data for decision making;

B. manage the flow of data, frame and solve problems, frame and develop priorities, and formulate solutions;

C. assist others to form reasoned opinions and research logical conclusions and make quality decisions to meet internal and external customer expectations;

D. plan and make decisions to meet customer expectations;

E. plan and schedule personal and organizational work, establish procedures to regulate activities and projects, and delegate and empower others at appropriate levels; and

F. secure and allocate human and material resources, develop and manage the district budget, and maintain accurate fiscal records.

**Subp. 6. Curriculum planning and development.** Possessing knowledge of curriculum planning and development includes the ability to:

A. design curriculum and strategic plans for elementary, secondary, and middle level students that enhance teaching and learning in multiple contexts;

B. provide planning and methods to anticipate occupational trends, youth service programs, and their educational implications;

C. identify instructional objectives and validation procedures for curricular units;

D. align and sequence curriculum by using valid and reliable performance indicators and by testing procedures to measure performance outcomes; and

E. describing the proper use of learning and information technologies.

**Subp. 7. Instructional management.** Possessing skills in instructional management includes the ability to:

A. demonstrate knowledge of instructional management that includes research findings on learning and instructional strategies, instructional time, advanced technologies, and resources to maximize student outcomes; and



B. describe and apply research and best practice on integrating curriculum and resources for multicultural sensitivity and assessment strategies to help all students achieve at high levels.

Subp. 8. **Human resource management.** Possessing knowledge of human resource management includes the ability to:

A. utilize a staff evaluation and development system to improve the performance of all staff members;

B. select appropriate models for supervision based on adult motivation research;

C. identify employee benefits packages; and

D. describe and apply the legal requirements for personnel selection, development, retention, and dismissal.

Subp. 9. **Values and ethics of leadership.** Possessing knowledge of values and ethics of leadership includes the ability to:

A. understand and model value systems, ethics, and moral leadership and know the role of education in a democratic society;

B. exhibit multicultural and ethnic understanding of behavior and adapt educational programming to the needs of diverse constituencies;

C. balance complex community demands in the best interest of the student and scan and monitor the environment for opportunities for staff and students;

D. respond in an ethical and skillful way to the news media; and

E. coordinate social agencies and human services to help students grow and develop as caring, informed citizens.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

### 3512.0700 ADMINISTRATIVE LICENSURE WITHOUT TEACHING EXPERIENCE.

Subpart 1. **Scope.** This part is intended for an applicant for licensure for K–12 principal and superintendent completing an approved licensure program, but lacking the teaching experience requirement.

Subp. 2. **Degree requirement.** An applicant shall meet the degree requirement in part 3512.0200, subpart 3.

Subp. 3. **Field experience.** An applicant shall have satisfactorily completed a field experience in school administration, which shall be in a school setting under the supervision of educators from an approved college or university school administration program. The field experience must consist of at least 320 hours and is in addition to the internship experience described in subpart 4.

Subp. 4. **Internship requirement.** An applicant shall have experience in curriculum, school organization, philosophy of education, and elementary and secondary schools. The internship shall:

A. include one school year of classroom experience;

B. be under the supervision of a practicing, licensed school administrator;

C. include supervision provided by educators from an approved school administration program; and

D. be based on a written agreement between the intern, the approved school administration preparation institution, and the school district in which the internship is completed.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

**3512.0800 ALTERNATIVE LICENSURE FOR SCHOOL SUPERINTENDENTS.**

Subpart 1. **Intent of alternative license.** An applicant for an alternative license shall demonstrate skills and competencies needed to perform the functions of a superintendent. This alternative is intended for applicants lacking the teaching background and administrative preparation program required in parts 3512.0200 and 3512.0400.

Subp. 2. **Procedures for licensure.** An applicant for an alternative license must demonstrate that the applicant has substantive experience and education in administration, supervision, management, and executive leadership, in either education, health care, business or industry, labor, or government. An applicant for an alternative license shall:

- A. complete a written application;
- B. provide a written description of the exceptional qualifications;
- C. provide an official college transcript;
- D. document other educational and leadership experience;
- E. provide a professional resume; and
- F. include letters of recommendation and portfolio examples.

Subp. 3. **Credential review committee.** An applicant may appear before a credential review committee and present evidence relating to the applicant's proposed effectiveness as a superintendent. Data and information regarding leadership effectiveness shall be presented as may testimony from teachers, parents, students, site council members, community members, and other interested persons. The review committee may consist of a licensed administrator appropriate to the field, a college or university administration preparer, and a member of a local school board or person of similar background. The credential review committee shall make a recommendation to the manager of the licensing team regarding licensure.

Subp. 4. **Leadership experience.** The applicant shall demonstrate a level of responsibility comparable to the position for which a license is sought and a record of successful and effective administrative behavior. The level of responsibility shall include any administrative, managerial, or supervisory positions.

Subp. 5. **Education.** The candidate shall have an undergraduate degree from a regionally accredited institution and broad formal preparation at the post-baccalaureate level including a master's degree or equivalent in areas such as those listed in subpart 2.

Subp. 6. **Issuance of license.** Initial and renewal licenses shall be issued according to this subpart.

A. Based upon the credential review committee recommendation, the applicant may be granted a two-year entrance license. The commissioner may also identify needed activities which the candidate shall implement during the period of the entry license to strengthen the individual's skills which may lead to improved results as a principal. This may include a mentoring experience or specific skills or competencies that need improvement.

B. The two-year entrance license may be renewed for a five-year license after verification of one year of successful administrative experience. Subsequent five-year renewals shall be granted based upon continuing education requirements in part 3510.2700, subpart 4.

Subp. 7. **Appeal.** If the candidate's initial application is rejected, an appeal may be filed with the commissioner of education within 30 days of the denial.

Subp. 8. **Fee.** In addition to the license fee under part 3512.2000, subpart 1, the commissioner may charge a fee for the review process to recover costs.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

**3512.1100 SUPERINTENDENT SKILLS AND COMPETENCIES.**

Subpart 1. **Scope.** An applicant for a superintendent license under part 3512.0800 shall demonstrate knowledge, skills, and abilities in all of the subjects listed in subparts 2 to 7.

Subp. 2. **Leadership.** Possessing leadership skills includes the ability to:

- A. demonstrate executive leadership by shaping culture and climate and develop vision;
- B. provide purpose and direction for individuals and groups;
- C. demonstrate an understanding of issues affecting education;
- D. formulate plans, goals, and change efforts with staff and community; and
- E. set priorities in the context of community, student, and staff needs and serve as a spokesperson for the welfare of families and students in a multicultural context.

Subp. 3. **Policy and governance.** Possessing knowledge of policy and governance includes the ability to:

- A. develop and implement procedures for working with groups that define expectations, working relationships, and strategies for formulating policy for external and internal programs;
- B. adjust local policy to state and federal requirements and constitutional provisions, standards, and regulatory applications;
- C. recognize and apply standards involving civil and criminal liabilities;
- D. understand state and federal laws governing special education and related requirements;
- E. involve parents in the education of children; and
- F. understand labor relations and collective bargaining.

Subp. 4. **Communications.** Possessing communication skills includes the ability to:

- A. articulate purpose and priorities;
- B. request and respond to community feedback and demonstrate consensus building and conflict mediation;
- C. identify, track, and deal with issues and formulate and carry out plans for internal and external communications;
- D. exhibit an understanding of school districts as political systems and align constituencies in support of district priorities;
- E. build coalitions to gain financial and programmatic support and formulating strategies for referenda; and
- F. relate political initiatives to the welfare of families and children, including parental involvement programs.

Subp. 5. **Human resource management.** Possessing knowledge of human resource management includes the ability to:

- A. understand staff evaluation and staff development;
- B. select appropriate models for supervision based on research; and
- C. understand employee benefit packages and the legal requirements for personnel selection, development, retention, and dismissal.

Subp. 6. **Personal attributes and social context.** Possessing knowledge of personal attributes and social context includes the ability to:

- A. understand the role of education in a democratic society;
- B. recognize multicultural and ethnic understanding and behavior and understand the needs of diverse constituencies;
- C. balance community demands in the best interest of constituencies;
- D. monitor opportunities for staff and students; and
- E. respond in an ethical and skillful way to the media and coordinating social agencies and human services.

Subp. 7. **School district management.** Possessing school district management skills includes the ability to:

- A. demonstrate an understanding of a school district as a system by defining processes for decision making, flow of data, framing and solving problems, and developing priorities and formulating solutions;

B. assist others to form opinions and reach conclusions based on research and make decisions to meet expectations; and

C. secure and allocate human and material resources, develop and manage the district budget, and maintain accurate fiscal records.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.1200 CONTINUING EDUCATION PROGRAMS FOR DIRECTORS, PRINCIPALS, AND SUPERINTENDENTS.

Subpart 1. **Definitions.** The definitions in items A and B apply to this part.

A. "Clock hours" means hours of actual instruction or supervised group activities in a Minnesota administrative and supervisory continuing education program approved according to this part.

B. "Initiator" means the individual, agency, or institution that initiates and conducts continuing education programs according to this part.

Subp. 1a. **Approval.** All continuing education programs, and the clock hours which may be earned in each program, must be approved by the commissioner. If clock hours are to be earned, approval must be secured before participants are registered in a continuing education program. Admission to all approved continuing education programs shall be open to any licensed Minnesota school administrator or supervisor who meets the education and experience requirements for admission. The department shall disseminate lists of known approved continuing education programs twice annually.

Subp. 2. **Program initiator.** The initiator of a continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector. The program initiator is responsible for:

A. developing proposals for continuing education programs in areas of study which have been identified in cooperation with licensed directors, principals, and superintendents practicing in Minnesota school districts;

B. forwarding continuing education program proposals to the commissioner for approval;

C. maintaining communication with the commissioner concerning the status of all approved continuing education programs offered; and

D. reporting to the commissioner the names of all individuals who complete an approved continuing education program including the number of clock hours earned by each individual.

Subp. 3. **Content of continuing education program.** Each continuing education program shall consist of at least three clock hours and each program proposal shall contain:

A. a description of planning activities including a list of names, addresses, and positions of those involved in planning;

B. a description of the client group, or groups, for whom the program is designed;

C. a statement of program goals which relates goals to client demands;

D. a statement concerning any prerequisite education or experience required for admission to the program;

E. a description of the proposed continuing education program which includes:

(1) statements of expected learning outcomes;

(2) descriptions of program components designed to develop specified learning outcomes; and

(3) the means by which achievement of specified learning outcomes will be determined for each program participant;

F. statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period; and

G. evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

Subp. 4. **Term of approval.** Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner determines that the program is adequate to fulfill the purposes of continuing education requirements.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *L 1995 1Sp3 art 16 s 13; 21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.1300 PROCEDURES FOR VOLUNTARY SURRENDER OF LICENSES.

Subpart 1. **Materials required to surrender license.** A person holding a license granted by the commissioner of education may voluntarily surrender the license by submitting to the manager of the personnel licensing section of the Department of Education:

- A. a written request to surrender that specifies the license or licenses to be surrendered;
- B. the applicant copy of the license;
- C. the school district copy of the license with a written statement that the employing school superintendent, or in the case of a superintendent license, the school board chair, has been notified that the school district copy of the license has been removed from the school district files; and
- D. the required processing fee under part 3512.2000.

Subp. 2. **Surrender date.** When the manager of the personnel licensing section receives the materials listed in subpart 1 by January 1, the date of surrender is July 1 of that year. If the materials are received after January 1, the date of license surrender is July 1 of the following calendar year. An applicant may revoke the request to surrender a license. The revocation must be made in writing to the manager of the personnel licensing section no later than December 31 of the year in which the request for voluntary surrender is received by the manager of the personnel licensing section.

Subp. 3. **When surrender is prohibited.** A person may not voluntarily surrender a license if:

- A. the school board has begun proceedings to terminate the continuing contract, pursuant to Minnesota Statutes, section 122A.40, subdivision 9 or 13, or 122A.41, subdivision 6;
- B. the commissioner of education has begun proceedings to suspend or revoke the license pursuant to Minnesota Statutes, sections 122A.20 and 214.10; or
- C. any educational agency or board has begun proceedings that could result in alteration of the status of the license due to the person's conduct.

Subp. 4. **Entrance license after surrender.** A person whose Minnesota administrative or supervisory license has been voluntarily surrendered may apply for entrance licensure in the field for which licensure was previously surrendered. An entrance license must be granted to the applicant if:

- A. a licensure rule exists in the field for which licensure was previously surrendered;
- B. the applicant meets the entrance licensure standards that are in effect in the field at the time of application and meets procedures in Department of Education rules applicable to an entrance license; and
- C. the required processing fee under part 3512.2000 accompanies the application for entrance licensure.

Subp. 5. **Disclaimer.** Subparts 1 to 4 do not prohibit a person from holding or applying for a license in any administrative or supervisory field upon surrender of an administrative or supervisory license in another field.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

### 3512.1400 SUSPENSION AND REVOCATION OF LICENSES.

The license of a principal or superintendent may be revoked or suspended for any of the following causes: immoral character or conduct; a breach of contract of employment without justifiable cause; overall gross inefficiency or willful neglect of duty; fraud or misrepresentation in obtaining a license.

The State Board of Education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed. A written complaint which specifies the nature and character of the charges is filed with the State Board of Education by either the school board employing the superintendent or principal, or by the commissioner of education. The commissioner of education, within ten days after the filing of the complaint with the State Board of Education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address. The superintendent or principal, within 20 days after the service of the copy of charges, files with the State Board of Education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived. A hearing conducted in accordance with the rules of the Office of Administrative Hearings shall be held.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *L 1995 1Sp3 art 16 s 13; 21 SR 804; L 1998 c 397 art 11 s 3; L 2003 c 130 s 12*

### 3512.1500 THE ISSUANCE AND RENEWAL OF LICENSES.

Subpart 1. **Renewal.** All licenses to serve as superintendent and principal 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.

Subp. 2. **Expiration.** After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.

Subp. 3. **Fees.** Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of \$40 effective July 1, 1983.

**Statutory Authority:** *MS s 125.05; L 1981 c 359 s 2 subd 4; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.1600 APPEALS.

Subpart 1. **Licensure denials.** A person denied an administrative license may appeal the denial under Minnesota Statutes, chapter 14, to a final decision by the commissioner of education.

Subp. 2. **Appeal request.** A person entitled to a hearing under this part shall file a written request for a hearing with the commissioner of education within 30 days from the date of the denial. Failure to file a written request for a hearing within 30 days constitutes a waiver of the person's right to a hearing.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

**3512.1700 RULES REVIEW.**

Licensure standards for superintendents and principals shall be reviewed every even-numbered year beginning in the year 2000. The review shall be conducted by a committee appointed by the commissioner who shall report recommendations to the commissioner of education.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

**3512.2000 REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSES.**

Subpart 1. **In general.** An applicant must qualify separately for each licensure area for which application is made and provide evidence of satisfactory completion of a program in such licensure area which has been approved by the commissioner.

Each application for the issuance or renewal of a license shall be accompanied by a processing fee set by the Board of Teaching in part 8700.0600. The processing fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

All licenses must be issued or renewed according to criteria established in rules of the Department of Education and are valid for the period of time specified in this part. All licenses must bear the date of issuance and expire on the specified number of years from July 1 nearest the date licensure was approved. Applications for renewal must be accepted by the commissioner after January 1 of the year of expiration. The renewal period begins on July 1 of the year of expiration. After June 30 in the year of expiration, all licenses not renewed expire and are no longer valid.

Subp. 2. **Initial license.** The initial license issued in any licensure area is an entrance license, valid for two years. Licenses valid for administration and supervision in Minnesota schools must be granted to persons who meet all requirements of applicable statutes and rules and who complete programs approved by the commissioner leading to licensure in Minnesota institutions that are approved by the Board of Teaching pursuant to part 8700.7600 to prepare persons for licensure.

Subp. 3. **Failure to complete school year of experience affecting entrance license.** When one school year of administrative or supervisory experience is not completed before the expiration of an entrance license, another entrance license in that licensure area must be issued upon application. If an entrance license in any licensure area is allowed to lapse, it shall be renewed, upon application, until the applicant has had one school year of administrative or supervisory experience while holding a valid entrance license after which time an applicant must qualify for a continuing license.

Subp. 4. **Continuing license.** A continuing license, valid for five years, must be issued and renewed upon application according to provisions enumerated in the specific licensure rules of the Department of Education for the continuing license being issued or renewed.

**Statutory Authority:** *MS s 125.05; L 1981 c 359 s 2 subd 4; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *L 1995 1Sp3 art 16 s 13; 21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

**SUPERVISORY AND SUPPORT PERSONNEL****3512.2100 ENTRANCE LICENSE.**

Requirements must be met for each administrative area where licensure is sought. An entrance license shall be issued to an applicant who has met all of the following requirements. An applicant must:

A. fulfill the requirements of parts 3512.2000, subparts 1 and 2, and 3512.2700; and

B. be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner a transcript of college or university work to be analyzed in order to determine comparability of program.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.2300 CONTINUING LICENSE.

Subpart 1. **Continuing license for those holding entrance license.** An applicant who completes at least one school year of administrative or supervisory experience in a licensure area while holding an entrance license shall be issued a continuing license, valid for five years. When a licensure area is added to a continuing license already in force, a continuing license is issued, and the expiration date becomes that already established for the continuing license in force.

Subp. 2. **Life license.** An applicant who holds a life license who subsequently completes an approved program in an additional licensure area shall be issued a continuing license, valid for five years for the additional licensure area.

Subp. 3. **Renewal of continuing licenses.** The renewal of continuing licenses must be issued to an applicant who provides evidence of completion of 125 clock hours of approved administrative and supervisory continuing education earned according to part 3512.1200 during the five-year period immediately before renewal of the continuing license. Approval of continuing education programs, and the clock hours that may be earned in each program, must be according to part 3512.1200. Relevant courses completed at accredited colleges and universities may be used toward the clock hour requirement. One quarter college credit equals 15 clock hours; one semester college credit equals 20 clock hours. Renewal requirements must be met during the five-year period of each continuing license and no clock hours shall carry forward into any subsequent five-year licensure period.

Subp. 4. **Lapsed license.** If a continuing license has been allowed to lapse and the applicant has not been employed as an administrator or supervisor during the year immediately before the application for renewal, the applicant must provide evidence that:

A. 125 clock hours of approved administrative and supervisory continuing education have been earned according to this part during the five-year period immediately before the application for a continuing license, in which case a five-year continuing license must be granted; or

B. a position has been offered contingent upon holding a valid license, and demonstrate that there is insufficient time to complete 125 clock hours of approved administrative and supervisory continuing education, in which case a nonrenewable one-year license may be granted. Upon expiration of the nonrenewable one-year license, the applicant must qualify for a continuing license according to subpart 3.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.2400 SUSPENSION AND REVOCATION OF LICENSES.

Subpart 1. **Cause.** The license of a director, superintendent, or principal may be revoked or suspended for any of the following causes:

- A. immoral character or conduct;
- B. a breach of contract of employment without justifiable cause;
- C. overall gross inefficiency or willful neglect of duty;
- D. fraud or misrepresentation in obtaining a license; or
- E. conviction of a felony which directly relates to the occupation for which licensure is held.



**Subp. 2. Procedure for suspension and revocation of licenses.** The State Board of Education may act to suspend or revoke the license of a person whose license was granted by the Board of Education after the following procedures have been followed:

A. A written complaint that specifies the nature and character of the charges against the licensee is filed with the State Board of Education by a student, parent, community member, the school board employing the person, or by the commissioner.

B. The commissioner, within ten calendar days after the filing of the complaint with the State Board of Education, serves a copy of the complaint upon the licensee by certified mail addressed to the licensee at the licensee's last known address.

C. The licensee, within 20 calendar days after the service of the copy of charges, files with the State Board of Education an answer to the charges specified. The failure to answer within the 20-calendar-day period is a waiver of the right to a hearing.

D. A hearing conducted according to the rules of the Office of Administrative Hearings, if not waived, must be held.

**Subp. 3. Revocation.** Revocation includes the cancellation or repeal of a license or renewal privilege. Revocation disqualifies a person from performing any function that is permitted on the basis of holding a license issued pursuant to the rules of the State Board of Education. Revocation is final, except that a person whose license has been revoked may petition the State Board of Education for licensure pursuant to subpart 6.

**Subp. 4. Suspension.** Suspension includes the temporary withdrawal of a license or renewal privilege. Suspension disqualifies a person from performing any function that is permitted on the basis of holding a license issued pursuant to the rules of the State Board of Education. The length of each suspension and any terms and conditions attached to the suspension must be determined by the State Board of Education on consideration of:

A. the activity of the individual that led to the license suspension;

B. any relevant mitigating factors that the individual may interpose;

C. the prior administrative, supervisory, or teaching record of the individual; and

D. other similar factors.

**Subp. 5. Applicability.** Unless otherwise provided by the State Board of Education, a revocation or suspension applies to each license or renewal privilege held by the individual at the time final action is taken by the State Board of Education. A person whose license or renewal privilege has been suspended or revoked is ineligible to be issued any other license by the State Board of Education during the pendency of the suspension or revocation.

**Subp. 6. Issuance of license after revocation.** A person whose license or renewal privilege has been revoked by the State Board of Education may apply for and must be granted an entrance license upon presentation of reliable evidence that all terms and conditions that the board imposed have been fulfilled, and upon meeting current licensure standards.

**Subp. 7. Issuance or reinstatement of license after suspension.** A person whose license or renewal privilege has been suspended by the State Board of Education may apply for reinstatement of that license according to this subpart.

A. If the suspended license was an entrance license that has lapsed during the suspension, that license must be reinstated upon proper application after the period of suspension has expired and upon presentation of reliable evidence that all terms and conditions that the board imposed have been fulfilled, if the applicant has had less than one year of administrative or supervisory experience while holding the entrance license. If the applicant has gained a year or more of experience on the entrance license before the suspension and the license has lapsed during the suspension, a five-year continuing license must be granted after all other conditions stated in this part have been met.

B. If the suspended license is an entrance license that has not lapsed during the suspension, the person may resume administrative or supervisory functions for whatever period of time remains on that license after the period of the suspension has expired and upon presentation of reliable evidence that all terms and conditions that the board imposed have been fulfilled.

C. If the suspended license is a continuing license that has not lapsed during the period of the suspension, the person may resume administrative or supervisory functions for

whatever period of time remains on the continuing license after the suspension has expired and upon presentation of reliable evidence that all terms and conditions that the board imposed have been fulfilled.

D. If the suspended license is a continuing license that lapsed during the period of the suspension, the person may apply for another continuing license that must be granted if the suspension has expired, the person presents reliable evidence that all terms and conditions the board imposed have been fulfilled, and demonstrates the current continuing education requirements have been completed.

E. If the suspended license was a life license, the person may resume administrative or supervisory functions after the period of the suspension has expired and after presenting reliable evidence that all terms and conditions imposed by the board have been fulfilled.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### 3512.2500 PROCEDURES FOR APPROVAL OF LICENSURE PROGRAMS.

Subpart 1. **Request for approval.** Institutions approved by the Board of Teaching pursuant to part 8700.7600 to prepare persons for licensure may request approval by the commissioner of licensure programs in administration and supervision. The programs shall be evaluated for initial approval and thereafter shall be audited for continuing approval according to this part.

Subp. 2. **Content of program description.** Each institution shall forward from the administrator of the defined administrative and instructional unit of that institution to the commissioner a program description for each licensure program for which approval is requested. The licensure program description shall include:

A. a statement which verifies the institutional commitment to the licensure program;

B. a description of the organizational structure of the institution and procedures for implementing the licensure program;

C. a description of the role for which persons who enroll in the licensure program are being prepared;

D. an enumeration of the specific knowledge, skills, and understandings to be achieved by persons completing the licensure program;

E. a description of the licensure program which relates individual program components to the knowledge, skills, and understandings to be achieved by persons completing the licensure program;

F. a description of the field-based experience, the assessment of prior experience and preparation, and the situational observation component;

G. a description of the systematic procedure for evaluation of the licensure program which assures that all requirements for licensure have been met by all persons recommended for licensure;

H. a specific identification of the plans for assessing the performance of each person who is to be judged as having successfully completed the licensure program;

I. evidence that the licensure program forwarded for approval has been developed with participation from the college departments involved with the licensure program, licensed practicing education personnel, school administrators, and interested citizens; and

J. a description of the procedures to establish and maintain an internal process for systematic evaluation of the licensure program.

Subp. 3. **Evidence required in program description.** Each program description forwarded to the commissioner by an institution for each licensure program for which approval is requested shall include evidence that:

A. rules of the Department of Education governing the licensure program are met;

B. necessary faculty and physical resources are allocated to implement and maintain the licensure program; and

C. adequate supervision for practicum experiences required by individual licensure rules is provided.

Subp. 4. **Appraisal of program.** Before initial approval for the licensure program is granted, department staff or persons designated as program auditors by the commissioner may visit the institution to examine the licensure program for the purpose of verifying the program description and making a recommendation regarding approval status. During the operation of an approved licensure program, an audit visit to verify that the approved program complies with this part may be arranged in consultation with the institution. Program auditors shall make a written report of their findings to the commissioner and to the institution.

Department staff or persons designated as program auditors by the commissioner in consultation with the institution shall make audit visits on a five-year cycle to verify program descriptions and to make a recommendation regarding approval status of each licensure program.

Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the commissioner shall:

A. grant initial approval;

B. grant continuing approval;

C. grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions; or

D. disapprove the licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date that will accommodate persons enrolled in the program.

Subp. 5. **Conditional approval.** If a licensure program is conditionally approved, the commissioner shall reconsider the approval status of the licensure program upon verification that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval must be withdrawn.

Subp. 6. **Programs that vary in curricular design.** Licensure programs that vary in curricular design must be approved provided that program components meet the criteria for approval in this part.

Subp. 7. **Revisions made in program.** If an institution makes revisions in an approved licensure program, the administrator of the defined administrative and instructional unit of that institution shall forward to the commissioner a written description of the licensure program revision. An audit must be made to verify that the revised licensure program continues to meet rules of the Department of Education. Each verified licensure program revision is an amendment to the approved licensure program.

Subp. 8. **Revocation or suspension due to failure to meet rules.** The commissioner shall revoke or suspend the approval of a licensure program if the commissioner determines that an approved licensure program no longer complies with this part.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *L 1995 1Sp3 art 16 s 13; 21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

### **3512.2600 LICENSURE FOR PERSONS PREPARED IN STATES OTHER THAN MINNESOTA.**

Subpart 1. **Criteria.** Minnesota licenses shall be granted to persons who otherwise meet applicable statutory requirements and who complete programs leading to licensure in colleges and universities located outside Minnesota. The licenses shall be granted only in licensure fields for which the commissioner of education has established rules governing programs leading to licensure. The licenses shall be issued according to either item A or B as follows:

A. Persons who complete approved programs in colleges and universities leading to licensure within states which have signed contracts with Minnesota according to the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license. No licenses shall be issued on the basis of teaching experience only.

B. Persons who complete programs leading to licensure in colleges and universities within states which have not signed contracts with Minnesota according to the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license when all of the following criteria are met:

(1) the college or university is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools;

(2) the program leading to licensure has been recognized by the state as qualifying the applicant completing the program for such licensure within that state;

(3) the program leading to licensure completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota colleges and universities according to the rules of the Department of Education governing the licensure field; and

(4) the college or university which offers the program leading to licensure verifies that the applicant has completed an approved licensure program at that institution and recommends the applicant for a license in a licensure field at a licensure level.

Notwithstanding part 3510.4000 governing human relations, persons who have been prepared for licensure in states other than Minnesota shall be granted a Minnesota entrance license based upon the provisions of this part.

Subp. 2. **Human relations requirement.** Notwithstanding part 3512.2700 governing human relations, persons who have been prepared for licensure in states other than Minnesota shall be granted a nonrenewable one-year initial license based upon the provisions of this part.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

### 3512.2700 HUMAN RELATIONS REQUIREMENT.

All applicants for licenses to be issued or renewed under authority of the commissioner of education shall complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license seeks to be licensed, or to have a license renewed, in an area for which the person does not hold a life license. Persons from outside Minnesota who wish to be licensed must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.

Human relations components of programs which lead to licensure in education under authority of the commissioner of education shall be approved upon submission of evidence:

A. Showing that the human relations components have been developed with participation of members of various racial, cultural, disabled, and economic groups. Participation in planning shall be equitably distributed between men and women.

B. Showing that the human relations components are planned to develop the ability of applicants to:

(1) understand the contributions and life styles of the various racial, cultural, disabled, and economic groups in our society;

(2) recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism;

(3) create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations; and

(4) respect human diversity and personal rights.

C. Relating all of the areas enumerated in item B to specific competencies to be developed.

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D. Indicating means for assessment of competencies.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *L 1995 1Sp3 art 16 s 13; 21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12; L 2005 c 56 s 2*

### HEAD COACHES

#### 3512.3000 LICENSE RENEWAL OF HEAD VARSITY COACHES OF INTERSCHOLASTIC SPORTS IN SENIOR HIGH SCHOOLS.

A person who holds or has held a license as a head varsity coach of interscholastic sports in senior high schools issued before December 31, 1996, under parts 3510.7500 to 3510.7900 may continue to renew this license according to requirements of the Board of Teaching governing continuing education relicensure.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

#### 3512.3100 EMPLOYMENT OF HEAD VARSITY COACHES OF INTERSCHOLASTIC SPORTS IN SENIOR HIGH SCHOOLS.

A school district may employ a person as a head varsity coach of an interscholastic sport in a senior high school provided that:

A. in the judgment of the school board, the person has the knowledge and experience necessary to coach the sport;

B. the person can verify completion of six quarter credits, or the equivalent, or 60 clock hours of instruction in first aid and the care and prevention of athletic injuries; and

C. the person can verify completion of a coaching methods or theory course.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### COMMUNITY EDUCATION DIRECTORS

#### 3512.3500 DIRECTORS OF COMMUNITY EDUCATION.

Subpart 1. **Scope.** A person who serves as a district director of community education shall hold a license as a director of community education.

Subp. 2. **License requirement.** An applicant recommended for licensure as a director of community education shall:

A. hold a baccalaureate degree from a regionally accredited college or university; and

B. satisfactorily complete a preparation program listed in subpart 3, approved by the commissioner leading to licensure of directors of community education.

Subp. 3. **Program requirement.** A program leading to the licensure of directors of community education must consist of a minimum of 30 quarter hours, or the equivalent, and must provide a candidate recommended for licensure with the knowledge, skills, and abilities in all of the subjects listed in items A to H.

A. Community assessment includes the ability to:

(1) prepare and conduct a survey and tabulate and interpret the results;

(2) conduct interviews with community leaders, interagency personnel, and residents;

(3) address values and attitudes of various racial, ethnic, and socioeconomic subgroups within the community;

(4) understand the concept that individuals can determine their destiny within a rapidly changing society;

(5) analyze community power structure and its interaction for promoting community growth; and

(6) identify the physical, human, civic, social, financial, and cultural resources of the community.

B. Community involvement includes:

(1) skill in the application of the resolution of community issues process;

(2) knowledge of the types of advisory councils and their organization and potential functions;

(3) ability to involve an advisory council in addressing community issues;

(4) knowledge of methods of sustaining community involvement in the community education process; and

(5) knowledge of the techniques for developing leadership among community members.

C. Public relations and communications includes the:

(1) ability to speak before varied community groups to impart information about and understanding of community education;

(2) ability to identify the media outlets available to local programs and the conditions under which each is used;

(3) skill to develop articles such as publications, newsletters, and program brochures for program dissemination;

(4) ability to articulate the community education concept, its development, implementation, maintenance, and expansion;

(5) knowledge of the process available to identify community wants and needs; and

(6) skills necessary to conduct effective meetings and the ability to train others to conduct effective meetings.

D. Coordination and cooperation includes the ability to:

(1) develop strategies for building trust among community groups and between individuals;

(2) participate in mutual goal setting activities with other groups and agencies; and

(3) acknowledge and accept the autonomy of various groups and programs.

E. Program management includes the:

(1) knowledge of the philosophy, mission, purpose, and current rules and regulations for community education programs;

(2) skills necessary to conduct needs assessments, determine educational objectives, select and organize learning experiences, schedule and promote programs, and registration procedures;

(3) skills necessary to recruit and provide in-service education to staff members; and

(4) skills needed to supervise facilities, activities, and personnel.

F. Evaluation includes skills to:

(1) evaluate personnel;

(2) work with staff in evaluating individual programs; and

(3) monitor evaluation efforts of staff and consultants for the total community education program.

G. Philosophy and administration of community education includes knowledge of:

(1) the role of the local school district's administrative team and the community education director's place within it;

(2) the professional responsibilities of superintendents, principals, teachers, and staff;

- (3) management styles;
- (4) management by objectives;
- (5) history and philosophy of education;
- (6) general education curriculum development;
- (7) goal development and achievement and the ability to implement goals;
- (8) education law as it pertains to community education;
- (9) education finance as it pertains to community education;
- (10) the history and philosophy of community education; and
- (11) human relations including intercultural and interpersonal components.

H. Practicum, which is field experience, includes at least 200 clock hours in an administrative position under the supervision of a licensed director of community education. During the field experience, the candidate shall demonstrate the ability to apply the knowledge and skills listed in items A to G. A person prepared in another state as director of community education may substitute one year of experience as a district wide director of community education in another state for the field experience.

Subp. 4. **Institutional requirement.** An institution applying to the commissioner for approval of a program leading to licensure as directors of community education shall comply with part 3512.2500. An approved program must include a description of how applicants for licensure may have their experience and preparation in those areas listed in subpart 3 evaluated by an institution with an approved program. The evaluation must include representation from college departments involved with the licensure program and licensed practicing directors of community education. This evaluation must result in a plan for the applicant to complete the knowledge, skills, and abilities listed in subpart 3 and may include a reduction of the required college credits necessary for an applicant to be recommended for licensure.

Subp. 5. **Situational observation component.** An approved program must include a component that requires a licensure candidate to demonstrate mastery of the requirements in subpart 3. The extent of mastery must be evaluated by placing the candidate in a series of realistic hypothetical problem-solving situations while being observed by a team of at least four persons competent to evaluate the extent of mastery of the requirements in subpart 3. This component must allow the candidate to demonstrate mastery of all the requirements in subpart 3 during a single period of observation.

A written test to evaluate the extent of mastery must not count for more than 50 percent of the score evaluating mastery of all the requirements in subpart 3.

Subp. 6. **Issuance and renewal of licenses.** A license must be issued according to part 3512.2000. Continuing licenses must be renewed according to part 3512.2300.

Subp. 7. **Pre-1990 directors.** A person serving as a district director of community education in Minnesota between July 1, 1984, and July 1, 1990, shall, upon application and verification of one year of experience as either a part-time or full-time director of community education, be granted an entrance license as a director of community education.

Subp. 8. **Continuing license.** A person who has been issued an entrance license based upon one year of experience between July 1, 1984, and July 1, 1990, shall be granted the first five-year continuing license after completing the human relations requirement in part 3512.2700 and one year of experience as either a part-time or full-time director of community education while holding the entrance license as verified by the employing superintendent of schools. Later continuing licenses must be renewed according to part 3512.2300.

Subp. 9. **Approval for exception.** Subject to the conditions in this subpart, the commissioner shall issue a letter of approval to a school district annually to allow the district to use an individual who is not fully licensed as the community education director if the school district is unable to employ a fully licensed director of community education.

A. Letters of approval must be issued to school districts only if the individual is enrolled in an approved program leading to licensure as a director of community education and can show evidence that the individual will complete the program within three school years.

B. A school district must apply annually for letters of approval and must not exceed the three years stated in item A for any one individual.

C. The school superintendent shall verify in writing the district's inability to contract with a fully licensed director of community education for a position. The verification must state how the position was advertised and that no licensed director of community education who wishes to assume the position has been placed on unrequested leave by the district, and that no licensed community education director applied for the position.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### SPECIAL EDUCATION DIRECTORS

#### 3512.4000 DIRECTORS OF SPECIAL EDUCATION.

Subpart 1. **Scope.** A person who serves or performs the duties of a director or assistant director of special education as specified in part 3525.2405, shall hold a license as a director of special education. A program supervisor is not required to hold this license. A person holding a Minnesota life license as a supervisor of special education may serve as a director or an assistant director of special education.

Subp. 2. **Licensure requirements.** An applicant for licensure as a director of special education shall:

A. have two years of teaching experience in special education while holding a license valid for the position or positions in which the experience was gained;

B. complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits unless up to 30 credits are waived under subpart 4, in a preparation program approved by the commissioner that is offered at a regionally accredited Minnesota graduate school; and

C. be recommended for licensure as a director of special education by a Minnesota college or university that, in making the recommendation, attests to the satisfactory completion by the applicant of the approved program, and the evaluation process.

Subp. 3. **Program requirements.** The approved program must include preparation that enables the candidate to acquire knowledge, understanding, and abilities in the following areas:

A. General education administration means the ability to:

(1) understand, and be able to implement, the principles and strategies that will result in meaningful involvement of parents or guardians in the educational process including development of the verbal and nonverbal language that conveys an attitude of respect for what parents or guardians have to bring to the development of a working partnership with school personnel;

(2) understand the principles of personnel management, including determining personnel needs, recruitment, assignment, supervision, and evaluation;

(3) understand state and federal laws and rules regarding education, including data privacy;

(4) understand the principles of social organization, including school–community relations and parent–school relations and understand communication strategies;

(5) understand models of professional development and staff preparation;

(6) know and understand group process, communication, and strategy skills including conflict management and resolution, listening skills, speaking skills, principled negotiation, strategies for change, and development of mission;

(7) know and understand individual or personal behavior styles and how they interact under normal and stress conditions;

(8) understand models of program planning, design, implementation, evaluation, including program design, data collection, and data analysis;

(9) know and understand different management models and styles;

(10) know and understand the models of general school finance being used nationally and in Minnesota;



- (11) know case law regarding general education;
- (12) know school organization and administration models being used nationally and understand the models used in Minnesota;
- (13) know and understand elementary and secondary curriculum;
- (14) know and understand school effectiveness research and its effect on instructional programs;
- (15) know and explore current technology tools designed to deliver instruction and manage student instructional data; and
- (16) understand human relations including intercultural and interpersonal components.

B. Special education administration means the ability to:

- (1) understand, and be able to implement, the principles and strategies that will result in meaningful involvement of parents or guardians in the educational process including development of the verbal and nonverbal language that conveys an attitude of respect for what parents or guardians have to bring to the development of a working partnership with school personnel and strategies on how to present educational and due-process information in a clear, concise, and nonthreatening manner;
- (2) understand the current state and federal laws and rules regarding the delivery of educational programs for pupils with a disability;
- (3) understand the current state and federal laws, rules, and procedures regarding special education finance, budgeting, and accounting;
- (4) understand case law regarding special education and the education of pupils with a disability;
- (5) understand special education instructional delivery service models including methods and materials;
- (6) understand special education program development, including needs assessment, program design, and evaluation;
- (7) understand the purpose of and resources available from agencies and organizations serving pupils with a disability and their parents;
- (8) know special education administrative models used nationally, and understand the models being used in Minnesota; and
- (9) know and explore current technology tools designed specifically for persons with disabilities including delivering instruction, student physical assistance, for example, communication and braille translation, and managing student information.

C. The program must provide the candidate with a practicum or field experience, that must include a minimum of 200 hours in an administrative position under the immediate supervision of a functioning director of special education. During the field experience, the candidate shall demonstrate competency in the areas listed in items A and B. A person prepared in another state as a director of special education may substitute one year of full-time experience as a director or assistant director of special education in another state for the field experience required by this item.

**Subp. 4. Institutional requirement and evaluation process.**

A. An institution applying to the commissioner for approval of a program leading to licensure of directors of special education shall comply with part 3512.2500. An approved program must include a description of how licensure candidates may have their experience and preparation, in those areas listed in subpart 3, evaluated by the institution.

B. The initial evaluation must include representation from college departments involved with the licensure program and must include practicing directors of special education. The evaluation must occur before the candidate's program is filed with the institution. The evaluation must result in an individual plan for the applicant to attain the necessary knowledge, skills, abilities, and understandings listed in subpart 3, items A and B. If an applicant can demonstrate competencies based on an evaluation of prior experience and training that has a direct relationship to the requirements noted in subparts 2 and 3, this plan may include a reduction of up to 30 of the required quarter credits. The plan may also include a listing of additional areas of skill development in which the candidate shall consider additional

preparation. The structure of the plan must clearly show which experiences or activities relate to which skills.

C. An approved program for the competency and situational observation component must include an exit evaluation that requires a licensure candidate to demonstrate facility with the areas listed in subpart 3, items A and B. The exit evaluation must focus on those skill components not previously demonstrated during completion of the practicum requirement. One acceptable model for evaluating aptitude in those components can be achieved by placing the candidate in a series of realistic hypothetical problem-solving situations while being observed by a team of at least two to four persons competent to evaluate the candidate's aptitude and knowledge of the skill areas. The exit evaluation must allow the candidate to demonstrate aptitude with the knowledge areas within a reasonable time frame.

Subp. 5. **Issuance and renewal of licenses.** A license must be issued according to part 3512.2000. A continuing license must be renewed according to part 3512.2300.

Subp. 6. **Continuing license.** A person who meets any of the requirements in items A to C shall, upon application, be granted a continuing license as a director of special education.

A. Holds a valid license as a supervisor of special education before July 1, 1990.

B. Holds a valid license as a supervisor of a special education disability area and before July 1, 1990, has a minimum of one year of experience as a director or assistant director of special education.

C. Holds a valid administrative license and before July 1, 1990, has been reimbursed by the department as a supervisor or director of special education for a period of at least three years.

Later continuing licenses must be renewed according to part 3512.2300.

Subp. 7. **Out of state applicants.** A person prepared as a director of special education in states other than Minnesota shall meet the requirements of part 3512.2600 for the issuance of an entrance license.

Subp. 8. **Effective date.** This part is effective July 1, 1990, for an applicant for licensure as a director of special education.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3; L 2005 c 56 s 2*

### READING CONSULTANTS AND SUPERVISORY AND CONSULTATIVE PERSONNEL

#### 3512.5000 LICENSE RENEWAL OF READING CONSULTANTS.

A person who holds or has held a license as a reading consultant issued before July 1, 1995, under part 3510.8100, may continue to renew this license according to part 3512.2300 governing continuing licenses.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

#### 3512.5100 LICENSE RENEWAL OF SUPERVISORY AND CONSULTATIVE PERSONNEL.

A person who holds or has held a license as supervisory and consultative personnel issued before July 1, 1995, under part 3510.8300, may continue to renew this license according to part 3512.2300 governing continuing licenses.

**Statutory Authority:** *MS s 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14*

**History:** *21 SR 804; L 1998 c 397 art 11 s 3*

### SCHOOL ADMINISTRATORS

#### 3512.5200 CODE OF ETHICS FOR SCHOOL ADMINISTRATORS.

Subpart 1. **Scope.** This part applies to all persons licensed as school administrators as defined in part 3512.0100, subparts 5 to 7.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct for school administrators are listed in items A to K.

A. A school administrator shall provide professional educational services in a non-discriminatory manner.

B. A school administrator shall take reasonable action to protect students and staff from conditions harmful to health and safety.

C. A school administrator shall take reasonable action to provide an atmosphere conducive to learning.

D. A school administrator shall not misuse professional relationships with students, parents and caregivers, staff, or colleagues to private advantage.

E. A school administrator shall disclose confidential information about individuals only when a compelling professional purpose is served in accordance with state and federal laws, and school district policies.

F. A school administrator shall not knowingly falsify or misrepresent records or facts relating to the administrator's qualifications, or to the qualifications of other staff or personnel.

G. A school administrator shall not knowingly make false or malicious statements about students, students' families, staff, or colleagues.

H. A school administrator shall not accept gratuities, gifts, or favors that impair professional judgment, nor offer any favor, service, or item of value to obtain special advantage.

I. A school administrator shall only accept a contract for a position when licensed for the position or when a school district is granted a variance by the commissioner of education under Minnesota Statutes, section 121.11, subdivision 7b.

J. A school administrator, in filling positions requiring licensure, shall employ, recommend for employment, and assign only appropriately licensed personnel, or persons for whom the school district has been granted a variance by the appropriate state board or agency, unless, after making reasonable efforts to obtain a variance, an appropriately licensed person cannot be assigned and the position must be filled to meet a legitimate emergency educational need.

K. A school administrator shall not engage in conduct involving dishonesty, fraud, or misrepresentation in the performance of professional duties.

Subp. 3. **Statutory enforcement of code, complaints, investigation, and hearing.** This part shall be enforced in accordance with Minnesota Statutes, section 214.10, subdivisions 1, 2, and 3.

Subp. 4. **Complaints handled by commissioner of education.** When oral complaints alleging violations of the code of ethics for school administrators are received, the commissioner of education shall request the complaining party to submit a written complaint. Upon receipt of a written complaint, the administrator named in the complaint shall be notified in writing within ten days of the receipt of the complaint. The administrator shall be entitled to be represented by the administrator's own counsel or representative at each stage of the investigation and hearing.

Subp. 5. **Enforcement procedures.** The commissioner of education may impose one or more of the following penalties when it has found a violation of a standard under subpart 2. These actions shall be taken only after previous efforts at remediation have been exhausted.

A. The commissioner of education may enter into agreements with administrators accused of violating the code of ethics that would suspend or terminate proceedings against the administrator on conditions agreeable to both parties.

B. A letter of censure from the commissioner of education 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 commissioner of education. The letter shall be kept on file for a period of time not to exceed one calendar year.

C. An administrator 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 commis-

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

D. The license to practice 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 commissioner of education.

E. The license to practice of the person determined to be in violation of the standards of the code of ethics may be revoked by the commissioner of education.

**Statutory Authority:** *MS s 125.05*

**History:** *23 SR 1928; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12*

### 3512.5300 VARIANCE.

Subpart 1. **Scope.** Pursuant to Minnesota Statutes, section 14.055, a person or entity may apply for a variance from any rule or portion of a rule under the jurisdiction of the board of school administrators. The board may not consider a request for a variance from a statute or court order.

Subp. 2. **Application.** The applicant must file an application for a variance in writing on a form provided by the board. The application form must comply with Minnesota Statutes, section 14.056, subdivision 1, and must include instructions for completing the form and a description of the variance process.

Subp. 3. **Criteria.** In reviewing a variance request, the board must consider the information required under Minnesota Statutes, section 14.056, subdivision 1, and the following:

A. whether application of the rule to the individual circumstances of the applicant would serve the purpose of the rule;

B. whether application of the rule to the individual circumstances of the applicant would result in hardship or injustice;

C. whether variance from the rule would be consistent with the public interest and the educational interests of students, school districts, and the profession;

D. whether variance from the rule would positively serve an educational need or opportunity;

E. whether variance from the rule would compromise the purpose of the rule; and

F. whether variance from the rule would prejudice the substantial legal or economic rights of any person or entity.

Pursuant to Minnesota Statutes, section 14.055, subdivision 3, the board must grant a variance from a rule if the applicant can provide evidence that application of the rule to the individual circumstances of the applicant would not serve the purpose of the rule. The board may not grant a variance under any circumstances if the variance would compromise the purpose of the rule or the variance would prejudice the substantial legal or economic rights of any person or entity.

Subp. 4. **Oral argument.** Upon request from the applicant, the board may permit an applicant to present an oral argument in defense of a variance application.

Subp. 5. **Notice.** Upon submitting a variance application, the applicant must send written notice of the application to any individual or entity that may be affected by the variance. The notice must include a description of the variance request and a statement indicating that if the individual or entity opposes the variance, it may submit written arguments to the board, and the board may permit the individual to present an oral argument in opposition to the variance. The applicant must submit to the board with its application for a variance a list of the names and addresses of the impacted parties who were notified of the variance request and a

sufficient explanation of how the parties were notified. The board will not consider a variance request until it has received the list and explanation from the applicant. Each month the board's monthly meeting notice must include a list of all variance requests to be considered that month.

Subp. 6. **Order; timing.** Within 60 days of receipt of a completed variance application, the board must issue a written order granting or denying a variance and specifying the scope and period of the variance. The board must not grant a discretionary variance for a period longer than one year. The order must include a statement of relevant facts and the reasons for the board's action.

Subp. 7. **Limitations.** A variance may be granted to the applicant only for the specific circumstances for which the request is made. The applicant may not apply the variance to other circumstances without specific approval from the board, and a variance is not transferable to other individuals or entities in similar situations without specific approval from the board.

Subp. 8. **Fees.** The application must include a nonrefundable processing fee of \$25. An application is not complete until the board receives the processing fee. The applicant may be charged additional fees if the cost for the board to process the variance application exceeds \$25.

Subp. 9. **Reconsideration.** A decision of the board to grant or deny a variance is final unless the decision is reversed by subsequent board action. The applicant may submit an application for reconsideration if the applicant is able to submit additional information in support of its variance request.

Subp. 10. **Record.** The board must maintain a record of all orders granting and denying variances in compliance with Minnesota Statutes, section 14.056, subdivision 7.

**Statutory Authority:** *MS s 14.055*

**History:** 27 SR 426

### SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDERS

3512.5400 [Expired, 28 SR 271]

#### 3512.5400 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.

Subpart 1. **Provider requirements.** A provider of supplemental educational services must be a nonprofit entity, a for-profit entity, or a local educational agency, and may include public or private schools, public or private postsecondary institutions, and faith-based organizations. A provider:

A. has a tutorial program with a demonstrated record of effectiveness in increasing student academic achievement;

B. can document that its instructional strategies are of high quality, based upon research, and designed to increase student academic achievement;

C. is capable of providing supplemental educational services that are aligned with state academic standards and demonstrate an understanding of the instructional program of the local educational agency; and

D. is financially sound.

#### Subp. 2. **Application.**

A. Providers applying to the commissioner of education must complete a written application provided by the commissioner which must include that the provider will:

(1) provide parents of children receiving supplemental educational services under this part and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format, and to the extent practicable, a language that the parents can understand;

(2) ensure that the instruction provided and content used by the provider are aligned with state academic standards and demonstrate an understanding of the instruction provided and content used by the local educational agency;

(3) meet all applicable federal, state, and local health, safety, and civil rights laws;

(4) ensure that all instruction and content under this part are secular, neutral, and nonideological; and

(5) meet the federal requirement that supplemental educational services are delivered in addition to instruction provided during the school day.

B. A potential provider also must inform the commissioner of education of:

(1) the subject areas in which the provider plans to provide instruction, in addition to the required areas of language arts, mathematics, or both;

(2) the provider's approach or model of instruction;

(3) how a standard tutoring session will be structured, in terms of number of minutes and times per week;

(4) how student needs are assessed or diagnosed and how an instructional program is prescribed based on the student's individual needs;

(5) how services offered will help academically at-risk students improve their achievement;

(6) the specific strategies the provider uses to work with parents and families;

(7) the facilities, equipment, and materials used and supplied by the provider and used and supplied by the student; and

(8) the recruitment and development of staff to deliver the high-quality program required by the No Child Left Behind Act of 2001, United States Code, title 20, section 6301, et seq.

**Subp. 3. Application review and approval.**

A. The commissioner of education shall approve applications based on evidence of:

(1) a high-quality research base;

(2) program effectiveness in increasing student achievement;

(3) alignment with Minnesota academic standards in language arts, mathematics, or both, and a demonstrated understanding of the instructional program of the local educational agency;

(4) capability and willingness to provide educational services for children with disabilities consistent with the child's individualized education program and with the need for accommodations for the child's disabilities;

(5) evaluation of student progress;

(6) communication with parents and school staff;

(7) quality of instructional staff;

(8) financial and organizational capacity; and

(9) compliance with health, safety, and civil rights laws, rules, and regulations.

B. An application must be reviewed and scored by a team of three individuals. Reviewers will be selected from the Department of Education, school districts, Title I programs, and public and private organizations that have experience in the area of providing supplemental services.

C. A quality threshold score of 70 points out of 100 possible points on the application is required for a provider to be on the state's approved list. To ensure the merits of each applicant's responses are discussed, reviewers must reach consensus within three points on each section.

D. A successful applicant shall remain on the approved list for three school years, beginning with the next school year after the application is reviewed, unless the provider does not meet the requirements under subpart 2 or the provider requests to be removed from the list. A provider whose application is not approved may resubmit an application in the next round of applications.

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E. The application and approval process must be repeated annually, with the timeline to be modified by the commissioner of education if warranted by the need for additional providers.

**Statutory Authority:** *MS s 14.388*

**History:** *28 SR 271; L 2007 c 146 s 35*