

STATE OF MINNESOTA
BOARD OF TEACHING

STATEMENT OF NEED AND REASONABLENESS

Concerning proposed Permanent Rules Relating to Education; Teacher Licensure; Minnesota Rules, Part 8700.5505 Educational Speech/Language Pathologist

The statutory authority of the Board of Teaching to adopt the proposed amendments is set forth in Minnesota Statutes, Sections 125.05, subd. 1 and 125.185, subd. 4.

RULE AS PROPOSED

The need to amend Subpart 1.A. to require a master's degree for licensure arises for the following reasons:

1. Currently, Minnesota has two standards for speech/language pathologists. These are: Teachers of Special Education: Communication Disorders who are licensed by the Minnesota Board of Teaching upon completion of an approved program based on a baccalaureate degree, and Speech/Language Pathologists who are registered by the Minnesota Department of Health based on a master's degree. Those employed in public schools must hold the license granted by the Minnesota Board of Teaching.

The Federal Office of Special Education Programs notified the Minnesota Department of Education that, in order for the Minnesota State Plan to be approved enabling federal special education flow through money of over thirty million dollars to be released, the minimum standard for this licensure field must be the highest standard in the state. 34 CFR Section 300.153-- Assistance to States for Education of Handicapped Children states:

Section 300.153 Personnel standards

...(a)(2) "Highest requirements in the State applicable to a specific profession or discipline" means the highest entry-level academic degree needed for any State approved or recognized certification, licensing, registration, or other comparable requirements that apply to that profession or discipline.

Based on this rule, the Federal Office of Special Education Programs informed Minnesota that the state must either use the master's degree standard held by the Department of Health for medical payments or demonstrate that the scope of responsibility and degree of supervision are significantly different between teachers of communication disorders and health employed speech pathologists. As a result of this action from the Federal Office of Education, the Minnesota Department of Education surveyed approximately 25% of the currently employed teachers of special education: communication disorders as well as each director of special education with regard to scope of responsibility and degree of supervision. Data collected from this survey no longer demonstrate a difference in scope of responsibility and degree of supervision; therefore, according to the federal rules, the highest standard must be required.

2. With the inception of 20 U.S.C. Sections 1401 et seq. in 1977, the severity of students served in the schools has increased. Prior to enactment of this law, the more severely involved students were not usually served by the schools. Rather, private agencies or state hospitals served these students. In recent years, the national and state trend for serving students in neighborhood

schools rather than center-based schools has further influenced the caseload composition for teachers of students with communication disorders. What was once a caseload composition of primarily mild to moderate articulation disorders is currently a caseload composition of 50% articulation disorders, 46% language disorders, and the remaining composition spread amongst fluency, voice, aural rehabilitation and augmentative communication. This composition was determined from the survey noted above.

3. In 1987, special education was mandated to serve children from birth. Teachers of students with communication disorders who have baccalaureate degree level preparation have minimal coursework in early childhood and usually need to obtain further education in order to adequately serve the needs of identified infants and toddlers with disabilities. This preparation is available primarily in postbaccalaureate or in advanced degree programs.

4. Until the early 1980's, Minnesota school districts were required to employ coordinators of speech and language programs to supervise all speech/language staff, to be available to staff to assist in assessment and treatment recommendations for identified communicatively impaired individuals, and to assist in development and implementation of best practices. This position is no longer mandated. Survey results from the Directors of Special Education revealed that most supervision in speech/language programs currently occurs on a monthly basis and is not necessarily provided by someone licensed in this field.

Although some may argue that standards of licensure should be available at the baccalaureate degree level as well as the master's degree level, the Board of Teaching contends that a licensure standard is not a variable standard and has determined that the necessary standard to achieve the requirements of the licensure rule is at the master's degree level.

The Board of Teaching contends that the requirement of a master's degree for licensure in this field is reasonable for the following reasons:

1. School district hiring practices have changed. School districts currently show a preference for hiring teachers of students with communication disorders who hold a master's degree when such applicants are available. Data maintained by the Minnesota Department of Education indicate that in the 1973-74 school year, 82% of the teachers of speech pathology employed in Minnesota school districts held baccalaureate degrees; 18% held higher degrees. In 1980-81, these percentages had changed to 64% with baccalaureate degrees and 36% with higher degrees. By 1989-90, 48% of the speech pathologists employed in Minnesota school districts held baccalaureate degrees and 52% held higher degrees. Survey results from the Directors of Special Education reported 61% of these individuals holding master's or higher degrees during the 1990-1991 school year.

2. Directors of Special Education report that vacancies are not difficult to fill. The average number of years of experience for the surveyed teachers of students with communication disorders is 12 years, with no minimal difference between teachers with a baccalaureate degree or a master's degree. There is not a high rate of staff turnover in this field. The requirement of a master's degree should not cause a shortage of qualified professionals in this field, since it will apply only to those individuals initially licensed after June 30, 1994. Persons licensed prior to that date are not required to obtain a master's degree.

3. Currently 40 states have adopted the master's degree requirement or are considering the master's degree requirement for licensure in this field.

An amendment to Subp. 4 is necessary to delete the requirement that advanced degree programs cannot be approved by the Board of Teaching. Since the amendments to this rule propose a master's degree requirement, the current language is in conflict with the proposed change in degree level.

Subpart 5 is necessary to provide a plan for retraining of all currently licensed speech pathologists with baccalaureate degrees to meet the new standard. 34 CFR 300.153 (c) requires the state to develop steps and timelines regarding the retraining of currently licensed staff who do not meet the new standard. The Federal Office of Special Education Programs has notified the state that it must develop an "alternate comparable qualification standard" for licensed speech pathologists who do not hold a master's degree. The Board of Teaching contends that proposed subpart 5.a. which sets forth the requirements for an "alternate comparable qualification standard" is reasonable. A sample of licensed speech pathologists with baccalaureate degrees indicates that, on average, persons have earned 20 quarters of postbaccalaureate course work, which provides evidence of continued professional development. The proposed subpart provides that the required 24 quarter hours may be earned at any time between the granting of the baccalaureate degree in speech/language pathology and renewal of the license after June 30, 2007. The Board of Teaching believes that this requirement is reasonable because it provides for a future effective date that affords sufficient advance notice to give persons ample opportunity to meet the standard.

An amendment to subp. 6 is necessary to provide a future effective date for the rule change. It is reasonable to provide an adequate period of time for persons planning to seek initial licensure in this field to complete the master's degree requirement.

Subp. 7 is necessary to assure the availability of licensure based on current standards until such time as the new effective date. It is reasonable to expect that initial licenses will be issued based on pre-1994 standards during the period of time prior to the new effective date.

Technical amendments to Subps. 1, 2, 3, and 4 are necessary to reflect the change in terminology to educational speech/language pathologists. It is reasonable to expect consistency in language among the subparts.

FISCAL STATEMENT

The Board of Teaching estimates that the proposed rules will not require an expenditure of public monies by all local bodies of an amount which exceeds \$100,000 in either of the two years immediately following adoption of the proposed rule.

SMALL BUSINESS

This proposed rule will not directly affect small business within the meaning of Minnesota Statutes, Section 14.115.

