



MINNESOTA BOARD OF TEACHING

January 19, 2010

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the State Board of Teaching Relating To
Credentialing of Paraprofessionals; Governor's Tracking #AR 439

Dear Librarian:

The Minnesota Board of Teaching intends to adopt rules relating to credentialing of paraprofessionals. We plan to publish a Dual Notice in the January 25, 2010, State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

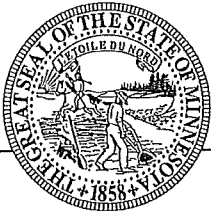
If you have questions, please contact me at 651.582.8888.

Yours very truly,

A handwritten signature in blue ink that reads "Karen Balmer".

Karen Balmer
Executive Director

Enclosure: Statement of Need and Reasonableness



MINNESOTA BOARD OF TEACHING

STATEMENT OF NEED AND REASONABLENESS Proposed Rule governing Paraprofessional Credentialing Minnesota Rule 8710.9000

ALTERNATIVE FORMAT

Upon request this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Sandy Needham, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville MN 55113. Phone: 651-582-8833. Fax: 651-582-8872. TTY: 651-582-8201

INTRODUCTION

Minnesota Statutes 120B.363: Credential for Education Paraprofessionals, Subdivision 1, required the Board of Teaching to adopt rules for a statewide credential for education paraprofessionals who assist a license teacher in providing student instruction. This statute was enacted into law in 2003 (Regular Session, Chapter 129, Section 10):

Subdivision 1. [RULEMAKING.] The board of teaching must adopt rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. Any paraprofessional holding this credential or working in a local school district after meeting a state-approved local assessment is considered to be highly qualified under federal law. Under this subdivision, the board of teaching, in consultation with the commissioner, must adopt qualitative criteria for approving local assessments that include an evaluation of a paraprofessional's knowledge of reading, writing, and math and the paraprofessional's ability to assist in the instruction of reading, writing, and math. The commissioner must approve or disapprove local assessments using these criteria. The commissioner must make the criteria available to the public.

The Board of Teaching began the rulemaking process immediately following the enactment of the law in 2003, but due to a number of variables, including a change in staff and additional concerns raised, the rule was never adopted.

In 2007 the Minnesota legislature followed up with the original law and enacted the following requirement in Minnesota Session Laws 2007, Chapter 146:

Sec. 34. RULEMAKING REQUIRED.

- (a) Notwithstanding the time limit in Minnesota Statutes, section 14.125, the Board of Teaching must adopt the rules it was mandated to adopt under Laws 2003, chapter 129, article 1 section 10. The board must publish a notice of intent to adopt rules or a notice of hearing for rules subject to this section before January 1, 2008.*
- (b) The Board of Teaching may charge fees to issue new credentials and to renew credentials for paraprofessionals issued credentials under the rules adopted under this section.*

In accordance with the 2007 law, the Board of Teaching developed a revised proposed rule for a voluntary credential for Minnesota paraprofessionals and completed the rulemaking process. In May of 2008, the proposed rule was determined to be flawed by an Administrative Law Judge, and the rulemaking attempt was unsuccessful. The rule language proposed in this SONAR reflects the Board of

January 19, 2010

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Teaching's commitment to remedy the flaws identified by the judge and to establish a quality credential option for Minnesota's paraprofessionals.

The Board of Teaching recognizes that paraprofessionals fill a crucial role in providing assistance to licensed teachers and supporting the needs of individual students. They serve thousands of Minnesota students – across all grade levels, all educational settings (mainstream and special education), and schools of all types and sizes. As such, paraprofessionals play a central role in the success of our students; it is the Board of Teaching's intent to provide a meaningful option to recognize the professional development efforts of paraprofessionals. Similar to the high academic achievement standards for Minnesota students and the high licensure standards for Minnesota teachers, the establishment of this credential for paraprofessionals will support and expand the culture of high and uniform standards for Minnesota paraprofessionals who serve in our schools.

PROCESS

After the initial 2003 legislation, the Board of Teaching began the rulemaking process. The Request for Comment period revealed strong opposition from many stakeholders, primarily due to concerns about potential impact on hiring and staffing at the local level. The rulemaking process was not completed.

After the 2007 legislation was passed, given the controversial nature of the proposed rule in 2003-2004, the Board of Teaching convened a group of stakeholders to collaborate on a new rule draft. The stakeholders represented the following organizations: Education Minnesota, Minnesota Board of Teaching, Minnesota Department of Education, and the University of Minnesota, Twin Cities.

The stakeholder group worked hard throughout the fall of 2007 to develop a rule that would provide a meaningful opportunity for recognition of advanced training for paraprofessionals AND that would address concerns raised in the original rulemaking process. The process continued through the winter of 2007-2008 and a public hearing was held on March 12, 2008.

The proposed rule was reviewed by an Administrative Law Judge who ruled on May 5, 2008, that the proposed rule could not be adopted due to the absence of specific standards for successfully demonstrating competence in the nine core competencies and the ambiguity of the approval process.

Because there was no remedy available to address the flaws identified by the judge, the Board of Teaching launched a new rulemaking initiative in July, 2008. The stakeholder group was reconvened in August, and was expanded to include representation from Special Education Directors and Human Resource Directors. Representatives from both of these groups had voiced concerns throughout the prior rulemaking process and at the public hearing. It should be noted, however, that the judge's report did not cite any defect with the composition of the previous stakeholder group.

The stakeholder group sought to address the flaws identified by the ALJ report, and the Request for Comments was published in the State Register on January 12, 2009. The notice in the State Register stated:

Subject of Rules. The Minnesota Board of Teaching requests comments on its proposed rules governing the credentialing of paraprofessionals. The Board is considering rules that would establish a voluntary statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction.

Comments from the Request for Comments period were gathered and reviewed (only 15 were submitted) and the Board proceeded with the subsequent rulemaking activities. In May, the draft rule language was shared with the Board's standing advisory committee, called Standards & Rules. This group is comprised of representatives from 16 stakeholder organizations. (See Appendix A for membership roster.) The

discussion at Standards & Rules exposed continued significant controversy regarding the proposed language. The Board recognized that the core unresolved issue related to who would bear the responsibility of verifying the documentation submitted as the basis for the credential. The initial discussion helped to isolate the unresolved issue, and a subsequent discussion with the same group in September led to a conceptual compromise. The compromise language was shared with the Board of Teaching at their October 9, 2009, meeting, and they voted to proceed with the compromise language.

The Board of Teaching believes that we have now sufficiently addressed the concerns and issues raised both by the Administrative Law Judge and by our stakeholders.

A summary of the process described in this section is provided below:

INITIAL RULEMAKING INITIATIVE

Spring, 2003	Initial legislation requiring the BOT to establish a credential for paraprofessionals
2003-2004	Initial rulemaking attempt; incomplete process

SECOND RULEMAKING INITIATIVE

Spring, 2007	Second legislation requiring the BOT to establish a credential for paraprofessionals
2007-2008	Second rulemaking attempt; process completed
May, 2008	ALJ ruling; proposed rule was flawed

CURRENT RULEMAKING INITIATIVE

July, 2008	New rulemaking initiative authorized by the BOT
Summer-Fall, 2008	Working group reconvened
November, 2008	Report to the BOT with new proposed rule language
January, 2009	Initial Request for Comment period began
Winter-Spring, 2009	Rulemaking process underway
May, 2009	BOT Advisory Committee discussion revealing continued significant controversy
September, 2009	Follow-up discussion with BOT Advisory Committee; conceptual compromise reached
October, 2009	BOT action to proceed with revised rule language reflecting a compromise position

STATUTORY AUTHORITY

The Board of Teaching's statutory authority to adopt the proposed rules is set forth in two places in state law:

1. Minnesota Statutes, 120B.363 CREDENTIAL FOR EDUCATION PARAPROFESSIONALS.

Subdivision 1. Rulemaking. The board of teaching must adopt rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. Any paraprofessional holding this credential or working in a local school district after meeting a state-approved local assessment is considered to be highly qualified under federal law. Under this subdivision, the board of teaching, in consultation with the commissioner, must adopt qualitative criteria for approving local assessments that include an evaluation of a paraprofessional's knowledge of reading, writing, and math and the paraprofessional's ability to assist in the instruction of reading, writing, and math. The commissioner must approve or disapprove local assessments using these criteria. The commissioner must make the criteria available to the public.

2. Minnesota Session Laws 2007, Chapter 146

Sec. 34. RULEMAKING REQUIRED.

(c) Notwithstanding the time limit in Minnesota Statutes, section 14.125, the Board of Teaching must adopt the rules it was mandated to adopt under Laws 2003, chapter 129, article 1 section 10. The board must publish a notice of intent to adopt rules or a notice of hearing for rules subject to this section before January 1, 2008.

(d) The Board of Teaching may charge fees to issue new credentials and to renew credentials for paraprofessionals issued credentials under the rules adopted under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

REGULATORY ANALYSIS

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

Individuals affected by the rule will include:

- Students and their families who are served by paraprofessionals.
- Teachers who work with paraprofessionals in their classrooms.
- Schools that employ paraprofessionals who obtain the credential.
- Paraprofessionals who are able to provide evidence of advanced training in the nine core competencies.

The Board believes that the voluntary credential will have a positive impact on all of these stakeholders. It should be noted, however, that school administrators have expressed concerns that the credential could also impact local resources in the form of salary negotiations with paraprofessionals.

Individual paraprofessionals will bear the cost of earning the credential (i.e.; attending classes or workshops) as well as paying the application fee.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

The proposed rule will require very minimal additional resources from school districts; their only responsibility will be to provide verification of employment, but the primary burden of that requirement will fall on the individual paraprofessional, who will secure the verification and submit it to the state.

The proposed rule will require additional staff resources from the Board of Teaching to verify the competencies and from the Educator Licensing division at the Minnesota Department of Education to process applications. The amount of staff time necessary to perform these duties cannot be determined at this time since the proposed credential is voluntary.

Additionally, it is possible that the Board of Teaching will invite stakeholders with expertise in paraprofessional preparation and development to assist with the reviews. If that is the case, the Board of Teaching will incur associated costs such as mileage reimbursement or substitute pay.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

Discussions relating to cost and efficiency have been central to this process. Given the input from our stakeholders, we believe that we have proposed the least costly and most efficient methods available.

- “(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

Because the legislature directed the Board of Teaching to adopt this rule, there are not alternative methods; we are required by law to adopt a rule establishing a credential for paraprofessionals. However, a great deal of time and energy was spent on addressing the concerns raised by the Administrative Law Judge as well as concerns raised by stakeholders in the previous rulemaking process.

- “(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”**

The proposed rule will require staff resources from both the Board of Teaching and the Educator Licensing division at the Minnesota Department of Education. A specific amount of time or money cannot be determined at this time since the proposed rule is voluntary and we cannot project how many credential applications will be submitted.

The cost for local school districts should be negligible.

Individual paraprofessionals will bear the costs of the training and preparation that will serve as the basis for the credential. Many school districts provide training for paraprofessionals, but there will likely be additional costs associated with receiving training outside of the district. The paraprofessional will bear the costs of compiling the necessary documentation and the cost of the application fee, which will be the same as the teacher license processing fee, currently set at \$57.

- “(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”**

Given that the Legislature mandated the Board of Teaching to adopt this rule, there could be legislative and/or financial consequences to the Board for non-compliance.

- “(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”**

The federal No Child Left Behind law requires all paraprofessionals who serve in Title I or special education settings to meet minimum eligibility requirements. Specifically these paraprofessionals are required to demonstrate competence in one of three ways:

1. Two years of study at an institution of higher education; OR
2. An Associate's degree (or higher); OR
3. A demonstration, through formal state or local academic assessment:
 - a. knowledge of and the ability to assist in instructing reading, writing and mathematics; OR
 - b. knowledge of and the ability to assist in instructing reading readiness, writing readiness, and mathematics readiness.

The proposed rule is not in conflict with this or any other federal regulations.

PERFORMANCE-BASED RULES

The Board, in developing the proposed rule, considered and implemented performance-based standards that emphasize superior achievement in meeting the Board's regulatory objectives and maximum flexibility for the regulated party and the Board in meeting those goals. The proposed rule relies on core competencies, which were developed by the Minnesota Department of Education. According to our stakeholders, these competencies reflect best practice for paraprofessionals.

ADDITIONAL NOTICE

The Board of Teaching Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a December 10, 2008, letter by Administrative Law Judge, Eric L. Lipman.

The following list was used for notification of the initial Request for comments period and will be used for the Notice of Hearing. All communication will be done via U.S. mail or electronic mail.

- Individuals and groups on the Board of Teaching's Rulemaking List
- Minnesota Department of Education
- Professional organizations
- Chairs and Vice-Chairs of the Education Committees of the Minnesota Senate and Minnesota House of Representatives
- All superintendents and charter school directors: MDE Superintendent weekly email
- Minnesota professional organizations related to education:
 - ARC
 - Education Minnesota
 - Minnesota Association of Charter Schools
 - Minnesota School Board Association
 - Minnesota Association of School Administrators
 - Minnesota Association of Secondary School Principals
 - Minnesota Elementary School Principals Association
 - Minnesota Rural Education Association
 - Minnesota Human Resources Organization
 - Minnesota Staff Development Council
 - Association of Metropolitan School Districts
 - Schools for Equity in Education
 - Minnesota Association of Colleges of Teacher Education
- Deans and Chairs of all approved Minnesota teacher preparation programs

In addition the Board will publish the Notice of Hearing in the *State Register* and on the public website of the Board of Teaching.

RULE-BY-RULE ANALYSIS

The proposed rule reflects a concerted effort to meet the Board's statutory obligations, address the concerns expressed by stakeholders in previous rule proceedings, and correct the flaws identified by the Administrative Law Judge.

Subpart 1: In General

This subpart has not been changed from the last rulemaking attempt. It clearly articulates that a paraprofessional credential will be granted only to qualified paraprofessionals who meet the requirements as set forth in the rule, that the credential is obtained voluntarily, clarifies the authority of the Board of Teaching to establish the parameters of the credential, clarifies that the credential is not a requirement for employment and establishes that the credential, once granted, does not expire.

The ALJ report stated that the adoption of a credential for paraprofessionals was expressly directed by the legislature, and no further demonstration of need was required. (See Finding #60.)

Subpart 2: Scope of Practice

This subpart has not been substantially changed from the last rulemaking attempt and the prior ALJ ruling stated that this language is needed and reasonable.

This subpart clarifies that the credential is intended to recognize training and preparation specific to the work of paraprofessionals as defined by the nine core competency areas. Because it is intended to be a professional development opportunity beyond the minimum state and federal requirements of No Child Left behind, the Board has included the word "additional" to the statement; it now reads:

"A paraprofessional holding a credential under this part is recognized by the state of Minnesota as having demonstrated additional training and preparation in competencies consistent with Subpart 4 ..."

Subpart 3: Credential Requirements

This subpart explicitly states the three requirements for earning a paraprofessional credential under this rule. Specifically, in order to qualify for the credential the candidate must have: 60 clock hours of training in the nine core competency areas, two consecutive years of service as a paraprofessional in the same district, and proficiency in reading, writing, and mathematics demonstrated by passing a state-approved examination.

The working group spent significant time discussing these requirements for the credential. The proposed language reflects a concerted effort to address the ALJ's concerns regarding the ambiguity of the process for qualifying for the credential. The previous rule required the paraprofessional to "demonstrate the nine core competencies," which the ALJ found to be unreasonably vague. Therefore, the revised language requires that a paraprofessional submit "documentation for verification of 60 clock hours of training reflecting each of the nine competency areas." The clock hours model is a long-standing practice used for the renewal of teacher licenses, and can easily be applied for the purpose of paraprofessional credentialing.

Clock hours are widely used and commonly understood within educational contexts. Minnesota Rule 8710.7200, Subpart 4, provides clarity regarding how clock hours may be recognized:

A. Relevant coursework under subpart 3, item A, must be granted 16 clock hours for each quarter credit earned, and 24 clock hours for each semester credit earned.

B. Successful completion of activities under subpart 3, items B to I, must be granted one clock hour for each hour of participation with the following exceptions:

The Board of Teaching intends to follow these parameters set forth in 8710.7200.

Subpart 4: Competencies

This subpart identifies the nine required competency areas as well as the sub-competencies which serve to further define the broad competency areas. The competencies were developed by Minnesota educators through a review of the research and literature, analysis of statements from professional organizations regarding the role of paraprofessionals, and input from a variety of Minnesota constituents including: administrators, teachers, paraprofessionals, representatives from higher educations, representatives from unions, and professional organizations, parents and others. Although the competencies were developed nearly a decade ago, stakeholders agree that they continue to reflect the necessary knowledge and skills of paraprofessionals who work in instructional roles with students in Minnesota schools.

In the previously proposed rule, only the headings for the nine competencies were listed; the sub-competencies which provide detail about each competency were not included. The ALJ ruled that the use of competencies was a reasonable approach, but ambiguities existed in their assessment. The inclusion of the sub-competencies will address this concern and provide the necessary clarity.

Competency 1: Philosophical, Historical, and Legal foundations of Education

Understanding the philosophical, historical and legal foundations of education is to important to contextualize their work and their role in the schools. Paraprofessionals should understand the distinctions between the roles and responsibilities of teachers, related services staff, administrators, and paraprofessionals.

Competency 2: Characteristics of Students

Increasingly paraprofessionals are supporting students with a broad array of needs, including: medical, linguistic, learning, emotional, and behavioral needs. Paraprofessionals working with teachers to provide instructional services to students should understand the various factors that might influence a student's learning.

Competency 3: Assessment, Diagnosis, and Evaluation

Paraprofessionals are often responsible for collecting and displaying data used by others to make assessment and diagnostic decisions. It is critical that paraprofessionals understand the broader context for which they are contributing information. Paraprofessionals should be familiar with tools used for student assessment and diagnosis to appropriately collect, report and discuss confidentially such student information collected using the tools.

Competency 4: Instructional Content and Practice

Whereas in the past, the primary roles of most paraprofessionals included making copies and organizing materials, they are now expected to do much more. They support individual learners, lead small groups, provide remedial and follow-up instruction for students, and provide adaptations as instructed by teachers. Paraprofessionals working in educational environments and assisting with the instruction of students should be able to use a variety of instructional methods and materials when supporting the instruction of the teacher.

Competency 5: Supporting the Teaching and Learning Environment

Paraprofessionals are members of instructional teams providing educational services to students. Paraprofessionals working in educational environments and supporting the teaching and learning environment should exhibit a variety of skills, including supporting a safe and healthy environment, engaging students in various environments, promoting students' independence, using technology to assist with teaching and learning, and preparing and organizing materials needed for learning.

Competency 6: Managing Student Behavior and Social Interaction Skills

The ability of paraprofessionals to support the management of student behavior and social interaction skills is becoming increasingly important in our schools. Paraprofessionals are often charged with implementing individual behavior plans, and they are often the staff member who works with students when their behavior is the most challenging. Paraprofessionals should understand policies and best practices to guide their behavior while managing student behavior. Paraprofessionals should understand variables that influence behavior, strategies that reinforce positive behavior, and techniques for collecting information about the behavior.

Competency 7: Communication and Collaborative Partnerships

As paraprofessionals increasingly work with teachers and other school professionals to carry out educational plans and services, they should have the knowledge and skills to communicate and collaborate effectively. Paraprofessionals should understand their roles and the roles of others; they should be able to effectively and appropriately communicate about the needs of students; they should be able to follow the directions of teachers, and they should understand the educational terminology used in the school and classroom.

Competency 8: Professional and Ethical Practices

In any role, professionalism and ethical practices are essential. Paraprofessionals should model positive behavior, demonstrate respect for others, and follow written standards and policies.

Competency 9: Academic Instructional Skills in Math Reading and Writing

The federal No Child Left Behind Act (NCLB) requires paraprofessionals working in instructional positions in Title I supported programs or schools or special education settings to be able to support the instruction of reading, writing, and math or readiness in the same subjects. To meet this federal requirement, Minnesota requires these paraprofessionals to pass the Para-Pro test. However, there are other paraprofessionals that do not work in these settings and are not held to these requirements. The intent of this rule is to allow paraprofessionals to demonstrate training that exceeds the federal requirements, but for those who have not been required to meet the basic skills components, it is necessary to include this language.

The ALJ ruling stated that standards on which the paraprofessionals would be assessed were not specifically iterated, which did not allow for public input and made the rule unreasonably vague. Thus, the new rule not only articulates the major competency areas, but also their sub-competencies.

Subpart 5: Verification of core competencies

This subpart articulates the process required for verification of the competencies. In the previous attempt, the ALJ ruled that Subpart 5 did not provide sufficiently explicit guidance to districts to assess and verify competency attainment. In response to this flaw, the new rule sets forth substantially greater clarity on the verification process. Further, the Board solicited input from both the reconvened (and expanded) working group and the Board's standing advisory committee about this issue; as a result, the Board believes that the proposed process is both reasonable and clear. Specifically;

- The Board of Teaching will verify the completion of training and may establish policies and practices to assist with this process.
 - This reflects a significant change from the last proposed rule, which relied on a local process of assessing the competencies.
 - The language now requires "verification" of clock hours rather than "demonstration" of the competencies. The Board believes that this is a positive change, as it parallels the verification of clock hours used for teacher license renewal. The verification is not intended to be a subjective review or analysis of the submission; they must simply align to one of the competency areas.
 - The verification process is also consistent with the Board of Teaching's Licensure via Portfolio option, whereby an individual must simply demonstrate that he/she has met a particular teacher licensure standard. A degree of attainment (ie: basic, proficient, superior) is not assigned; rather, the individual must simply provide evidence that the standard has been addressed.
 - In agreeing to conduct the verification duties, the Board believes that it will be necessary to employ practices such as submission windows and review panels. Because we cannot project the number of credential applications that will come in, submission windows would help the BOT plan for the necessary resource

allocations. The BOT staff does not have a depth of expertise in the paraprofessional field; therefore, review panels of individuals with such expertise would ensure integrity in our review process.

- There must be evidence of a minimum of 60 hours of training; the training must cover each of the nine competency areas. The proposed verification process would require paraprofessionals with a credential to have a common baseline of knowledge by addressing all nine competency areas, but allows an individual paraprofessional to focus his/her training on the areas most pertinent to his/her work. Similarly, it allows districts to tailor their training for individual paraprofessionals to meet the needs of specific student populations or district needs.
- Paraprofessionals may use multiple types of training and experiences towards the credential. Here again, an appropriate degree of flexibility is provided so that individual paraprofessionals may select the most pertinent trainings and educational opportunities.

Subpart 6: Procedures for state issuance of a paraprofessional credential

This subpart sets forth the process for applying for the credential. In the previous rulemaking attempt, the ALJ determined that this subpart was vague. The revised language provides a clear and straight-forward application process consisting of four required components:

- verification of training by the Board of Teaching
- verification of required employment
- verification of passing scores on a basic skills test (ie: ParaPro)
- application and fee

It will be incumbent on the individual paraprofessional to gather the required information and submit it to the state for processing. The processing fee for a paraprofessional credential will match the fee assessed for processing teacher licenses, which is currently \$57.

Subpart 7: Paraprofessional credential

This subpart clarifies that, once granted, a paraprofessional credential does not expire. As such, there are no renewal requirements. The Educator Licensing division of the Minnesota Department of Education will issue the credentials in the same way they issue licenses for teachers and school administrators.

The ALJ report made no comment on this subpart in the earlier rule proceeding.

FISCAL IMPACT ON LOCAL GOVERNMENTS

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Finance. We did this by sending to the Minnesota Management and Budget (MMB) copies of the documents sent to the Governor's Office for review and approval on March 27, 2009. It was determined that the proposed rule would have minimal fiscal impact on local units of government.

However, as a result of ongoing stakeholder input, the proposed rule language was changed on December 11, 2009. Therefore the Board will again consult with the MMB. We will do this by sending the MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

IMPACT FOR MUNICIPALITIES

The Board has considered the requirements of Minnesota Statutes, section 14.128, which requires that "an agency must determine if a local government will be required to adopt or amend an ordinance or other regulation to comply with a proposed agency rule," Subdivision 1. The Board has determined that, to the best of its knowledge, no local government will be required to adopt or amend an ordinance or other regulation as a result of the establishment of a voluntary credential for paraprofessionals. The rule provides an opportunity for individual paraprofessionals to seek recognition of their professional training and preparation; there is minimal verification required by a local school district, and there should be no impact on any other local entity.

LIST OF WITNESSES

If this rule goes to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rule:

- Karen Balmer, Executive Director, Board of Teaching
- Richard Herriges, Education Minnesota
- Teri Wallace, University of Minnesota
- Barbara Jo Stahl, Former MDE Staff (specialized in Paraprofessional issues)

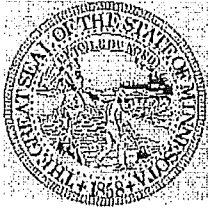
We also plan to have at least one current paraprofessional and one school administrator testify in support of the proposed rule.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

1/19/10
Date

Karen Balmer
Karen Balmer
Executive Director



MINNESOTA BOARD OF TEACHING

STANDARDS & RULES
2008-2009 COMMITTEE MEMBERSHIP

Board of Teaching Members: ALL

Association of Metropolitan School Districts: Kevin Sampers

Board of Teaching Staff:

1. Karen Balmer
2. JoAnn VanAernum
3. Carol Knicker

Education Minnesota: Garnet Franklin

Interfaculty Organization: Cathy Summa

MN Administrators for Special Education: Tricia Denzer

MN Association of Alternative Programs: Bill Zimniewicz

MN Association of Charter Schools:

1. Allen Hoffman
2. Dee Thomas

MN Association of Colleges for Teacher Education:

1. Private Colleges – Jo Olsen
2. University of Minnesota – Bruce Munson
3. MN State Colleges and Universities – Maureen Prens

MN Association of School Administrators: Antoinette Johns

MN Association of School Personnel Administrators: Tom Pederstuen

MN Association of Secondary School Principals: Connie Nicholson

MN Department of Education:

1. Karen Klinzing
2. John Melick

MN Elementary School Principals Association: Jim Hoogheem

MN Independent School Forum: Jim Field

MN Rural Education Association: Curt Tryggstad

MN School Boards Association: Sandy Gundlach

MN Staff Development Council: Ann Malwicz