

6.0 STAFFING STANDARDS

Staffing refers to the identification of the required and qualified personnel to deliver the prescribed program according to a pupil's needs.

The school districts of Becker, Big Lake, Monticello, and St. Michael/Albertville have in effect and on file policies, procedures, and programs that are consistent with the State policies and procedures. Each district has a policy that provides for measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

6.0.01 Qualified and Highly Qualified Personnel

Legal Citations

A qualified teacher is one holding a valid license, under this chapter, to perform the particular service for which the teacher is employed in a Becker, Big Lake, Monticello, and St. Michael/Albertville public school.

For the purposes of the federal No Child Left Behind Act, a highly qualified teacher is one who holds a valid license under this chapter to perform the particular service for which the teacher is employed in either Becker, Big Lake, Monticello, or St. Michael/Albertville public school or who meets the requirements of a highly objective uniform state standard of evaluation (HOUSSE).

All Minnesota teachers teaching in a core academic subject area, as defined by the federal No Child Left Behind Act, in which they are not fully licensed may complete the following HOUSSE process in the core subject area for which the teacher is requesting highly qualified status by completing an application, in the form and manner described by the commissioner, that includes:

1. documentation of student achievement as evidenced by norm-referenced test results that are objective and psychometrically valid and reliable;
2. evidence of local, state, or national activities, recognition, or awards for professional contribution to achievement;
3. description of teaching experience in the teachers' core subject area in a public school under a waiver, variance, limited license or other exception; nonpublic school; and postsecondary institution;
4. test results from the Praxis II content test;
5. evidence of advanced certification from the National Board for Professional Teaching Standards;
6. evidence of the successful completion of course work or pedagogy courses; and
7. evidence of the successful completion of high quality professional development activities.

The Becker, Big Lake, Monticello, and St. Michael/Albertville districts must assign a school administrator to serve as a HOUSSE reviewer to meet with teachers under this

paragraph and, where appropriate, certify the teachers' applications. Teachers satisfy the definition of highly qualified when the teachers receive at least 100 of the total number of points used to measure the teachers' content expertise under clauses (1) to (7). Teachers may acquire up to 50 points only in any one clause (1) to (7). Teachers may use the HOUSSE process to satisfy the definition of highly qualified for more than one subject area.

Achievement of the HOUSSE criteria is not equivalent to a license. A teacher must obtain permission from the Board of Teaching in order to teach in a Becker, Big Lake, Monticello, or St. Michael/Albertville public school.

Minn. Stat. 122A.16

A person who is providing instruction to a child must meet at least one of the following requirements:

1. hold a valid Minnesota teaching license in the field and for the grade level taught;
2. be directly supervised by a person holding a valid Minnesota teaching license;
3. successfully complete a teacher competency examination;
4. provide instruction in a school that is accredited by an accrediting agency, recognized according to section [123B.445](#), or recognized by the commissioner;
5. hold a baccalaureate degree; or
6. be the parent of a child who is assessed according to the procedures identified in [120A.22](#) subdivision 11.

Any person providing instruction in a Becker, Big Lake, Monticello, or St. Michael/Albertville public school must meet the requirements of part 1.

Minn. Stat. 120A.22, subd. 10

6.0.02 Contracted Services Staff Qualifications

Legal Citations

When contracting for evaluations or special education services, Becker, Big Lake, Monticello, and St. Michael/Albertville school districts shall contract with personnel who hold appropriate licenses issued by the Board of Teaching or commissioner of education. If either the board or commissioner does not issue a license for a necessary service, the district shall contract with personnel who are members in good standing of professional organizations that regulate the conduct of its members and set standards for that profession.

Becker, Big Lake, Monticello, and St. Michael/Albertville districts may provide direct or indirect special education services by district special education staff to a pupil attending a community-based program. Becker, Big Lake, Monticello, and St. Michael/Albertville public schools may contract for special education services with a community-based program if the program meets Department of Education rules.

Minn. R. 3525.1550.

6.01 Personnel Variances

Legal Citations

The districts of Becker, Big Lake, Monticello, and St. Michael/Albertville may apply to the Board of Teaching for a variance from Minnesota licensure requirements with regard to its employees for one year or less when:

1. reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher;
2. no applicant holding a teaching license in a subject or field for which a personnel variance is requested can fulfill the requirements of the position; and
3. the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide;
4. the teacher for whom the request is made holds a current valid Minnesota entrance, professional, or nonrenewable license granted by the Board of Teaching; and
5. the teacher for whom the request is made is aware of the assignment.

Exceptions

No personnel variances shall be granted based on holding a current valid Minnesota temporary limited license unless the temporary limited license was granted based on having met all requirements except part [8710.0500](#). No personnel variances shall be granted for educational speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers.

Duration of personnel variance

An application for a personnel variance must not be submitted prior to July 1 of the school year for which it is requested. A personnel variance is valid for one school year or a portion of a school year from the date of state approval to the following June 30. If the requesting school district of Becker, Big Lake, Monticello, and St. Michael/Albertville or charter school offers summer school, the personnel variance that expires on June 30 is valid for teaching summer school in the year of expiration of the personnel variance.

Number of personnel variances allowed

Beginning with personnel variances issued on or after October 16, 2000, no more than three personnel variances shall be granted for any teacher to teach in subjects or fields for which the teacher is not licensed.

Written conditions for granting or denying personnel variance

The Board of Teaching shall state in writing to the designated administrator of the school district Becker, Big Lake, Monticello, St. Michael/Albertville or charter school the conditions for granting or denying the personnel variance requested pursuant to this part.

Minn. R. 8710.1400

6.02 Requirements for a Special Education Director

Legal Citations

The school board in Becker, Big Lake, Monticello, and St. Michael/Albertville districts shall employ, either singly or cooperatively, a director of special education to be responsible for program development, coordination, and evaluation; inservice training; and general special education supervision and administration in the districts' total special education system (TSES). Cooperative employment of a director may be through a host district, joint powers agreement, or a service cooperative. A director may not be assigned direct instructional duties.

Minn. R. 3525.2405, subp. 1

6.03 Paraprofessionals

Legal Citations

A paraprofessional is an employee of either Becker, Big Lake, Monticello, or St. Michael/Albertville school district who is primarily engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or other purposes under the direction of a regular or special education teacher, school nurse, or related services provider.

Minn. R. 3525.0210, subd. 33

The need for and the specific responsibilities of a paraprofessional shall be described in writing in the pupil's IEP.

Paraprofessionals employed to work in programs for students with disabilities must be provided with ongoing training opportunities.

6.03.01 Responsibilities of Paraprofessionals

Legal Citations

For paraprofessionals employed to work in programs for students with disabilities, the school board in Becker, Big Lake, Monticello, and St. Michael/Albertville shall ensure that:

1. before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;
2. annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding

- disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and
3. a district wide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

Minn. Stat. 125A.08(b)

6.03.02 Requirement for Early Childhood Special Education (ECSE)

Legal Citations

A teacher's case load must be adjusted downward based on pupils' severity of disability or delay, travel time necessary to serve pupils in more than one program alternative, and if the pupils on the teacher's case loads are receiving services in more than one program alternative or the pupils are involved with other agencies. The maximum number of pupils that can be assigned to a teacher in any early childhood program alternative is:

- A. birth through two years: 12 pupils per teacher;
- B. three through six years: 16 pupils per teacher; and
- C. birth through six years: 14 pupils per teacher.

Becker, Big Lake, Monticello, and St. Michael/Albertville early childhood special education (ECSE) classes must have at least one paraprofessional employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a program support assistant is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team is 16.

Minn. R. 3525.2340, subp. 5

6.04 Skilled School Interpreters

6.04.01 Requirements for American Sign Language/English Interpreters

Legal Citations

In addition to any other requirements that Becker, Big Lake, Monticello, and St. Michael/Albertville districts establish, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for these districts after July 1, 2000, must:

1. hold current interpreter and transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education; and
2. satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution.

New graduates of an interpreter/transliterators program affiliated with an accredited education institution shall be granted a two-year provisional certificate by the commissioner. During the two-year provisional period, the interpreter/transliterators must develop and implement an education plan in collaboration with a mentor.

A mentor of a provisionally certified interpreter/transliterators must be an interpreter/transliterators who has either NAD level IV or V certification or RID certified interpreter and certified transliterators certification and have at least three years interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterators, shall develop and implement an education plan and include a weekly on-site mentoring process.

A person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission Serving Deaf and Hard-of-Hearing People, must grant the person a time-limited extension of the provisional certificate based on the following documentation:

1. letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the Becker, Big Lake, Monticello, or St. Michael/Albertville district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing;
2. records of the person's formal education, training, experience, and progress on the person's education plan; and
3. an explanation of why the extension is needed.

As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the director of the Minnesota Resource Center Serving Deaf and Hard-of-Hearing, or the director's designee, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected by the commissioner must develop the plan and time line for the person receiving the extension.

Minn. Stat. 122A.31, subd. 1

6.04.02 Oral or Cued Speech Transliterators

Legal Citations

In addition to any other requirements that Becker, Big Lake, Monticello, and St. Michael/Albertville school districts establish, any person employed to provide oral transliterating or cued speech transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must hold a current applicable transliterators certificate awarded by the national certifying association or comparable state certification from the commissioner of education.

The commissioner shall grant a nonrenewable, two-year certificate to Becker, Big Lake, Monticello, or St. Michael/Albertville school district on behalf of a person who has not

yet attained a current applicable transliterator certificate. A person for whom a nonrenewable, two-year certificate is issued must work under the direction of a licensed teacher who is skilled in language development of individuals who are deaf or hard-of-hearing. A person for whom a nonrenewable, two-year certificate is issued also must enroll in a state-approved training program and demonstrate progress towards the certification required, sufficient for the person to be certified at the end of the two-year period.

A person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission Serving Deaf and Hard-of-Hearing People, must grant the person a time-limited extension of the provisional certificate based on the following documentation:

1. letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing;
2. records of the person's formal education, training, experience, and progress on the person's education plan; and
3. an explanation of why the extension is needed.

As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the director of the Minnesota Resource Center Serving Deaf and Hard-of-Hearing, or the director's designee, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected by the commissioner must develop the plan and time line for the person receiving the extension.

Minn. Stat. 122A.31, subd. 2

6.04.03 Qualified Interpreters

Legal Citations

The Department of Education and the resource center: deaf and hard of hearing, shall work with existing interpreter/transliterator training programs, other training/educational institutions, and the regional service centers to ensure that ongoing staff development training for educational interpreters/transliterators is provided throughout the state.

Minn. Stat. 122A.31, subd. 3

6.04.04 Reimbursement

Legal Citations

For purposes of revenue under section [125A.78](#), the Department of Education must only reimburse the school districts of Becker, Big Lake, Monticello, and St. Michael/Albertville for the services of those interpreters/transliterators who satisfy the standards of competency under this section.

The Becker, Big Lake, Monticello, and St. Michael/Albertville districts shall be reimbursed for the services of interpreters with a nonrenewable provisional certificate, interpreters/transliterators employed to mentor the provisional certified interpreters, and persons for whom a time-limited extension has been granted.

Minn. Stat. 122A.31, subd. 4