

## Minnesota Professional Educator Licensing and Standards Board

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4703; OAH Number 21-9021-37950**

**Proposed Permanent Rules Relating to School Counseling Programs and Licensure, Minnesota Rules, 8705.0100, 8705.0400, 8705.1010 and 8710.6400**

**Introduction.** The Professional Educator Licensing and Standards Board (Board) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 8, 2025, the Board will hold a virtual public hearing on the proposed rule changes. An Administrative Law Judge will conduct the hearing starting at 10:00 a.m. on August 6, 2025, as detailed below. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 8, 2025, and before August 6, 2025.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on August 6, 2025 at 10:00 a.m. The hearing will continue until 5:00 p.m. or until all interested persons have been heard, whichever occurs first. Administrative Law Judge Kimberly Middendorf is assigned to conduct the hearing. Judge Middendorf's Legal Assistant, William Moore, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or [William.t.moore@state.mn.us](mailto:William.t.moore@state.mn.us).

For a video and audio connection, join the hearing though an internet connection, such as with a computer or tablet:

Enter <https://minnesota.webex.com>

Meeting number (access code): 2485 760 3011

Password: PyraDPH2r27

For audio connection only, join the hearing by phone:

Call: 1-415-655-0003 (US Toll)

Access code: 2485 760 3011

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is:

Steven Rollin

Professional Educator Licensing and Standards Board

1021 Bandana Blvd. E., Suite 222

St. Paul, MN 55108-5111  
Phone: (651) 539-5991  
Email: [PELSB.rules@state.mn.us](mailto:PELSB.rules@state.mn.us)

**Subject of Rules and Statutory Authority.** The Professional Educator Licensing and Standards Board is proposing changes to the rule part governing school counseling programs and licensure. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 122A.09, subdivision 9, paragraphs (a) through (c) and 122A.092, subdivision 1. A copy of the proposed rules is published in the *State Register* and available on the Board's website at [School Counseling Programs and Licensure / Professional Educator Licensing and Standards Board \(PELSB\)](#). A free copy of the rules is available upon request from Steven Rollin at the contact information listed above.

**Comments.** You have until 4:30 p.m. on July 8, 2025, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on July 8, 2025. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for August 6, 2025, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also contact Steven Rollin at the contact information listed above after July 8, 2025, to find out whether the hearing will be held.

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the Board and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the Administrative Hearings' Rulemaking eComments website, <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Middendorf at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Professional Educator Licensing and Standards Board or on the Board's website at [School Counseling Programs and Licensure / Professional Educator Licensing and Standards Board \(PELSB\)](#). This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. You may review or obtain copies for the cost of reproduction (if any) by contacting Steven Rollin at the contact information listed above. The SONAR is also available on the Board's website at [School Counseling Programs and Licensure / Professional Educator Licensing and Standards Board \(PELSB\)](#)

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the Board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Adoption Procedure if No Hearing.** If no hearing is required, the Board may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: June 2, 2025

Signed by:

  
Yelena Bailey, Executive Director