

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Education
(Agency or Board)

Regulation No. Edu 9 thru 491 (amended)

Subject: Classification for State Aids

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAY 8 1975 4:15 PM

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 5-8-75

Rev. 9-72

Minnesota Administrative Rules and Regulations

Rules and Regulations of

THE STATE BOARD OF EDUCATION

PROPOSED AMENDMENTS TO: REGULATIONS OF THE BOARD OF EDUCATION OF THE STATE OF MINNESOTA

To be Submitted At A

PUBLIC HEARING

December 14, 1974

A Public Hearing on Proposed New and Amended Regulations will be held on Saturday, December 14, 1974, beginning at 10:00 a.m., in the Auditorium, State Office Building, St. Paul, Minnesota 55155.

* * * *

The official rules and regulations of the State Board of Education are contained in the 1973 Edition: "Minnesota Administrative Rules and Regulations," one copy of which has been sent to school heads of districts maintaining graded elementary and secondary schools and additional copies made available for purchase by the Documents Section, Department of Administration, 140 Centennial Building, St. Paul 55155.

Proposed amendments and proposed new regulations, "Minnesota Administrative Rules and Regulations" (EDUCATION) are contained herein.

STATE OF MINNESOTA -- DEPARTMENT OF EDUCATION

ST. PAUL, MINNESOTA 55101

MINNESOTA ADMINISTRATIVE REGULATIONS: EDUCATION

Proposed Amendments, State Board of Education

Rules for Public Hearing: December 14, 1974, St. Paul, Minn.

C O N T E N T S

Edu Section Number	
5(d)	New. Prohibits any school district employee from acting as or performing the function of a selective service registrar.
9	New. Presents the specific standards and requirements for Flexible School Year Programs.
46	New. Proposed rule on early graduation which enables the Department of Education to apportion aids earned and tax levies applicable.
480-492	Amends regulations governing long term sheltered employment and work activity programs.

CHAPTER ONE: EDU 1-19

CLASSIFICATION FOR STATE AIDS, MINIMUM
REQUIREMENTS FOR ELEMENTARY AND SECONDARY SCHOOLS
(NEW MATERIAL)

Edu 5 Staff

(a) No change.
(b) No change.
(c) No change.

(d) No local school district or board thereof shall permit or authorize any of its employees to act as or perform the functions of a selective service registrar during that period in which an employee is performing services for the employing district and for which the employee receives compensation from the district. This prohibition shall apply regardless of the voluntary or paid status of the employee as a selective service registrar.

Edu 6 Library

(a) No change.
(b) No change.
(c) No change.

Edu 7 Records and Reports

(a) No change.
(b) No change.

Edu 8 Annual Audit

(a) No change.
(b) No change.
(c) No change.
(d) No change.

Edu 9 Flexible School Year

(a) Definition: Flexible school year program means any school district plan approved by the state board of education which utilizes school buildings and facilities during the entire year and/or which provides forms of optional scheduling of pupils and school personnel during the school year in elementary and secondary schools or residential facilities for handicapped children.

(b) Standards for approval. School districts may make application for any or all of their schools to operate on a flexible school year basis in order to alleviate an overcrowded situation, offer broader course selections for students, pro-

mote better utilization of facilities, initiate other innovative ideas, or to solve other hardship situations to improve the instructional program not otherwise possible. Each school or school system requesting permission to operate a flexible school year program shall submit its proposed flexible year schedule and its method of evaluation to the state board of education by May 1 preceding the school year in which the program is to become operational. The state board of education will approve or disapprove the proposal by June 15 following the submission of the document. Continuation of an existing flexible school year program will be determined by a study of the evaluation submitted by the school system at the end of each school year.

(c) The School Year. The school year for students in the elementary and secondary grades shall be a minimum of 175 days or its equivalent and a maximum of 200 days or its equivalent. Aid will be determined by the total number of days school is in session. This shall not be construed to mean that any school district will receive any more or less than the aid computed on the basis of 175 days of school.

(d) Length of School Day. See Edu 21 (a) and Edu 44.

(e) Equivalent Days.

(1) Definition. Equivalent days may be established by combining hours of one day with hours from other days to meet the requirements in Edu 21(a) and Edu 44. In establishing equivalent days no student day shall be longer than seven and one-half clock hours nor shorter than four (4) clock hours, excluding the noon lunch period. Students shall be required to attend no more than 30 hours per week.

(f) Application Forms. These forms will be developed by staff of the department of education for state board approval and distributed upon request to school districts.

CHAPTER THREE: EDU 40-59

CLASSIFICATION FOR STATE AIDS, SPECIAL REQUIREMENTS FOR SECONDARY SCHOOLS (NEW MATERIAL)

Edu 46 Staff

(a) No change.
(b) No change.
(c) No change.

(d) Early Graduation. Any district claiming aid for transitional year early graduation students under Chapter 521, Section 7, Laws of Minnesota for 1974, shall furnish the department of education on forms prepared by the department such data on attendance and enrollment for each such student prior to and including the day of graduation and subsequent thereto as will enable the department to properly apportion the aids earned and the attributable tax levies resulting from retention of such students on the district rolls for such purposes as the Legislature may prescribe.

CHAPTER TWENTY-FIVE: EDU 480-499

SERVICES FOR THE SEVERELY DISABLED THROUGH LONG TERM SHELTERED WORKSHOPS (M.S. 121.71-121.714)

Edu 480 Definitions. Unless otherwise indicated in these regulations, the terms below are defined as follows:

(a) "Act" means the Long Term Sheltered Workshop Act (M.S. 121.71-121.714)

(b) "Administrator" means the director of community long term sheltered workshop programs.

(c) "Commissioner" means the commissioner of education in the state department of education.

~~(d) "Long Term Workshop". "For the purposes of this act a long term sheltered workshop means a facility where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely disabled individuals who, as a result of physical or mental disability, are unable to participate in competitive employment. A long term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist."~~

~~(Laws 1965 c 835 s 2)~~

(d) ~~(e)~~ "Workshop" means a long term sheltered workshop.

(e) "Long Term Sheltered Employment Program" means the provision of paid employment for an indefinite period of time, for severely handicapped persons unable to meet production standards required in competitive employment. The wages paid in long term sheltered employment are in excess of 25% of the applicable minimum.

(f) "Work Activity Program" means the provision of purposeful activity, having a productive or work component for which wages are paid, but where the level of productivity is less than that required in sheltered employment (generally 25% of the applicable minimum). The work activity program may be transitional in nature or may be considered as an appropriate outcome.

(g) "Commensurate Wage" means a rate of pay which, when paid to a non-handicapped worker performing the same kind and quality of work, would yield to that non-handicapped worker the minimum wage or prevailing wage, whichever is higher. When clients paid a commensurate wage earn less than the minimum or prevailing wage, it is a result of the limitations imposed by their disability.

(h) "Prevailing Wage" means the wage rate for a specific job prevalent in the area or community in which the work activity or sheltered employment program exists.

Edu 481 Purpose. "The purpose of this act is to improve rehabilitation services for the severely disabled in Minnesota by providing for the development and continuation of long term sheltered workshops." (~~Laws~~ and work activity centers ~~1965-c-835-s-1~~) (M.S. 121.71-121.714)

Edu 482 Eligible Applicants

(a) An application for funding may be submitted at any time by a public or non-profit organization or agency which operates or proposes to operate a public or nonprofit long term sheltered ~~workshop.~~ employment or work activity program.

(b) In cities other than the first class, there shall be a minimum population base and specified geographic area which the workshop shall serve. The commissioner may, in particular cases, permit modifications of this population range if he finds that such modifications will not impair the purposes of the act.

(c) The applicant shall have a long term sheltered workshop or work activity center board of directors of not less than nine members to be selected in such manner, be representative of such groups, and function as outlined in Section 4 of the act.

(d) The applicant shall provide assurance that no person shall be denied service on the basis of race, creed, color, or national origin.

(e) The applicant shall adhere to all pertinent state, federal and local laws pursuant to the operation of a workshop. or work activity center.

Edu 483 Eligible Costs

~~"The grant may not exceed an amount equal to 50 per cent of the following approved anticipated expenditures for workshop costs:~~

~~(a) Salaries;~~

~~(b) Contract facilities and services;~~

~~(c) Operation, maintenance and service costs;~~

~~(d) Vehicles for the primary use of transporting the disabled to and from long term sheltered workshops; and~~

~~(e) Other expenditures specifically approved and authorized by the commissioner of education."--(Laws 1965 c 835 s 5 subd. 3)~~

~~(a) Costs that are not approvable include purchases of land, new construction, the acquiring, renovation, alteration or expansion of existing buildings, mortgage redemption, and those costs for which fees are charged by the workshop.~~

~~(b) Funds eligible for matching are those received from local taxation or appropriation according to the act, gifts, or funds from other sources provided such funds are not state funds.~~

(a) The grant may not exceed an amount equal to 75 per cent of the normal operating expenses of the long term sheltered employment or work activity program;

(b) Wages paid to long term sheltered workers or work activity participants are to be excluded in determining operating costs;

(c) Funds eligible for matching are those received from local taxation or appropriation, gifts, or funds from other sources, including income derived from subcontract or manufacturing work in excess of that required to pay wages, provided such funds are not state funds.

Edu 484 Application Content

(a) Applications for funding shall be submitted to the administrator in the form and detail required and shall include:

(1) A description of both the existing and proposed program of services;

(2) A description of the existing and proposed staffing plans; ~~the qualifications of the staff, and how they will be utilized;~~

~~(3) A description of the existing and proposed physical plant and equipment and its suitability for workshop purposes;~~

~~(4) A description of the expected sources of industrial subcontracting and other types of work;~~

~~(5) A detailed estimate of the cost of the project;~~

~~(6) A description of the applicant's financial resources for the project;~~

~~(7)~~(3) A proposed budget and actual expenditures made in the year previous to the application;

~~(8) In the case of a private, nonprofit workshop, a statement that applicable federal and state wage and hour standards will be observed or, in the case of a workshop operated by the state, county, or municipal government, a statement that the workshop will comply with wage and hour standards specified, which will be at least equal to those imposed by the Federal Fair Labor Standards Act;~~

~~(9) Assurance that the workshop meets safety standards prescribed by appropriate laws;~~

~~(10) A description of the relationships of the applicant agency to the state vocational rehabilitation agencies and to other facilities and agencies in the community;~~

~~(11)~~(4) A description of community support for the workshop;

~~(12)~~(5) An agreement to make such administrative and financial reports and to keep such records and accounts as may be required and to make such records and accounts available for audit purposes.

Edu 485 Clientele Served. Severely disabled persons eligible for services are those individuals possessing physical, mental, emotional, or behavioral disabilities who, as a result of such disability, are unable to enter the competitive labor market either temporarily or permanently. Clients referred to the long term sheltered employment program workshop shall have had appropriate rehabilitation services, such as vocational evaluation and personal adjustment training, in order to render an adequate decision as to the suitability of placement in the workshop. ~~Aeceptanee-and-exclusion-procedures-shall-be-specified-by-the-workshop director-and-he-will-have-the-final-responsibility-for-this-decision.~~

Edu 486 Standards of Service. ~~Standards-shall-be-developed-by-the-administrator with-the-assistanee-of-the-advisory-committee-and-other-knowledgeable-individuals applinted-by-the-commissioner-which-take-into-consideration-the-National-Standards for-Sheltered-Workshops,-the-National-Policy-and-Performance-Council,-and-the-purposes-of-the-act.--Standards-will-include-qualificatinns-of-personnel,-ratio-of supervisors-to-employees,-quality-of-professional-service,-contract-bidding-proeedures,-intake-procedures,-and-other-specified-related-standards.~~ These standards govern the operation of any facility engaged in, or seeking to engage in, the provision of long term sheltered employment or work activity services, and they set forth the requirements necessary for any such program to be funded or certified (see Edu 492).

(a) Purposes

(1) General Standards

(aa) The purposes of the long term sheltered employment or work activity program are clearly stated in appropriate publications for distribution to staff, clientele and referral sources;

(bb) The long term sheltered employment or work activity program describes the habilitation or rehabilitation problems or conditions for which it provides services;

(cc) The long term sheltered employment or work activity program describes in detail the services it provides;

(dd) There is a systematic procedure for professional and administrative review of program effectiveness in relation to the stated purposes of the work activity program.

(b) Organization and Administration

(1) General Standards

(aa) Unless operated by a governmental agency, the long term sheltered employment or work activity program is, or is part of, a legally constituted nonprofit corporate entity under the appropriate federal, state and local statutes;

(bb) The make-up of the facility's governing body is in accordance with the requirements of Minnesota Statutes 121.71 to 121.715;

(cc) There is a staff organizational chart which specifies the lines of authority, responsibility and communication.

(2) Additional Standards for Work Activity Center Programs

(aa) Where the work activity program is a cooperative effort involving two distinct organizations, there is a written agreement which details the responsibilities of each organization and which includes, as a minimum, the following:

.1 Staff supervision and training;
.2 Contract negotiation and bidding;
.3 Issuance of payroll checks;
.4 Maintenance of production records;
.5 Client supervision and programming.

(bb) Where a work activity program takes place in, or is administered by, a daytime activity center, the DAC is licensed by the Department of Public Welfare;

(cc) The work activity program is the administrative responsibility of a full time paid staff member of the administering facility;

(dd) Where the work activity program is operated by a daytime activity center, it has an established relationship with an advisory body.

(c) Fiscal Management

(1) General Standards

(aa) The long term sheltered employment and/or work activity programs are identified as separate and distinct entities in the accounting system of the administering organization;

(bb) The long term sheltered employment or work activity program operates on an annual budget which:

.1 Reflects and anticipates the program's needs for realizing its goals;

.2 Is used during the year as a yardstick to assess the accomplishment of budgetary goals.

(cc) The accounting system enables the administering organization to clearly identify both the costs and income attributable to the long term sheltered employment or work activity program;

(dd) The facility has a risk protection program adequate to preserve its assets and to compensate its staff, volunteers, clientele, and the public for reasonable claims for which the facility is liable.

(2) Additional Standards for Work Activity Programs

(aa) In bidding and executing contracts, an overhead markup of at least 50% on direct labor is utilized.

(3) Additional Standards for Long Term Sheltered Employment Programs

(aa) In bidding and executing contracts, an overhead markup of at least 75% on direct labor is utilized.

(d) Program

(1) General Standards

(aa) There is evidence that the facility has made continuous efforts to insure the availability of significant work to meet the needs and objectives of the long term sheltered employment or work activity programs;

(bb) Work supervisors, responsible for implementing the long term sheltered employment or work activity plan, have a clear understanding of the goals for the individual client and the methods to be used in reaching those goals;

(cc) Whenever clients are engaged in production activity, there is a minimum of one supervisor for every 12 workers;

(dd) Each long term sheltered employee or work activity center participant (or parent/guardian if appropriate) receives a written statement for each pay period which indicates gross pay, hours worked and all deductions;

(ee) There is evidence that continuing efforts are made to maximize productivity level of each long term sheltered employee or work activity participant;

(ff) There is a written plan for each long term employee or work activity participant which describes the goals and objectives of the services to be provided as well as the expected outcomes;

(gg) The progress of each long term sheltered employee or work activity participant is reviewed on a quarterly basis and the results of that review are recorded.

(2) Additional Standards for Work Activity Programs

(aa) The work or production activities are carried out in a physically separate environment from other program or service activities; (NOTE: The same area may be utilized for production activities if all other activities cease in that area during the time production work is carried out.)

(bb) When the work activity program operates independently, either from a daytime activity center or sheltered workshop, there is evidence that the other program needs of the participants have been considered and provided directly through the work activity program, or made available for other resources. These other services may include, but would not be limited to:

.1 Recreation;
.2 Self care;
.3 Socialization;
.4 Education.

(3) Additional Standards for Long Term Sheltered Employment Programs

(aa) Personnel policies for all long term workers are established in writing and available to all workers;

(bb) Enough work is available to provide employment for each long term worker 75% of the work days during the year.

(e) Records and Reports

(1) General Standards

(aa) A client case record is maintained at the long term sheltered employment or work activity program site for each program participant;

(bb) The source of all recorded data is clearly stated;

(cc) As a minimum, the case record contains the following basic information:

.1 Results of the initial assessment;
.2 A description of the program plan;
.3 Progress reports which relate to the program plan;
.4 The case closure summary.

A yearly review of client records is made by the staff to insure compliance with the above standards;

Policies and procedures have been established to insure confidentiality of all case records.

(f) Wage and Hour

(1) General Standards

(aa) The program has the appropriate federal wage and hour certificate;

(bb) All handicapped workers are paid a wage commensurate with that paid non-handicapped workers in the community;

(cc) For each piece rated job there is a written record of the procedure utilized in establishing that piece rate;

(dd) Where a client is involved in non-piece rated work, there is a written record of the procedure used in establishing the hourly rate for the client;

(ee) The hourly rate of pay for non-piece rate workers is reviewed at least semi-annually and a written record maintained of this review.

(2) Additional Standards for Long Term Employment Program

(aa) All long term employees are paid at least 25% of the applicable minimum wage.

(g) Health and Safety

(1) General Standard: The long term sheltered employment or work activity program shall comply with all applicable regulations of the Department of Labor and Industry and the State Fire Marshall's office.

Edu 487 Workshop Board of Directors

(a) The number, appointment, representation, term, and functions of the long term sheltered workshop board shall be as prescribed in Section 4 of the act. (M.S. 121.71-121.714)

(b) Those workshops in operation prior to the act shall integrate the principles prescribed in Section 4 of the act in respect to workshop board of directors where it is possible to do so.

Edu 488 Approval of Application. Applications for funding will be evaluated to determine the feasibility and effectiveness of the proposed and existing program in achieving the purposes of the act, the adherence to appropriate laws, the adherence to the Standards of Service, the conformance with the State Workshops and Rehabilitation Facilities Plan, and the eligibility of the applicants. Approval or disapproval of applications will be in printed form to the applicant with reasons for disapproval, in that event. The commissioner may require that a technical assistance consultation precede the award of any grant.

Edu 489 Allocations and Priorities

(a) Allocations. Allocations of available funds for long term sheltered workshop programs shall be made by the commissioner as prescribed in Section 5 subdivision 2 of the act. (M.S. 121.71-121.714)

(b) Priorities. After the commissioner, at the beginning of each fiscal year, has allocated available funds to long term sheltered ~~workshop~~ employment or work activity programs for disbursement during the fiscal year and in the event there are inadequate funds appropriated to meet the approved plan and budget of the applicants, the following priorities shall be considered:

(1) Relative needs of the population served by the existing or proposed ~~workshop.~~ program.

(2) Availability of local community support.

(3) Effectiveness of the services of the ~~workshop.~~ program.

(4) Availability of other methods of funding.

(5) Submittal of application, plan and budget within the required period.

NOTE: In general, existing workshops will have priority over proposed workshops in order that already existing programs can be continued.

Edu 490 Grant Awards. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumberance of state funds available for such purpose on the date of the encumberance of state funds available for such purpose on the date of the award. The initial award shall shall also specify the grant period (not in excess of one year) for which support is contemplated if the activity is satisfactorily carried out and state funds are available. For continuation support, grantees must make separate application each year prior to the date set for submission of the continuation application and in the form and detail required.

Edu 491 Payments. ~~Payments of the state share of the cost of workshop operations shall be made as an advance for estimated costs or as reimbursement to the grantee for approvable expenditures. The initial payment shall be made shortly after the application has been approved.~~

Payments under this authority shall be made on the basis of periodic claims submitted by the long term sheltered employment or work activity program detailing services provided during that period of time. The commissioner may determine, for each program, an equitable per diem rate of reimbursement.

Edu 492 Certification

(a) Purpose: To insure that all long term sheltered employment and work activity programs meet minimum standard of operation;

(b) General Policies

(1) Program certification under this authority shall be a requirement for funding through the Division of Vocational Rehabilitation;

(2) A certificate issued under these provisions does not replace or modify any certificates issued by the United States Department of Labor or the Minnesota State Department of Labor and Industry, for purposes of subminimum wage payments;

(3) A single certificate will be isssued for a facility, and that certificate will specify the type and location of all approved programs;

(4) In the case of work activity programs operated cooperatively between two separate organizations, the certificate will be issued to the organization responsible for payment of wages;

(5) A program will be certified when it is found to be in substantial compliance with the established standards;

(6) No certificate shall be issued for a period of time in excess of two years;

(7) A provisional certificate may be issued to a new sheltered employment or work activity program for a specified period of time, not to exceed one year;

(8) An applicant for certification shall have the right to appeal any decision of the agency. The regulations of the department, as outlined in Chapter Thirty; Edu 590-619, Procedures for Contested Cases, shall be utilized.

(c) Application Procedures

(1) Any facility operating, or proposing to operate a long term sheltered employment or work activity program, shall submit an application for certification in the form prescribed by the commissioner;

(2) The facility shall receive thirty days prior notification of the proposed date of the on-site review;

(3) Within thirty days following completion of the on-site review, the facility will be provided with a complete set of findings and the review team's decision on certification.

Edu 493-499 Reserved for future use.

MINNESOTA REGULATIONS EDU

Amendments and New Regulations Ordered Adopted
February 10, 1975

NOTE: Changes or additions indicated by underlining; deletions by ~~strikeouts~~.
New regulations are marked New Material and are considered underlined.

CHAPTER ONE: Edu 1-19

CLASSIFICATION FOR STATE AIDS, MINIMUM REQUIREMENTS FOR ELEMENTARY AND SECONDARY SCHOOL (NEW MATERIAL)

Edu 9 Flexible School Year

(a) Definition: Flexible school year program means any school district plan approved by the state board of education which utilizes school buildings and facilities during the entire year and/or which provides forms of optional scheduling of pupils and school personnel during the school year in elementary and secondary schools or residential facilities for handicapped children.

(b) Standards for Approval. School districts may make application for any or all of their schools to operate on a flexible school year basis in order to alleviate an overcrowded situation, offer broader course selections for students, promote better utilization of facilities, initiate other innovative ideas, or to solve other hardship situations to improve the instructional program not otherwise possible. Each school or school system requesting permission to operate a flexible school year program shall submit its proposed flexible year schedule and its method of evaluation to the state board of education by May 1 preceding the school year in which the program is to become operational. The state board of education will approve or disapprove the proposal by June 15 following the submission of the document. Continuation of an existing flexible school year program will be determined by a study of the evaluation submitted by the school system at the end of each school year.

(c) The School Year. The school year for students in the elementary and secondary grades shall be a minimum of 175 days or its equivalent and a maximum of 200 days or its equivalent. Aid will be determined by the total number of days school is in session. This shall not be construed to mean that any school district will receive any more or less than the aid computed on the basis of 175 days of school.

(d) Length of School Day. See Edu 21(a) and Edu 44.

(e) Equivalent Days.

(1) Definition. Equivalent days may be established by combining hours of one day with hours from other days to meet the requirements in Edu 21(a) and Edu 44. In establishing equivalent days no student day shall be longer than seven and one-half clock hours nor shorter than four (4) clock hours, excluding the noon lunch period. Students shall be required to attend no more than 30 hours per week.

(f) Application Forms. These forms will be developed by staff of the department of education for state board approval and distributed upon request to school districts.

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Edu 46 Staff

(a) No change.
(b) No change.
(c) No change.

(d) Early Graduation. Any district claiming aid for transitional year early graduation students under Chapter 521, Section 7, Laws of Minnesota for 1974, shall furnish the department of education on forms prepared by the department such data on attendance and enrollment for each such student prior to and including the day of graduation and subsequent thereto as will enable the department to properly apportion the aids earned and the attributable tax levies resulting from retention of such students on the district rolls for such purposes as the Legislature may prescribe.

CHAPTER TWENTY-FIVE: EDU 480-499

SERVICES FOR THE SEVERELY DISABLED THROUGH LONG TERM SHELTERED WORKSHOPS (M.S. 121.71-121.714)

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(a) "Act" means the Long Term Sheltered Workshop Act. (M.S. 121.71-121.714)

(b) "Administrator" means the director of community long term sheltered workshop programs.

(c) "Commissioner" means the commissioner of education in the state department of education.

~~(d) "Long Term Workshop". "For the purposes of this act a long term sheltered workshop means a facility where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely disabled individuals who, as a result of physical or mental disability, are unable to participate in competitive employment. A long term sheltered~~

~~workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist."~~

~~(Laws 1965 c 835 s 2)~~

(d) ~~(c)~~ "Workshop" means a long term sheltered workshop.

(e) "Long Term Sheltered Employment Program" means the provision of paid employment for an indefinite period of time, for severely handicapped persons unable to meet production standards required in competitive employment. The wages paid in long term sheltered employment are in excess of 25% of the applicable minimum.

(f) "Work Activity Program" means the provision of purposeful activity, having a productive or work component for which wages are paid, but where the level of productivity is less than that required in sheltered employment (generally 25% of the applicable minimum). The work activity program may be transitional in nature or may be considered as an appropriate outcome.

(g) "Commensurate Wage" means a rate of pay which, when paid to a non-handicapped worker performing the same kind and quality of work, would yield to that non-handicapped worker the minimum wage or prevailing wage, whichever is higher. When clients paid a commensurate wage earn less than the minimum or prevailing wage, it is a result of the limitations imposed by their disability.

(h) "Prevailing Wage" means the wage rate for a specific job prevalent in the area or community in which the work activity or sheltered employment program exists.

Edu 481 Purpose. "The purpose of this act is to improve rehabilitation services for the severely disabled in Minnesota by providing for the development and continuation of long term sheltered workshops." (~~Laws~~ and work activity centers ~~1965 c 835 s 1~~) (M.S. 121.71-121.714)

Edu 482 Eligible Applicants

(a) An application for funding may be submitted at any time by a city, village, borough, town, county, non-profit organization or any combination thereof, which operates or proposes to operate a public or non-profit long term sheltered ~~workshop~~ employment or work activity program.

(b) In cities other than the first class, there shall be a minimum population base and specified geographic area which the workshop shall serve. The commissioner may, in particular cases, permit modifications of this population range if he finds that such modifications will not impair the purposes of the act.

(c) The applicant shall have a long term sheltered workshop or work activity center board of directors of not less than nine members to be selected in such manner, be representative of such groups, and function as outlined in Section 4 of the act.

(d) The applicant shall provide assurance that no person shall be denied service on the basis of race, creed, color, or national origin.

(e) The applicant shall adhere to all pertinent state, federal and local laws pursuant to the operation of a workshop or work activity center.

Edu 483 Eligible Costs

~~"The grant may not exceed an amount equal to 50 per cent of the following approved anticipated expenditures for workshop costs:~~

~~(a) Salaries;~~

~~(b) Contract facilities and services;~~

~~(c) Operation, maintenance and service costs;~~

~~(d) Vehicles for the primary use of transporting the disabled to and from long term sheltered workshops; and~~

~~(e) Other expenditures specifically approved and authorized by the commissioner of education." (laws 1965 c 335 s 5 subd 3)~~

~~(a) Costs that are not approvable include purchases of land, new construction, the acquiring, renovation, alteration or expension of existing buildings, mortgage redemption, and those costs for which fees are charged by the workshop.~~

~~(b) Funds eligible for matching are those received from local taxation or appropriation according to the act, gifts, or funds from other sources provided such funds are not state funds.~~

(a) The grant may not exceed an amount equal to 75 per cent of the normal operating expenses of the long term sheltered employment or work activity program;

(b) Wages paid to long term sheltered workers or work activity participants are to be excluded in determining operating costs;

(c) Funds eligible for matching are those received from local taxation or appropriation, gifts, or funds from other sources, including income derived from subcontract or manufacturing work in excess of that required to pay wages, provided such funds are not state funds.

Edu 484 Application Content

(a) Applications for funding shall be submitted to the administrator in the form and detail required and shall include:

(1) A description of both the existing and proposed program of services;

(2) A description of the existing and proposed staffing plans; ~~the qualifications of the staff, and how they will be utilized;~~

~~(3) A description of the existing and proposed physical plant and equipment and its suitability for workshop purposes;~~

~~(4) A description of the expected sources of industrial subcontracting and other types of work;~~

~~(5) A detailed estimate of the cost of the project;~~

~~(6) A description of the applicant's financial resources for the project;~~

~~(7)~~ (3) A proposed budget and actual expenditures made in the year previous to the application;

~~(8) In the case of a private, nonprofit workshop, a statement that applicable federal and state wage and hour standards will be observed or, in the case of a workshop operated by the state, county, or municipal government, a statement that the workshop will comply with wage and hour standards specified, which will be at least equal to those imposed by the Federal Fair Labor Standards Act;~~

~~(9) Assurance that the workshop meets safety standards prescribed by appropriate laws;~~

~~(10) A description of the relationships of the applicant agency to the state vocational rehabilitation agencies and to other facilities and agencies in the community;~~

~~(11)~~ (4) A description of community support for the workshop;

~~(12)~~ (5) An agreement to make such administrative and financial reports and to keep such records and accounts as may be required and to make such records and accounts available for audit purposes.

Edu 485 Clientele Served. Severely disabled persons eligible for services are those individuals possessing physical, mental, emotional, or behavioral disabilities who, as a result of such disability, are unable to enter the competitive labor market either temporarily or permanently. Clients referred to the long term sheltered employment program workshop shall have had appropriate rehabilitation services, such as vocational evaluation and personal adjustment training, in order to render an adequate decision as to the suitability of placement in the workshop. ~~Acceptance and exclusion procedures shall be specified by the workshop director and he will have the final responsibility for this decision.~~

Edu 486 Standards of Service. ~~Standards shall be developed by the administrator with the assistance of the advisory committee and other knowledgeable individuals appointed by the commissioner which take into consideration the National Standards~~

~~for Sheltered Workshops, the National Policy and Performance Council, and the purposes of the act. Standards will include qualifications of personnel, ratio of supervisors to employees, quality of professional service, contract bidding procedures, intake procedures, and other specified related standards.~~ These standards govern the operation of any facility engaged in, or seeking to engage in, the provision of long tern sheltered employment or work activity services, and they set forth the requirements necessary for any such program to be funded or certified (see Edu 492).

(a) Purposes.

(1) General Standards.

(aa) The purposes of the long term sheltered employment or work activity program are clearly stated in appropriate publications for distribution to staff, clientele and referral sources;

(bb) The long term sheltered employment or work activity program describes the habilitation or rehabilitation problems or conditions for which it provides services;

(cc) The long term sheltered employment or work activity program describes in detail the services it provides;

(dd) There is a systematic procedure for professional and administrative review of program effectiveness in relation to the stated purposes of the work activity program.

(b) Organization and Administration.

(1) General Standards

(aa) Unless operated by a governmental agency, the long term sheltered employment or work activity program is, or is part of, a legally constituted nonprofit corporate entity under the appropriate federal, state and local statutes;

(bb) The make-up of the facility's governing body is in accordance with the requirements of Minnesota Statutes 121.71 to 121.715;

(cc) There is a staff organizational chart which specifies the lines of authority, responsibility and communication.

(2) Additional Standards for Work Activity Center Programs

(aa) Where the work activity program is a cooperative effort involving two distinct organizations, there is a written agreement which details the responsibilities of each organization and which includes, as a minimum, the following:

.1 Staff supervision and training;
.2 Contract negotiation and bidding;
.3 Issuance of payroll checks;
.4 Maintenance of production records;
.5 Client supervision and programming.

(bb) Where a work activity program takes place in, or is administered by, a daytime activity center, the DAC is licensed by the Department of Public Welfare;

(cc) The work activity program is the administrative responsibility of a full time paid staff member of the administering facility;

(dd) Where the work activity program is operated by a daytime activity center, it has an established relationship with an advisory body.

(c) Fiscal Management

(1) General Standards

(aa) The long term sheltered employment and/or work activity programs are identified as separate and distinct entities in the accounting system of the administering organization;

(bb) The long term sheltered employment or work activity program operates on an annual budget which:

.1 Reflects and anticipates the program's needs for realizing its goals;

.2 Is used during the year as a yardstick to assess the accomplishment of budgetary goals.

(cc) The accounting system enables the administering organization to clearly identify both the costs and income attributable to the long term sheltered employment or work activity program;

(dd) The facility has a risk protection program adequate to preserve its assets and to compensate its staff, volunteers, clientele, and the public for reasonable claims for which the facility is liable.

(2) Additional Standards for Work Activity Programs

(aa) In bidding and executing contracts, an overhead markup of at least 50% on direct labor is utilized.

(3) Additional Standards for Long Term Sheltered Employment Programs

(aa) In bidding and executing contracts, an overhead markup of at least 75% on direct labor is utilized.

(d) Program

(1) General Standards

(aa) There is evidence that the facility has made continuous efforts to insure the availability of significant work to meet the needs and objectives of the long term sheltered employment or work activity programs;

(bb) Work supervisors, responsible for implementing the long term sheltered employment or work activity plan, have a clear understanding of the goals for the individual client and the methods to be used in reaching those goals;

(cc) Whenever clients are engaged in production activity, there is a minimum of one supervisor for every 12 workers;

(dd) Each long term sheltered employee or work activity center participant (or parent/guardian if appropriate) receives a written statement for each pay period which indicates gross pay, hours worked and all deductions;

(ee) There is evidence that continuing efforts are made to maximize productivity level of each long term sheltered employee or work activity participant;

(ff) There is a written plan for each long term employee or work activity participant which describes the goals and objectives of the services to be provided as well as the expected outcomes;

(gg) The progress of each long term sheltered employee or work activity participant is reviewed on a quarterly basis and the results of that review are recorded.

(2) Additional Standards for Work Activity Programs

(aa) The work or production activities are carried out in a physically separate environment from other program or service activities; (NOTE: The same area may be utilized for production activities if all other activities cease in that area during the time production work is carried out.)

(bb) When the work activity program operates independently, either from a daytime activity center or sheltered workshop, there is evidence that the other program needs of the participants have been considered and provided directly through the work activity program, or made available for other resources. These other services may include, but would not be limited to:

.1 Recreation;
.2 Self care;
.3 Socialization;
.4 Education.

(3) Additional Standards for Long Term Sheltered Employment Programs

(aa) Personnel policies for all long term workers are established in writing and available to all workers;

(bb) Enough work is available to provide employment for each long term worker 75% of the work days during the year.

(e) Records and Reports

(1) General Standards

(aa) A client case record is maintained at the long term sheltered employment or work activity program site for each program participant;

(bb) The source of all recorded data is clearly stated;

(cc) As a minimum, the case record contains the following basic information:

.1 Results of the initial assessment;
.2 A description of the program plan;
.3 Progress reports which relate to the program plan;
.4 The case closure summary.

A yearly review of client records is made by the staff to insure compliance with the above standards;

Policies and procedures have been established to insure confidentiality of all case records.

(f) Wage and Hour

(1) General Standards

(aa) The program has the appropriate federal wage and hour certificate;

(bb) All handicapped workers are paid a wage commensurate with that paid non-handicapped workers in the community;

(cc) For each piece rated job there is a written record of the procedure utilized in establishing that piece rate;

(dd) Where a client is involved in non-piece rated work, there is a written record of the procedure used in establishing the hourly rate for the client;

(ee) The hourly rate of pay for non-piece rate workers is reviewed at least semi-annually and a written record maintained of this review.

(2) Additional Standards for Long Term Employment Program

(aa) All long term employees are paid at least 25% of the applicable minimum wage.

(g) Health and Safety

(1) General Standard: The long term sheltered employment or work activity program shall comply with all applicable regulations of the Department of Labor and Industry and the State Fire Marshall's office.

Edu 487 Workshop Board of Directors

(a) The number, appointment, representation, term, and functions of the long term sheltered workshop board shall be as prescribed in Section 4 of the act. (M.S. 121.71-121.714)

(b) Those workshops in operation prior to the act shall integrate the principles prescribed in Section 4 of the act in respect to workshop board of directors where it is possible to do so.'

Edu 488 Approval of Application. Applications for funding will be evaluated to determine the feasibility and effectiveness of the proposed and existing program in achieving the purposes of the act, the adherence to appropriate laws, the adherence to the Standards of Service, the conformance with the State Workshops and Rehabilitation Facilities Plan, and the eligibility of the applicants. Approval or disapproval of applications will be in printed form to the applicant with reasons for disapproval, in that event. The commissioner may require that a technical assistance consultation precede the award of any grant.

Edu 489 Allocations and Priorities

(a) Allocations. Allocations of available funds for long term sheltered workshop programs shall be made by the commissioner as prescribed in Section 5 subdivision 2 of the act. (M.S. 121.71-121.714)

(b) Priorities. After the commissioner, at the beginning of each fiscal year, has allocated available funds to long term sheltered ~~workshop~~ employment or work activity programs for disbursement during the fiscal year and in the event there are inadequate funds appropriated to meet the approved plan and budget of the applicants, the following priorities shall be considered:

(1) Relative needs of the population served by the existing or proposed ~~workshop~~ program.

(s) Availability of local community support.

(3) Effectiveness of the services of the ~~workshop~~ program.

(4) Availability of other methods of funding.

(5) Submittal of application, plan and budget within the required period.

NOTE: In general, existing workshops will have priority over proposed workshops in order that already existing programs can be continued.

Edu 490 Grant Awards. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumberance of state funds available for such purpose on the date of the encumberance of state funds available for such purpose on the date of the award. The initial award shall also specify the grant period (not in excess of one year) for which support is contemplated if the activity is satisfactorily carried out and state funds are available. For continuation support, grantees must make separate application each year prior to the date set for submission of the continuation application and in the form and detail required.

Edu 491 Payments. ~~Payments of the state share of the cost of workshop operations shall be made as an advance for estimated costs or as reimbursement to the grantee for approvable expenditures. The initial payment shall be made shortly after the application has been approved.~~

Payments under this authority shall be made on the basis of periodic claims submitted by the long term sheltered employment or work activity program detailing services provided during that period of time. The commissioner may determine, for each program, an equitable per diem rate of reimbursement.

Edu 492 Certification

(a) Purpose: To insure that all long term sheltered employment and work activity programs meet minimum standard of operation;

(b) General Policies

(1) Program certification under this authority shall be a requirement for funding through the Division of Vocational Rehabilitation;

(2) A certificate issued under these provisions does not replace or modify any certificates issued by the United States Department of Labor or the Minnesota State Department of Labor and Industry, for purposes of subminimum wage payments;

(3) A single certificate will be issued for a facility, and that certificate will specify the type and location of all approved programs;

(4) In the case of work activity programs operated cooperatively between two separate organizations, the certificate will be issued to the organization responsible for payment of wages;

(5) A program will be certified when it is found to be in substantial compliance with the established standards;

(6) No certificate shall be issued for a period of time in excess of two years;

(7) A provisional certificate may be issued to a new sheltered employment or work activity program for a specified period of time, not to exceed one year;

(8) An applicant for certification shall have the right to appeal any decision of the agency. The regulations of the department, as outlined in Chapter Thirty; Edu 590-619, Procedures for Contested Cases, shall be utilized.

(c) Application Procedures

(1) Any facility operating, or proposing to operate a long term sheltered employment or work activity program, shall submit an application for certification in the form prescribed by the commissioner;

(2) The facility shall receive thirty days prior notification of the proposed date of the on-site review;

(3) Within thirty days following completion of the on-site review, the facility will be provided with a complete set of findings and the review team's decision on certification.

Edu 493-499 Reserved for future use.

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT OF EDUCATION

Office Memorandum

TO : Michael Miller
Special Assistant Attorney General

DATE: April 16, 1975

FROM : Robert B. Varco
Special Assistant Attorney General

SUBJECT: Rules supplementing and amending MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS--Rules and Regulations of the State Board of Education, 1967 Edition and 1969, 1970, 1971, 1972 and 1973 Supplements, identified as Minn. Regs. Edu: 9, 46, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491 and 492

Please find attached hereto an original and four copies of the above identified rules supplementing MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS. Pursuant to Minn. Stat. § 15.0412 (1971), these rules are being submitted to the Attorney General this 16th day of April, 1975, for his approval as to form and legality subject to the statutory time limit of 20 days contained in subdivision 4 of section 15.0412.

The attached regulations were the result of a public hearing held on December 14, 1974. The Board made the following minor amendment subsequent to the December 14, 1974 hearing at its February 10, 1975 meeting:

Edu 482(a) - Amended to read as follows:

An application for funding may be submitted at any time by a city, village, borough, town, county, non-profit organization or any combination thereof, which operates or proposes to operate a public or non-profit long term sheltered employment or work activity program.

The Board also decided to table the proposed amendment to Edu 5.

RBV:cew

Attachments

R. B. Varco

RESOLVED that the rules amending and supplementing MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS -- Rules and Regulations of the State Board of Education, 1973 Edition and as amended in 1974, identified as Minn. Reg. Edu: 9, 46(d), and 480-492 be and hereby are approved and adopted pursuant to the authority vested in us by Minn. Stat., Sections 121.11 and 121.714 (1974) and that the commissioner of education be and hereby is authorized to sign an order adopting these rules.

EXHIBIT #3

STATE OF MINNESOTA
County of Ramsey

IN THE MATTER OF: The proposed adoption of rules of the state board of education amending "Minnesota Administrative Rules and Regulations--Rules and Regulations of the State Board of Education," 1973 Edition and as amended in 1974.

ORDER FOR HEARING

To effectively implement the rules and regulations of the Minnesota State Board of Education, the board deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in it by M.S. 1971.

NOW, THEREFORE, IT IS ORDERED this 21st day of October, 1974, that a public hearing on the proposed rules captioned above be held in the Auditorium, State Office Building, St. Paul, Minnesota 55155, on December 14, 1974, commencing at 10:00 a.m. and continuing until all representatives of school districts, associations or other interested persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups of persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
Department of Education

Commissioner of Education

EXHIBIT #5

STATE OF MINNESOTA
County of Ramsey

CERTIFICATE

In the matter of the proposed adoption of rules of the state board of education amending and supplementing MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS -- Rules and Regulations of the State Board of Education, 1973 Edition and as amended in 1974:

I hereby certify that 390 (3 sheets) labels constituting the complete list of persons, associations, and other interested groups who as of 2:00 o'clock p.m., this 8th day of November, 1974, have requested pursuant to M.S. ~~1967~~ 1971 Section 15.0412 Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

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EDITED, PRINTED AND PUBLISHED BY WILLIAM L. PHILLIPS

x Votes with organization majority
* Votes with organization minority

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n New Member

January 2nd, 1973

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* Frederick, Mel	32	414 Clyde St., West Concord 55985
x Gearty, Edward	54	3810 Xerxes Ave. N., Mpls 55412
x Hansen, Baldy (C.R.)	31	100 S.E. 1st St., Austin 55912
* Hansen, Mel	61	4505 28th Ave. S., Mpls 55406
*n Hanson, Roger	10	Vergas 56587
x Hughes, Jerome M.	50	1978 Payne Ave., Maplewood 55117
xn Humphrey, Hubert H. III	44	8116 40th Ave. N., New Hope 55428
* Jensen, Carl A.	28	209 1st Ave. S., Sleepy Eye 56085
* Josefson, J. A.	20	310 North Grant, Minneota 56264
*n Keefe, John	40	201 Oakwood Rd., Hopkins 55343
xn Keefe, Stephen	59	3255 Pleasant Ave. S., Mpls 55408
* Kirchner, William G.	37	6830 Newton Ave. S., Richfield 55423
xn Kleinbaum, Jack	17	100 23rd Ave. N., St. Cloud 56301
*n Knutson, Howard A.	53	1907 Woods Lane, Burnsville 55378
*n Kowalczyk, Al	45	6016 70th Ave. N., Mpls 55429
* Krieger, Harold G.	33	811 7th Ave. SW, Rochester 55901
* Larson, Lew W.	35	Mabel 55954
x Laufenburger, Roger A.	34	Box 6, Lewiston 55952
xn Lewis, B. Robert	41	1601 Hillsboro Ave. S., St. Louis Park 55426
xn Lord, James	36	7621 Chanhassen Road, Chanhassen 55317

	NAME	DISTRICT	ADDRESS
*	McCutcheon, Bill	67	2238 Edgebrook Ave., St. Paul 55119
xn	Milton, John	49	1 Sparrow Lane, North Oaks 55110
x	Moe, Roger D.	2	304 S. 2nd St. W., Ada 56510
*n	Nelson, Rolf	43	3820 Bassett Creek Drive, Golden Valley 55422
xn	North, Robert	62	1642 Blair Ave., St. Paul 55104.
x	Novak, Edward G.	64	1424 Arundel, St. Paul 55117
*	Ogdahl, Harmon T.	58	5026 Morgan Ave. S., Mpls 55419
xn	Olhoft, Wayne	11	Herman 56248
x	Olson, Alec G.	21	1905 SW 5th, Willmar 56201
x	Olson, Howard D.	27	R. 3, St. James 56081
*	Olson John L.	26	612 Lake St., Worthington 56187
*	O'Neill, Joseph T.	63	1381 Summit Ave., St. Paul 55105
*n	Patton, John	30	1007 South Moore, Blue Earth 56013
x	Perpich, A. J.	6	4 Lakeside Dr. S., Eveleth 55734
x	Perpich, George F.	5	814 NE 5th Ave., Chisholm 55719
*	Pillsbury, George S.	42	1320 Bracketts Pt. Rd., Wayzata 55391
x	Purfeerst, Clarence M.	24	R. 2, Faribault 55021
*	Renneke, Earl W.	23	R. 2, LeSueur 56058
xn	Schaaf, David D.	46	6550 E. River Road, Fridley 55432
x	Schrom, Ed	16	R. 2, Albany 56307
*n	Sillers, Douglas H.	9	R. 2, Moorhead 56560
xn	Solon, Sam George	7	616 W. 3rd St., Duluth 55806
xn	Spear, Allan H.	57	2024 Seabury Ave. S., Mpls 55406
*n	Stassen, J. Robert	52	2320 Kraft St., South St. Paul 55075
xn	Stokowski, Eugene	55	2251 Stinson Blvd., Mpls 55418
x	Tennessen, Robert J.	56	2564 Upton Ave. S., Mpls 55405
x	Thorup, Stanley N.	47	319 104th Lane NE, Blaine 55434
*n	Ueland, Arnulf, Jr.	29	2013 Roe Crest Drive, North Mankato 56001
x	Wegener, Myrton O.	12	Bertha 56437
x	Willet, Gerald L.	4	207 Mill Road, Park Rapids 56470

* * * * * * *

HOUSE

EDITED, PRINTED AND PUBLISHED BY WILLIAM L. PHILLIPS

PHILLIPS LEGISLATIVE SERVICE

459 RICE STREET • ST. PAUL, MINN. 55103 • TELEPHONE 227-777

x Votes with organization majority
* Votes with organization minority

n New Member

January 2nd, 1973

MEMBERS OF HOUSE - 1973 MINNESOTA LEGISLATURE

NAME	DISTRICT	ADDRESS
x Adams, James L.	60A	4234 19th Ave. S., Mpls 55407
* Adams, Salisbury	42B	60 Myrtlewood Rd., Wayzata 55391
* Andersen, Richard A.	48A	2600 Rice Creek Terrace, New Brighton 55112
* Anderson, Delbert F.	15A	R. 2, Box 70, Starbuck 56381
xn Anderson, Glen H.	15B	Odessa 56276
x Anderson, Irvin N.	3A	909 13th St., International Falls 56649
*n Becklin, Lynn H.	18A	615 S. Dellwood, Cambridge 55008
*n Belisle, Jerome J.	50A	407 Glenbrook Ave. N., Oakdale 55119
* Bell, Robert C.	48B	807 Heinel Dr., Roseville 55113
* Bennett, Tony L.	66B	1414 Mechanic Ave., St. Paul 55106
x Berg, Tom	56B	2112 Newton Ave. S., Mpls 55405
xn Berglin, Linda	59A	2534 13th Ave. S., Mpls 55404
* Biersdorf, John S.	32A	409 E. Broadway, Owatonna 55060
x Boland, John E.	50B	2541 Bittersweet Lane, Maplewood 55109
xn Braun, Art	1A	Greenbush 56726
x Brinkman, Bernard J.	16B	Box 97, Richmond 56368
* Carlson, Arne	58B	4301 Fremont Ave. S., Mpls 55409
x Carlson, Bernard O.	14B	1216 Selmser Ave., Cloquet 55720
* Carlson, Douglas W.	14A	Sandstone 55072
xn Carlson, Lyndon R.	44A	5819 Halifax Ave. N., Brooklyn Center 55429
xn Casserly, James R.	56A	1100 Vincent Ave. N., Mpls 55411
*n Cleary, David	38A	8924 16th Ave. Circle, Bloomington 55420
*n Clifford, J. B.	44B	9400 Northwood Parkway, New Hope 55427
x Connors, Joe	46B	1410 Trollhagen Dr., Fridley 55421
x Culhane, Robert	24B	R. 1, Waterville 56096
xn Cummiskey, David R.	29A	117½ Marshall St., Mankato 56001
xn Dahl, Harold J.	22B	Box 337, Howard Lake 55349
* DeGroat, Frank H.	10A	Lake Park 56554
xn Dieterich, Neil	62A	2171 Knapp St., St. Paul 55108
* Dirlam, Aubrey W.	21B	R. 2, Redwood Falls 56283
x Eckstein, A. J.	28B	411 S. State, New Ulm 56073
x Eken, Willis	2B	Twin Valley 56584
x Enebo, Stanley A.	60B	3304 E. 25th St., Mpls 55406
* Erdahl, Dale E.	30A	R. 2, Box 50, Blue Earth 56013
* Erickson, Wendell O.	26B	Hills 56138
*n Esau, Gilbert	28A	Mountain Lake 56159
x Faricy, Ray W.	63A	2240 Goodrich Ave., St. Paul 55105
*n Ferderer, Robert J.	64A	440 Hoyt Ave. E., St. Paul 55101
*n Fjoslien, David	11B	Brandon 56315

NAME	DISTRICT	ADDRESS
* Flakne, Gary W.	61A	4901 11th Ave. S., Mpls 55417
*n Forsythe, Mary (Mrs.)	39A	4605 Edina Blvd., Edina 55424
x Fudro, Stanley J.	55A	2322 2nd St. N.E., Mpls 55418
x Fugina, Peter X.	5A	5 Merritt Drive, Virginia 55792
x Graba, Joseph P.	10B	R. 1, Box 94-2, Wadena 56482
* Graw, Joseph P.	38B	10730 W. Bloomington Freeway, Bloomington 55431
xn Growe, Joan R.	40A	16836 Canterbury Dr., Minnetonka 55343
* Hagedorn, Thomas M.	27B	R. 2, Truman 56088
x Hanson, Walter.	62B	1136 Hague Ave., St. Paul 55104
x Haugerud, Neil S.	35A	R. 3, Preston 55965
* Heinitz, O. J.	43A	2555 Queensland Lane, Wayzata 55391
* Hook, Julian	41A	251 Yosemite Circle, Apt. 10, Golden Valley 55422
xn Jacobs, Joel	47A	11932 Zion St., Coon Rapids 55433
xn Jaros, Mike	7B	2721 W. 4th St., Duluth 55806
x Johnson, Carl M.	23B	R. 3, St. Peter 56082
x Johnson, Douglas J.	6B	P.O. Box 14, Cook 55723
* Johnson, John W.	58A	5101 Irving Ave. S., Mpls 55419
* Johnson, Robert W.	63B	1950 Bayard Ave., St. Paul 55116
* Jopp, Ralph P.	36A	Mayer 55360
xn Jude, Thaddeus	42A	4400 Shoreline Blvd., Mound 55364
xn Kahn, Phyllis	57A	100 Malcolm Ave. S.E., Mpls 55414
x Kelly, William N.	2A	430 10th Ave. N., East Grand Forks 56721
xn Kempe, Ray	53A	310 Christine Lane, West St.Paul 55118
*n Klaus, Walter K.	25A	R. 1, Farmington 55024
*n Knickerbocker, Gerald	40B	10100 Minnetonka Blvd., Minnetonka 55343
* Kvam, Adolph L.	22A	25 W. Lockerbie, Litchfield 55355
*n Laidig, Gary	51A	114 N. 4th St., Bayport 55003
* Larson, Calvin R.	11A	316 E. Cherry, Fergus Falls 56537
x LaVoy, Jack H.	8A	1708 E. Third St., Duluth 55812
x Lemke, Richard	34A	Lake City 55041
* Lindstrom, Ernest A.	37A	7406 Fremont Ave. S., Richfield 55423
xn Lindstrom, John C.	21A	415 W. 7th, Willmar 56201
*n Lombardi, Vincent H.	49A	6741 Shadow Lake Dr., Lino Lakes 55038
* Long, Verne E.	26A	R. 1, Box 307, Pipestone 56164
x Mann, George	27A	R. 1, Windom 56101
*n McArthur, Ernee M. (Mrs.)	45B	2118 55th Ave. N., Brooklyn Center 55430
xn McCarron, Paul	46A	723 82nd Ave. N.E., Spring Lake Park 55432
* McCauley, M. J.	34B	404 E. Howard, Winona 55987
xn McEachern, Bob	18B	601 N. Walnut, St. Michael 55376
*n McFarlin, Robert J.	41B	4329 Coolidge Ave., St. Louis Park 55424
x McMillan, Helen E.	31B	1230 Second Dr., Austin 55912
x Menke, Richard J.	36B	Box A, Prior Lake 55372
xn Miller, Darrel R.	32B	R. 1, Pine Island 55963
xn Miller, Melvin J.	12A	Randall 56475

NAME	DISTRICT	ADDRESS
x Moe, Donald M.	65B	456 Summit Ave., St. Paul 55102
* Mueller, August B.	23A	R. 1, Arlington 55307
x Munger, Willard M.	7A	1121 70th Ave, W., Duluth 55807
* Myrah, Leonard C.	35B	R. 2, Spring Grove 55974
xn Nelson, Ken	59B	3100 5th Ave. S., Mpls 55408
* Newcome, Thomas W.	49B	2374 Joy Ave., White Bear Lake 55110
* Niehaus, Joseph T.	16A	R. 3, Sauk Centre 56378
x Norton, Fred C.	65A	701 Fairmount Ave., St. Paul 55105
*n Ohnstad, Michas M.	19A	Box 55, Stacy 55079
x Ojala, William R.	6A	333 S. 2nd St. W., Aurora 55705
xn Parish, Richard J.	43B	2565 Vale Crest Road, Golden Valley 55422
xn Patton, Al	17A	Box 163, Sartell 56377
x Pavlak, Raymond	52A	817 Park Lane, So. St. Paul 55075
* Pavlak, Robert L.	67A	116 W. Belvidere St., St. Paul 55107
xn Pehler, James	17B	734 14th Ave. S., St. Cloud 56301
x Peterson, Harry	20A	R. 2, Madison 56256
*n Pieper, Bradley G.	53B	804 E. 134th St., Burnsville 55378
*n Pleasant, Ray O.	39B	9841 Xerxes Curve, Bloomington 55431
x Prahl, Norman	3B	Box 8, Keewatin 55753
x Quirin, E. W.	33B	428 6th St. SW, Rochester 55901
xn Resner, Thomas H.	33A	3714 3rd St. N.W., Rochester 55901
x Rice, James I.	54B	2220 Vincent Ave. N., Mpls 55411
x Ryan, Roy R.	64B	1085 Thomas Ave., St. Paul 55104
x Sabo, Martin O.	57B	3129 E. 22nd St., Mpls 55406
xn St. Onge, Douglas	4A	R. 4, Bemidji 56601
x Salchert, John J.	54A	2120 Victory Memorial Dr., Mpls 55412
x Samuelson, Donald B.	13A	1018 Portland Ave., Brainerd 56401
xn Sarna, John J.	55B	2837 Ulysses St., Mpls 55418
* Savelkoul, Henry J.	31A	1100 Cedar, Albert Lea 56007
*n Schreiber, William H.	45A	10001 Zane Ave. N., Brooklyn Park 55443
x Schulz, Victor	25B	R. 1, Goodhue 55027
* Searle, Rodney N.	30B	R. 1, Waseca 56093
xn Sherwood, Glen	4B	Longville Rt., Pine River 56474
x Sieben, Harry A., Jr.	52B	1311 W. 17th St., Hastings 55033
xn Sieben, Michael R.	51B	1535 4th Ave., Newport 55055
* Skaar, Andrew O.	1B	R. 1, Thief River Falls 56701
x Smith, Howard E.	13B	116 W. Main, Crosby 56441
xn Spanish, John J.	5B	2202½ 11th Ave. E., Hibbing 55746
* Stangeland, Arlan I.	9B	R. 2, Box 32, Barnesville 56514
xn Stanton, Russell P.	20B	416 N. 5th, Marshall 56258
x Swanson, James C.	37B	6827 5th Ave. S., Richfield 55423
xn Tomlinson, John D.	67B	2232 Conway St., St. Paul 55119
* Ulland, James E.	8B	R. 6, Box 181, Duluth 55804
xn Vanasek, Robert E.	24A	108 2nd St. N.E., New Prague 56071
x Vento, Bruce F.	66A	750 Geranium Ave. E., St. Paul 55106
xn Voss, Gordon O.	47B	11120 N.E. 7th St., Blaine 55434
* Weaver, Charles R.	19B	830 River Lane, Anoka 55303
xn Wensel, Stephen G.	12B	204 S.E. 5th St., Little Falls 56345
* Wigley, Richard E.	29B	R. 2, Lake Crystal 56055
*n Wohlwend, Neil E.	9A	1314 10th Ave. S., Moorhead 56560
* Wolcott, Raymond O.	61B	4110 Coffman Lane, Mpls 55406

* * * * *

EXHIBIT #6

AFFIDAVIT OF MAILING

In the matter of the proposed adoption of rules of the state board of education amending and supplementing MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS -- Rules and Regulations of the State Board of Education, 1973 Edition and as amended in 1974.

Hugh Sharp, being first duly sworn, deposes and says:

That on the 14th day of November, 1974, at the City of St. Paul, County of Ramsey, State of Minnesota, be served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on labels referred to in the attached Certificate of the Secretary of State as well as the list of all persons on file in the office of the Commissioner of Education and all present members of the Minnesota Legislature furnished on labels from the Word Processing Section of the Department of Education.

Hugh Sharp

Hugh Sharp
Research, State Aids, and
Statistics Section

Myrtle A. Benson

MYRTLE A. BENSON
Notary Public, Ramsey County, Minnesota
My Commission Expires June 14, 1977.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE the
State Board of Education

In the matter of Establishing
Rules Relating to Edu 9 (a), (b),
(c), (d), (e), and (f).

STATEMENT OF NEED

ALL NEW

The above captioned rule is to meet the requirements of the newly adopted Minnesota Statutes Chapter 326, 120,65 of the Minnesota State Legislature.

This rule is needed inorder to carry out the above statute which provides for a Flexible School Year program in the Public School of our state.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE the
State Board of Education

In the matter of Amending Rules
Relating to Edu 46

STATEMENT OF NEED

The above captioned rule is a new rule proposed to the State Board of Education. The 1974 Legislature in Chapter 521, Section 7 provides for early graduation of 12th grade students without loss of state aids or other revenue for that school year.

The Commissioner of Education is thus required to promulgate rules and regulations to implement this law.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE the
State Board of Education

In the matter of Amending Rules
Relating to Edu 480 - 492

STATEMENT OF NEED

The above captioned rule has been proposed for modification as the result of statutory changes made by the 1973 Legislature in M.S. 121.71-121.714.

This regulation is needed in order to implement the requirement for a program of state certification of all sheltered employment and work activity programs.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Mrs. Dorothea Chelgren, et al
State Board of Education

In the matter of the Proposed
Adoption of Rules of the State
Board of Education Governing
Adoption of Edu 9 (a)(b)(c)(d)(e)(f).

FINDING OF FACTS

The above entitled matter came for hearing before the State Board of Education of the State of Minnesota on the 14th day of December, 1974, at 10:00 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associated and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon records, files, and proceedings herein, we find the following:

1.) It appears that the recommended items to become Minnesota State Department of Education regulations fulfill the requirements of Laws of Minnesota for 1974, Chapter 326, Section 8, Minnesota Statutes 1971 (120.65).

2.) There appears to be a need for greater flexibility in the school year in order for school districts to better utilize existing facilities and offer more appropriate existing and innovative programs.

The above findings indicate that the identified Minnesota State Board of Education regulation should be accepted and become a part of the operational procedure of this body. The proposed regulation Edu 9 (a)(b)(c)(d)(e)(f) is reasonable and should be adopted.

STATE OF MINNESOTA
Board of Education

Dorothea M Chelgren
President, State Board of Education

MAR 2 5 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Mrs. Dorothea Chelgren, et al
State Board of Education

In the matter of the Proposed
Adoption of Rules of the State
Board of Education Governing
Adoption of Edu 46(d).

FINDING OF FACTS

The above entitled matter came for hearing before the State Board of Education of the State of Minnesota on the 14th day of December, 1974, at 10:00 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associated and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon records, files, and proceedings herein, we find the following:

1.) It appears that the recommended items to become Minnesota State Department of Education regulations fulfill the requirements of Laws of Minnesota for 1974, Chapter 521, Section 7.

2.) There appears to be a need for students to be allowed to leave the secondary school as soon as they have achieved the requirements for graduation even though it be before the end of a school year. This makes it possible for students to pursue employment or early entrance into higher education opportunities.

The above findings indicate that the identified Minnesota State Board of Education regulation should be accepted and become a part of the operational procedure of this body. The proposed regulation Edu 46(d) is reasonable and should be adopted.

STATE OF MINNESOTA
Board of Education

Dorothea M Chelgren
President, State Board of Education

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Dorothea M. Chelgren, et al
State Board of Education

In the matter of the Proposed
Adoption of Rules of the State
Board of Education Governing
Adoption of Edu 480, 481, 482, 483,
484, 485, 486, 487, 488, 489, 490,
491, and 492 as amended.

FINDINGS OF FACTS

The above entitled matter came on for hearing before the State Board of Education of the State of Minnesota on the 14th. day of December, 1974 at 10:00 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, we find the following:

Amendments to Edu 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491 and 492 were uncontested upon statement of need.

STATE OF MINNESOTA
Board of Education

Dorothea M Chelgren
President, State Board of Education

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary of the State Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 10th day of February 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED that the rules amending and supplementing MINNESOTA ADMINISTRATIVE RULES AND REGULATIONS -- Rules and Regulations of the State Board of Education, 1973 Edition, as amended in 1974, identified as Minn. Reg. Edu: 9, 46(d) and 480-492 be and hereby are approved and adopted pursuant to the authority vested in us by Minn. Stat., Sections 121.11; and 121.714(1974); and that the commissioner of education be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of April, 1975.

Howard B. Casmey
Secretary, State Board of Education

X Dorothea M Chelgren
Attest by one other Officer

EXHIBIT #2

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary of the state board of education, a board duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the state board of education duly and properly called and held on the 21st day of October, 1974; that a quorum was present at said meeting; and that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the State Board of Education shall call a hearing for the purpose of informing the public concerning proposed rules of the Board amending Minnesota Rules and Regulations, 1973 Edition and as amended in 1974; and that the Commissioner of Education or his Deputy is authorized to sign an order and notice of such hearing to be conducted under rules of the board.
> IT IS FURTHER RESOLVED that the hearing on these proposed rules shall be held on Saturday, December 14, 1974, at 10:00 a.m., in the Auditorium, State Office Building, St. Paul, Minnesota 55155.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of December, 1974

Howard B. Casmey
Secretary, State Board of Education

Dorothea W. Clubgren
President, State Board of Education

STATE OF MINNESOTA

BEFORE Dorothea M. Chelgren, et al
State Board of Education

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Board of Education Governing Adoption of Edu 5(d), 9, 46(d) and 480-492.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the State Board of Education of the State of Minnesota on the 14th day of December, 1974 at 10:00 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota 55155, after proper notice required by Minn. Stat., Section 15.0412 (1973 Supp.) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Edu 9, 46(d) and 480-492 are respectively adopted this 10th day of February, 1975, pursuant to authority vested in me by the State Board of Education.

STATE OF MINNESOTA
Board of Education

Secretary, State Board of Education

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Robert B. Varco, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

R. B. VARCO

Special Assistant Attorney General

Dated: 4-16-75