

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

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 Dept of Education
(Agency or Board)

Regulation No. Edu 740-754

Subject: Instructional Material for pupils attending non Public School

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

NOV 18 1975

BY Eda Standenmann
AUTH. SIGNATURE

R-S 9:50 AM

Stamped and filed with the Secretary of State Nov 18, 1975 ~ 9 50 AM

Rev. 9-72

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT OF EDUCATION

Office Memorandum

TO : Michael B. Miller
Special Assistant Attorney General
Administration

DATE: Nov. 4, 1975

FROM : Michael J. Bradley MJB
Special Assistant Attorney General

SUBJECT: New rules relating to aid to non-public school pupils -- designated as Edu 740-759

Enclosed please find proposed rules relating to aid to non-public school pupils. My clients are under great pressure to get the program under way. Therefore, if you could aim for approval within ten days, rather than twenty, it will be greatly appreciated by all.

There were four changes made in the rules as adopted compared with the rules as proposed. In Edu 741(a)(1)(aa) the word "individual" was inserted before students in line 3 for clarification. The word "individual" was used in place of the word "general" in line 3 - the use of the word "general" had been an oversight which was caught at the hearing. The phrase "and rental of films and audiovisual materials" was deleted from Edu 741(a)(1)(bb). It was recognized at the hearing that the rental of materials was not included in the enabling legislation and therefore did not belong in the rules. Finally, in Edu 741 (a)(1)(cc) the word "classroom" was replaced with the word "individual." That change was also necessitated by an oversight in the original draft. None of the changes affect the operation of the rules and should not be thought of as substantive changes.

MJB:cew

Enclosures

CHAPTER THIRTY-SEVEN: EDU 740-759

INSTRUCTIONAL MATERIALS FOR PUPILS ATTENDING NONPUBLIC SCHOOLS

(ALL NEW MATERIAL)

Edu 740 Policy

In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, the benefits provided by Minn. Laws 1975, Chapter 396 shall be made available to pupils in nonpublic schools as provided in this chapter.

Edu 741 Instructional Materials

(a) Eligible Instructional Materials.

(1) The term shall be limited to "textbooks," "school library and audiovisual materials," and "instructional supplies" as those terms or their equivalent are described or designated in the manual of instructions for uniform accounting for Minnesota school districts.

(aa) Textbooks include elementary and secondary textbooks furnished free to public school pupils including supplementary textbooks, and dictionaries. Textbooks are primarily for use in certain classes or grades rather than for general school use.

(bb) School library and audiovisual materials include materials such as school library books and pamphlets available for use by individual students; maps and globes for individual use; periodicals and newspapers for individual use; audiovisual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials exclusive of equipment.

(cc) Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, workbooks, physical education supplies, printing of classroom materials, and magazines or periodicals for individual use.

(2) Instructional materials must be secular, neutral, and nonideological such as the materials normally provided for pupils in public schools.

(b) Ineligible Instructional Materials.

Items such as unabridged dictionaries, encyclopedias, and other major reference works are classified as equipment and are therefore ineligible instructional materials.

Edu 742 General Administration

(a) The department of education shall administer funds allocated for the purchase of instructional materials to be loaned or provided to nonpublic school pupils.

(b) The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of instructional materials to be loaned or provided to nonpublic school pupils.

Edu 743 Local Administration

(a) An application for instructional materials to be loaned or provided shall be made by or on behalf of each participating nonpublic school pupil through the nonpublic school to the public school district in which the nonpublic school is located. For the 1975-76 year the application shall be made within 30 days of the effective date of these regulations. For the following school year it shall be made on or before September 15. The applications shall be on a form prescribed by the commissioner. Application forms shall be available in the office of the public school superintendent on the effective date of these regulations.

(b) The department of education shall determine the allocation of aid for instructional materials.

(c) The local school district shall purchase and transmit the instructional materials to the nonpublic schools in the district for distribution to the pupil applicants.

(d) Instructional materials loaned to pupils in nonpublic schools shall be maintained on inventory by the local school district except in cases of consumable or nonreusable instructional materials.

(e) The local school district may declare loaned school books unusable after five years and remove them from the inventory.

(f) The nonpublic school shall maintain on file all applications for instructional materials loaned or provided to nonpublic school pupils. The applications shall be available for inspection by the department of education.

(g) Upon completion of the distribution of the instructional materials each local school district may claim from the department of education (1) the cost of the instructional materials and (2)a sum for the actual cost of administration which shall not exceed five percent of the cost of the instructional materials distributed. The administrative costs shall be in addition to the allocation for the nonpublic school. Handling and shipping charges by the supplier shall be included in the allocation for each nonpublic school.

Edu 744 Availability of Funds

(a) The allocation for instructional materials shall be the total expenditure for instructional materials by all public school districts in the state divided by the total number of pupil units based on an unduplicated count of pupils enrolled in the districts during the same fiscal year.

(b) Kindergarten pupils shall be counted as one-half unit: elementary pupils (grades 1-6) shall be counted as one pupil unit and secondary pupils (grades 7-12) shall be counted as 1.4 pupil units notwithstanding the local nonpublic school organization.

(c) For the 1975-76 school year, the allocation shall not exceed $45.43 per nonpublic pupil unit. Future allocations will be based upon the most recent data available.

Edu 745-759 Reserved for future use.

APPROVED AS TO FORM AND LEGALITY

NOV 17 1975 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Mi...

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 18 1975 - 9:00 am
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

NOV 18 1975

BY Eda Staudenmaier
AUTH. SIGNATURE

9:50 A.M.

MINNESOTA RULES AND REGULATIONS: EDUCATION

Proposed Amendment, State Board of Education

Rules for Public Hearing: September 26, 1975, St. Paul, MN.

C O N T E N T S

Edu Section Number	
740 - 759	New. Provides regulations for loaning textbooks and instructional materials to pupils attending nonpublic schools.

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

September 26, 1975

A Public Hearing on Proposed New and Amended Regulations will be held on Friday, September 26, 1975, beginning at 9:30 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 and as amended in 1974: "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 new regulation, "Minnesota Administrative Rules and Regulations: (EDUCATION) is contained herein.

STATE OF MINNESOTA -- DEPARTMENT OF EDUCATION

ST. PAUL, MINNESOTA 55101

CHAPTER THIRTY-SEVEN: EDU 740-759

INSTRUCTIONAL MATERIALS FOR PUPILS ATTENDING NONPUBLIC SCHOOLS

(ALL NEW MATERIAL)

Edu 740 Policy

In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, the benefits provided by Minn. Laws 1975, Chapter 396 shall be made available to pupils in nonpublic schools as provided in this chapter.

Edu 741 Instructional Materials

(a) Eligible Instructional Materials.

(1) The term shall be limited to "textbooks," "school library and audiovisual materials," and "instructional supplies" as those terms or their equivalent are described or designated in the manual of instructions for uniform accounting for Minnesota school districts.

(aa) Textbooks include elementary and secondary textbooks furnished free to public school pupils including supplementary textbooks, and dictionaries. Textbooks are primarily for use in certain classes or grades rather than for general school use.

(bb) School library and audiovisual materials include school library books and pamphlets available for general use by students; maps and globes for individual use; periodicals and newspapers for general use; audiovisual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials exclusive of equipment; and rental of films and audiovisual materials.

(cc) Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, workbooks, physical education supplies, materials for instruction by correspondence, printing of classroom materials, and magazines or periodicals for classroom use.

(2) Instructional materials must be secular, neutral, and nonideological such as the materials normally provided for pupils in public schools.

(b) Ineligible Instructional Materials.

Items such as unabridged dictionaries, encyclopedias, and other major reference works are classified as equipment and are therefore ineligible instructional materials.

Edu 742 General Administration

(a) The department of education shall administer funds allocated for the purchase of instructional materials to be loaned or provided to nonpublic school pupils.

(b) The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of instructional materials to be loaned or provided to nonpublic school pupils.

(c) The department of education's administrative costs shall not exceed two percent of the state allocation for instructional materials to be loaned or provided to nonpublic school pupils.

Edu 743 Local Administration

(a) An application for instructional materials to be loaned or provided shall be made by or on behalf of each participating nonpublic school pupil through the nonpublic school to the public school district in which the nonpublic school is located. For the 1975-76 year the application shall be made within 30 days of the effective date of these regulations. For the following school year it shall be made on or before September 15. The applications shall be on a form prescribed by the commissioner. Application forms shall be available in the office of the public school superintendent on the effective date of these regulations.

(b) The department of education shall determine the allocation of aid for instructional materials.

(c) The local school district shall purchase and transmit the instructional materials to the nonpublic schools in the district for distribution to the pupil applicants.

(d) Instructional materials loaned to pupils in nonpublic schools shall be maintained on inventory by the local school district except in cases of consumable or nonreusable instructional materials.

(e) The local school district may declare loaned school books unusable after five years and remove them from the inventory.

(f) The nonpublic school shall maintain on file all applications for instructional materials loaned or provided to nonpublic school pupils. The applications shall be available for inspection by the department of education.

(g) Upon completion of the distribution of the instructional materials each local school district may claim from the department of education (1) the cost of the instructional materials and (2)a sum for the actual cost of administration which shall not exceed five percent of the cost of the instructional materials distributed. The administrative costs shall be in addition to the allocation for the nonpublic school. Handling and shipping charges by the supplier shall be included in the allocation for each nonpublic school.

Edu 744 Availability of Funds

(a) The allocation for instructional materials shall be the total expenditure for instructional materials by all public school districts in the state divided by the total number of pupil units based on an unduplicated count of pupils enrolled in the districts during the same fiscal year.

(b) Kindergarten pupils shall be counted as one-half unit; elementary pupils (grades 1-6) shall be counted as one pupil unit and secondary pupils (grades 7-12) shall be counted as 1.4 pupil units notwithstanding the local nonpublic school organization.

(c) For the 1975-76 school year, the allocation shall not exceed $45.43 per nonpublic pupil unit. Future allocations will be based upon the most recent data available.

Edu 745-759 Reserved for future use.

State of Minnesota

Department of Education
Capitol Square, 550 Cedar Street
St. Paul, Minnesota 55101

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 the 1974 Supplement,

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. 1974.

NOW, THEREFORE, IT IS ORDERED this 23rd day of September 1975, that a public hearing on the proposed rules captioned above be held in the Auditorium, State Office Building, St. Paul, Minnesota 55155, Friday, September 26, 1975, commencing at 9:30 a.m. and continuing until all representatives of school districts, associations and 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

AN EQUAL OPPORTUNITY EMPLOYER

State of Minnesota

Department of Education
Capitol Square, 550 Cedar Street
St. Paul, Minnesota 55101

STATE OF MINNESOTA
County of Ramsey

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1974 Section 15.0412, Subdivision 4, on the above entitled matter in the Auditorium, State Office Building, St. Paul, Minnesota 55155, on Friday, September 26, 1975, commencing at 9:30 a.m., and continuing until all representatives of school districts, associations or other interested persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed rule Edu 740-759 is attached hereto.

Additional copies of the above proposed rule is now available and may be obtained by writing the State Department of Education, 736 Captiol Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
Department of Education

Howard B. Casmey
Commissioner of Education

STATE OF MINNESOTA
County of Ramsey

C E R T I F I C A T E

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 the 1974 Supplement:

I hereby certify that the attached 437 labels and 4 1/4 sheets constitute the complete list of persons, associations and other interested groups who as of 9:30 o'clock a.m., this 25th day of August, 1975, have requested pursuant to M.S. 1967 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.

Joan Anderson Growe
Secretary of State

By Ceil Dion

EDUCATION

Agre, Dr. Courtland L., Augsburg College, Mpls.

Anderson, Agnes M., Marshall, MN

Anderson, Mrs. Donald B., 3030 Scott Ave. N., Mpls. 55422

Antolak, Thomas J., 234 Kennard St., St. Paul 55106

Bastian, Gary W., Senate IRC, 110 State Office Bldg., St. Paul, MN 55155

Beckman, Vernon E., Dept. Speech & Theatre Arts, Mankato St. Coll., Mankato 5600

Bemidji St. Coll., Placement Bureau Office., Bemidji 56601

Berg, Catherine, 1340 Brainerd Ave., Duluth

Berry, Ed, Box 144, Emmons 56029

Block, Robert, Ind. Sch. Dist. #318 Grand Rapids, MN 55744

Bloomington Pub. Schs., Vernon Humbert, 10025 Penn Ave. S., Bloomington 55431

Borgen, N. John, South Central MN Uniserv Cluster, 423 3rd Ave. SE, Rochester 55

Boven, Earl H., 910 Builders Exchange Bldg., Mpls. 55402

Brown, LeRoy, 145 Univ. Ave. St. Paul 55103

Card, Glenn H., Stowe Jr. High School, Duluth

Catholic Ed. Center - Supt. & Coord., 251 Summit Ave., St. Paul 55102

Christensen, Dr. Donald, Ind. Sch. Dist. #196, Rosemount 55068

Cofell, William L., St. John's Univiversity, Collegeville, MN

Curtis, Dr. E. Louise, Prof. Ed., U of M, Morris 56267

Davoli, Raymond M. , St. Paul Tech. Voc. Inst., 235 Marshall Ave., St. Paul 5510

Day, Paul M., Senior High School, Fairbault

Deephaven Montessori School, Inc., 188 S. Circle A Dr., Wayzata 55391

Diocese of St. Paul, 244 Dayton Ave., St. Paul

Doty, Dr. Ralph R., Dept. Ed., College of St. Scholastica, Duluth 55811

EDUCATION

Erwin, Ray, Box 365, R. 4, Stillwater 55082

Faust, C.E., Mankato State College, Mankato 56001

Frank, Dr. Otto, Dean Sch. Education, Winona State College, Winona 55987

Gavin, Dr. Gordon, Mankato State College, Mankato 56001

Gettinger, D.E., Stillwater Senior High, 523 W. Marsh St., Stillwater 55082

Gilbert, Rev., John R., 251 Summit Avenue., St. Paul 55102

Gillett, Dean, Graduate School, St. Cloud State College, St. Cloud 56301

Goldberg, Paula, 5315 James Ave. S., Mpls. 55419

Grant, Claribel, 2017 SE Second Ave., Austin 55912

Habiger, Rt. Rev., Msgr. James D., 275 Harriet Street, Winona 55987

Hale, Rodney, Ind. Sch. Dist. #833, 8040 80th St. S. Cottage Grove 55016

Hansen, Mrs. Joyce, John Clark Elementary School, Rockville 56369

Hanson, Jeannie, UWW, 331 Nolte Center, Mpls. 55455

Harris, Larry, Mpls Pub Schs, 807 NE Broadway, Mpls 55413

Hoge, Zorada K., 1642 York Ave., St. Paul 55106

Hoglund United Sales, Inc., S. Hwy. 25, Monticello

Hoover, Mrs. Nancy, 2432 Sheridan Ave. S., Mpls. 55405

Humbert, Vernon, Ind. School Dist. #271, 10025 Penn Ave. S., Bloomington 55431

Jones, James A., Macalester College, Biology, St.Paul 55105

Karsten, H.C., Mpls Pub Schs, 807 NE Broadway, Mpls. 55413

Kayser, Richard M., 360 Colborne St., St. Paul 55102

Kelly, Mrs. Marlan L., Librarian, Voc. High School, Mpls.

Kinstler, Mrs. Ann, 555 Cedar St., St. Paul 55101

Kockelman, Ron P., Alexandria Pub. Schls., Alexandra 56308

Kurtz, Mrs. Kirsten, MN Nurses Assn., 1821 Univ. Ave., St. Paul 55104

Lachelt, Ruth, Ind. Sch. Dist #738, Holdingford 56340

Larson, Principal Harold, Excelsior High School, Excelsior

Library School, U of M, 3 Walter Library, Mpls. 55455

Maag, Raymond E., 122 W. Franklin, Rm. 525, Mpls. 55404

Miller, Dr. Joseph W., Box 144, Moorhead State College, Moorhead 56560

Mpls. Gas Company, 739 Marquette Ave., Mpls. 55402

Mpls. & Henn. County Mental Health Clinic, 619 S. 5th St., Mpls. 55415

MN Ass'n for Ed.YoungChildren Rm373 So.Griggs-MidwayBldg,1821 Univ.,St.Paul 55104
MN Assn. of Sch. Personnel Administrators, Att: James W. Andress, 4148 Winnetka N. Mpls. 55427

MN Education Ass'n., 41 Sherburne Ave., St. Paul 55103

MN School Bus Operators Ass'n., Fairbault

MN State Advisory Council for Voc. Ed., 555 Wabasha, Suite 201, St. Paul 55102

MN State Federation of Teachers, 2147 Univ. Ave., St. Paul 55114

Mueller, Van D., 218 Health Serv. Bldg., St. Paul Campus UM, St. Paul 55101

Nordrum, Lee M., Audiovisual Center, Moorhead State College, Moorhead 56560

Norsted, LeRoy V., Independent School Dist. #279, Osseo 55369

Nydahl, Dr. Theodore L. , Dean of Arts & Science, Mankato State College, Mankato 56001

Ostern, Bill, 513 South Section, Spring Valley 55975

Peterson, Mrs. Gladys Holt, 330 E. M'haha Pkwy., Mpls. 55419

Rasmussen School of Business, Att: W.C. Nemitz, 160 W. 9th St., St. Paul 55102

EDUCATION

Rayburn, Kathryn, 513 32nd St. NE, Rochester 55901

Richfield Pub. Schools, J.B. Michel, 70th & Harriet Ave., Richfield 55423

Rieder, Rev., David, 810 St., Germaine St., St. Cloud, 56301

Rivers, Geo. T., 2513 Orchard Lane, White Bear Lake, 55110

Robbins, Dr. Glaydon D., Moorhead State College, Moorhead 56560

Rosenmeier & Simonett, 72 Broadway, Little Falls 56345

Runbeck, Dr. Junet E., Bethel College, 3900 Bethel Drive, St. Paul 55112

St. Paul Federation of Teachers, Att: J.D. Robinson, 555 Wabasha, Rm. 212, St. 551

Sause, Mrs. Carolyn A., 4223 Heathcote Rd., Wayzata 55391

Scarborough, Bill U of M, Div. Ed., Morris 56267

Schroeder, Erlen O., Lutheran High School, Mayer 55360

Shimitz, Richard A., Ind. Sch. Dist. #425, Silver Lake 55381

Sister Marilyn Micke, Education Center, 2410 Morris Thomas Rd., Duluth 55811

Smith, Robert L., 812 Osceola Ave., St. Paul 55105

Southwest MN State College, Att: K.L. Peatross, Marshall, 56258

Stalder, Mrs. Eliz., Jackson School, 437 Edmund Ave., St. Paul 55103

Stuart, Roy O., Art Instruction Schools, 500 S. 4th St., Mpls. 55415

Turner, Mrs. Marian, 303 3rd St., Chatfield 55923

Tyler, Mrs. Helen C., Mpls. Public Schools, 807 NE Bdwy, Mpls. 55413

Verrill, John E. Prof., Dept. Secondary Ed., UM, Duluth 55812

Ward, Rt. Rev. Msgr. John, 526 N. Highland Ave., New Ulm 56073

White, Kenneth E., Dept. Education, Hamline Univ. , St. Paul 55101

Whitten, Anne M., 1299 Grand Ave., Apt. 305, St. Paul

Wicks, Larry E., Rochester Education Assn., Rochester 55901

Wilken, Claudius W., St. Paul Pub. Schs., 360 Colborne - 4th Floor, St. Paul 5510

EDUCATION

Wilkens, Kenneth G., Dept. Comm. & Theatre Arts, St. Olaf College, Northfield 550

Wollins, Dr. Richard, Southwest MN State College, Marshall 56258

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:

Gary Nachman, being first duly sworn, deposes and says: That on the 26 day of August, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, he 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.

Gary Nachman

Gary Nachman
Research, State Aids and Statistics Section

Myrtle A. Benson

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

8-26-75

STATE OF MINNESOTA
County of Ramsey

BEFORE the
State Board of Education

In the matter of Proposed
Rules relating to Edu 740-759

STATEMENT OF NEED

The above captioned rules are new and need approval by the State Board of Education.

A Board Resolution would establish Regulations for loaning text books and instructional materials to pupils attending nonpublic schools pursuant to Laws of Minnesota, 1975, Chapter 396 (M.S. 123.931 - 123.937).

Secretary, State Board of Education

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE
STATE BOARD OF EDUCATION

In the matter of Proposed
Rules relating to Edu 740-759

STATEMENT OF NEED

The above-captioned rules are new and need approval by the State Board of Education.

Minnesota Laws 1975, Chapter 396 establishes a system of public aid to nonpublic schools. That law also requires that the State Department of Education promulgate rules and regulations. The following are the reasons in support of the specific rules which are proposed:

1. Edu 740 is a condensed form of the policy statement contained within Chapter 396. The policy statement was condensed to avoid the use of possibly unconstitutional statements found within the policy statement of the Act.

2. Edu 741(a)(1), which defines "textbook" and "instructional supplies" as described in the manual of instructions for uniform accounting for Minnesota school districts is based upon Chapter 396, Section 2 which likewise limits those terms to their definitions as contained in the manual of instruction for uniform accounting for Minnesota school districts.

3. Edu 741(a)(1)(aa), (bb) and (cc) lists the definitions of textbooks, school library and audiovisual materials, and instructional supplies and consumable items as they are defined in the manual of instruction for uniform accounting for Minnesota school districts. The definitions have been modified somewhat from the definitions contained in the manual to avoid certain constitutional limitations.

4. Edu 741(a)(2) incorporates the specific requirement of Chapter 396, Section 2 that instructional materials be secular, neutral and non-ideological.

5. Edu 741(b) defines certain items to be classified as equipment. This classification is necessary to avoid certain constitutional problems which might otherwise jeopardize the rules.

6. Edu 742(a) states that the department of education shall administer the funds received under this Act. This provision is derived from Chapter 396, Section 8.

7. Edu 742(b) establishes a system of fiscal and accounting controls which will be acceptable to the State of Minnesota.

8. Edu 742(c) states that administrative costs for the department of education shall not exceed two percent of the state allocation. That is the amount of money deemed necessary to administer the program. The costs will include additional staff, preparation of application forms, processing payments, and the monitoring of the program.

9. The first sentence of Edu 743(a) is derived from the language contained within Chapter 396, Section 3. The second sentence of that paragraph requires applications for instructional materials to be made for the 1975-76 year within 30 days from the adoption of these rules. The 30 day limitation is necessary to expedite the commencement of the program. The third sentence requires that for the 1976-77 year the application shall be made by September 15. The September 15 date is sufficient for the nonpublic schools to determine their needs for the upcoming year. The remaining sentences merely state the method by which application forms for instructional materials will be made available.

10. Edu 743(b) is derived from the language contained within Chapter 396, Section 3.

11. Edu 743(c) is derived from the language containedwithin Chapter 396, Section 3.

12. Edu 743(d) is based upon the language contained within Chapter 396, Section 3 which retains title to all instructional materials, except consumable or nonreusable materials, in the local school district. Title to consumable and nonreusable materials is vested in the nonpublic school pupils by Chapter 396 and this rule.

13. Edu 743(e) provides that after five years a local school district may declare loaned materials to be unusable. That five year provision is necessary to comport with the practices of public schools within the state.

14. Edu 743(f) requires the local school district to keep a record of all applications received for instructional materials and to make those records available to the department of education. That rule is necessary to ensure that only appropriate materials are loaned, and that the materials are for the benefit of the individual nonpublic school children.

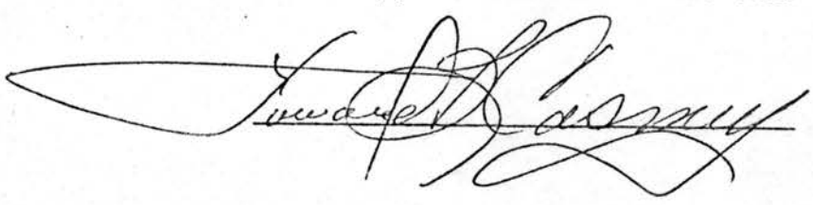
15. Edu 743(g) clause (1) is derived directly from Chapter 396, Section 3. Clause (2) and the remaining sentences of that paragraph provide for the repayment to local school districts of the costs of administering the program. This is deemed to be required by the intent of the Act which is that the program be free from cost, to the local school districts. The five percent maximum on reimbursed expenses is necessary to ensure that school districts act reasonably in making expenditures under the program.

16. Edu 744(a) is necessary to compute the amount of aid which the nonpublic school pupils will be entitled to for the 1975-76 year.

17. Edu 744(b) is derived from Minn. Stat., Section 124.14, Subd. 1 (1974) as amended by Minn. Laws 1975 Ch. 432, Section 21.

18. Edu 744(c) is derived from Chapter 396, Section 3 which states in part that the "cost per pupil unit of the instructional materials . . . shall not exceed the statewide average cost per unit spent by the Minnesota public elementary and secondary schools . . ." The figure of $45.43 is the statewide average cost per unit as specified in Chapter 396, Section 3.

Secretary, State Board of Education



STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE David C. Brandon, 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 740-759

FINDINGS OF FACT

The above entitled matter came for hearing before the State Board of Education of the State of Minnesota on the 26th day of September at 9:30 a.m. in the Auditorium of the State Office Building, Saint Paul, Minnesota after proper notice required by M.S. 1974 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 preceedings herein we find the following:

1. Edu 740 is a condensed form of the policy statement contained within Chapter 396. The policy statement was condensed to avoid the use of possibly unconstitutional statements found within the policy statement of the Act.

2. Edu 741(a)(1), which defines "textbook" and "instructional supplies" as described in the manual of instructions for uniform accounting for Minnesota school districts, is based upon Chapter 396, Section 2 which likewise limits those terms to their definitions as contained in the manual of instruction for uniform accounting for Minnesota school districts.

3. Edu 741(a)(1)(aa), (bb) and (cc) lists the definitions of textbooks, school library and audiovisual materials, and instructional supplies and consumable items as they are defined in the manual of instruction for uniform accounting for Minnesota school districts. The definitions have been modified somewhat from the definitions contained in the manual to avoid certain constitutional limitations.

4. Edu 741(a)(2) incorporates the specific requirement of Chapter 396, Section 2 that instructional materials be secular, neutral and non-ideological.

5. Edu 741(b) defines certain items to be classified as equipment. This classification avoids certain constitutional problems which might otherwise jeopardize the rules.

6. Edu 742(a) states that the department of education shall administer the funds received under this Act. This provision is derived from Chapter 396, Section 8.

7. Edu 742(b) establishes a system of fiscal and accounting controls which are acceptable to the State of Minnesota.

8. Edu 742(c) states that administrative costs for the department of education shall not exceed two percent of the state allocation. That is the amount of money necessary to administer the program. The costs will include additional staff, preparation of application forms, processing payments, and the monitoring of the program.

9. The first sentence of Edu 743(a) is derived from the language contained within Chapter 396, Section 3. The second sentence of that paragraph requires applications for instructional materials to be made for the 1975-76 year within 30 days from the adoption of these rules. The 30 day limitation will expedite the commencement of the program. The third sentence requires that for the 1976-77 year the application shall be made by September 15. The September 15 date is sufficient for the nonpublic schools to determine their needs for the upcoming year. The remaining sentences merely state the method by which application forms for instructional materials will be made available.

10. Edu 743(b) is derived from the language contained within Chapter 396, Section 3.

11. Edu 743(c) is derived from the language contained within Chapter 396, Section 3.

12. Edu 743(d) is based upon the language contained within Chapter 396, Section 3 which retains title to all instructional materials, except consumable or nonreusable materials, in the local school district. Title to consumable and nonreusable materials is vested in the nonpublic school pupils by Chapter 396 and this rule.

13. Edu 743(e) provides that after five years a local school district may declare loaned materials to be unusable. That five year provision comports with the practices of public schools within the state.

14. Edu 743(f) requires the local school district to keep a record of all applications received for instructional materials and to make those records available to the department of education. That rule ensures that only appropriate materials are loaned, and that the materials are for the benefit of the individual nonpublic school children.

15. Edu 743(g) clause (1) is derived directly from Chapter 396, Section 3. Clause (2) and the remaining sentences of that paragraph provide for the repayment to local school districts of the costs of administering the program. This is required by the intent of the Act which is that the program be free from cost, to the local school districts. The five percent maximum on reimbursed expenses will ensure that school districts act reasonably in making expenditures under the program.

16. Edu 744(a) computes the amount of aid which the nonpublic school pupils will be entitled to for the 1975-76 year.

17. Edu 744(b) is derived from Minn. Stat., Section 124.14, Subd.1 (1974) as amended by Minn. Laws 1975 Chapter 432, Section 21.

18. Edu 744(c) is derived from Chapter 396, Section 3 which states in part that the "cost per pupil unit of the instructional materials ... shall not exceed the statewide average cost per unit spent by the Minnesota public elementary and secondary schools ..." The figure of $45.43 is the statewide average cost per unit as specified in Chapter 396, Section 3.

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

STATE DEPARTMENT OF EDUCATION, COMMISSIONER

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 26th day of September, 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: 740-759 be and hereby are approved and adopted pursuant to the authority vested in us by the 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 3rd day of November, 1975.

Howard B. Casmey
Secretary, State Board of Education

Dorothea M Chelgren
Board Member

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 18th day of August 1975; 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 the 1974 Supplement; 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 Friday, September 26, 1975, at 9:30 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota 55155.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of SEPTEMBER 1975.

Howard B. Casmey
Secretary, State Board of Education

President, State Board of Education

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE David C. Brandon, 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 740-759

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the State Board of Education of the State of Minnesota on the 26th day of September, 1975 at 9:30 a.m. in the Auditorium, State Office Building, St. Paul, Minnesota 55155, after proper notice required by Minn. Stat. 1974, 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, 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 Edu 740-759 are respectively adopted this 24th day of October, 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 Michael J. Bradley, 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.

Michael J. Bradley

Special Assistant Attorney General

Dated: November 4, 1975