

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 FSV Education Dept
(Agency or Board)

Regulation No. Chapter 6 FSV 100-119

Subject: Post Secondary Vocational Technical Education

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

FEB 10 1976

BY Eda Standenmaier
AUTH. SIGNATURE

Stamped and filed with the Secretary of State 2-10-76- 4:00pm. RS 4:25 pm

Rev. 9-72

191

Michael J. Bradley
Special Assistant Attorney General
Department of Education

February 12, 1976

- EDU 100-119

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Michael B. Miller
Special Assistant Attorney General
G19K Administration Building

DATE: January 15, 1976

FROM : Michael J. Bradley
Special Assistant Attorney General
Department of Education

PHONE: 3301

SUBJECT: Rule Adoption for Department of Education Edu 100-119

The attached rules went to hearing on August 18, 1975, and were approved on October 6, 1975.

The only change that I am aware of from the proposed rules as compared with the adopted rules occur in Edu 104. That change does not appear to be of substance.

MJB:cew

Enclosures

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. 1971.

NOW, THEREFORE, IT IS ORDERED this 14th day of July, 1975, that a public hearing on the proposed rules captioned above be held at the Auditorium, State Office Building, St. Paul, Minnesota 55155, August 18, 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.

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

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.

N O T I C E O F P U B L I C H E A R I N G

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 Monday, August 18, 1975, commencing at 9:30 a.m. and continuing until all 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 rules Edu 100-109 is attached hereto.

Additional copies of the above proposed rules are now available and may be obtained by writing the State Department of Education, 548 Capitol 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

Commissioner of Education

AN EQUAL OPPORTUNITY EMPLOYER

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 the 1974 supplement:

I hereby certify that the attached 432 labels and 4 1/2 sheets constitute the complete list of persons, associations, and other interested groups who as of 8:00 o'clock a.m., this 17th day of July, 1975, have requested pursuant to M.S. ~~1967~~ 1971 Section 15.0412, Subdivision 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 Neil Dean

Notices of the Public Hearing were sent to:

Secretary of State's labels (432)

Secretary of State's Education List (93)

Superintendents of Schools (450)

Area Vocational-Technical Institute Directors (35)

Local Vocational Directors (150)

State Advisory Council for Vocational Education (34)

State Board of Education (9)

Adult Vocational Directors (150)

Vocational Teacher Educators (204)

State Legislators (201)

List from Hugh Sharp

State Vocational Staff

Total mailed: 2,124

State Staff: 80

Requests for additional copies

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:

Linda M. Mottl, being first duly sworn, deposes and says:

That on the 17th day of July, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, she 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.

Linda M Mottl

Linda M. Mottl, Secretary
Program Planning & Development
Vocational-Technical Education

Myrtle A. Benson

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HOWARD B. CASMEY
COMMISSIONER OF EDUCATION

In the matter of Proposed Rules
Relating to Post-Secondary
Vocational-Technical Education

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Department of Education. The last time the above captioned rules were amended was 1959.

The need to adopt these rules arises because of:

General. (1) Minnesota Statute 121.07 (1974) provides authority to the State Board of Education to promulgate rules and regulations. (2) Existing rules and regulations in Chapter 6, including Edu 100, 101, 102, and 103 are no longer appropriate under new legislation, Minnesota Laws 1975, Chapter 432, Sections 63 to 67.

Edu 100. Minnesota Statute Section 121.21 (1974) requires approval by the State Board for Vocational Education for districts to operate an area vocational-technical institute; therefore, it is necessary to provide a process for approval which process is contained in this proposed rule.

Edu 101. Minnesota Statute Section 121.21 (1974) prescribes in Statute the basis for approval of a district's application to become an area vocational-technical institute designated district; this proposed rule satisfies the need of establishing a method for approving applications.

Edu 102. Minnesota Laws 1975, Chapter 432, Section 64 requires the payment of foundation aid to districts; however, it is necessary to provide by rule the computation of this aid which need is satisfied by this proposed rule.

Edu 103. Minnesota Laws 1975, Chapter 432, Section 65 requires the payment of capital expenditure aid under certain circumstances; therefore, it is necessary to provide a method for defining and computing this aid which need is satisfied by this proposed rule.

Edu 104. Minnesota Laws 1975, Chapter 432, Section 65 requires the payment of categorical aid for certain costs incurred as a result of operating an area vocational-technical institute; therefore, this rule is needed to define these costs for purposes of aid calculation and payment.

STATEMENT OF NEED

Edu 105. Minnesota Laws 1975, Chapter 432, Section 66 requires the payment of debt service aid to districts for the state's portion of debt service costs; therefore, this rule is needed to define the time parameters within which the district must receive the payment from the state.

Edu 106. Minnesota Laws 1975, Chapter 432, Section 63 directs the State Board for Vocational Education to promulgate rules and regulations to establish criteria for budget requests; therefore, this rule is needed to define such criteria.

Edu 107. Minnesota Laws 1975, Chapter 432, Section 63 directs the State Board for Vocational Education to promulgate rules and regulations to establish budget criteria including but not limited to criteria set forth in the *State Plan for Vocational-Technical Education* so that items meeting said criteria can become eligible as budget items; therefore, this rule is needed to identify such criteria.

Edu 108. Minnesota Laws 1975, Chapter 432, Section 67 specifies eligibility for attendance at an area vocational-technical institute; therefore, this rule is needed to define this eligibility criteria.

Edu 109. Minnesota Laws 1975, Chapter 432, Section 71 provides for the provision of student organizations for students in vocational-technical education programs; therefore, this rule is needed to define what may be included as a budget item for this function.

COMMISSIONER OF EDUCATION

CERTIFICATE OF BOARD'S
ADOPTION OF RULES RESOLUTION

I, Howard B. Casmey, do hereby certify that I am executive officer and secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a 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 6th day of October, 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 relating to Post-Secondary Vocational-Technical Education, Edu 100-109, be and they hereby are approved and adopted, pursuant to authority vested in us by M.S. 121.07 and that Howard B. Casmey, one of the members of the Board of Education, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23rd day of DECEMBER, 1975.

Howard B. Casmey
Secretary

David C Brandon Jr
Attest by one other Officer

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 14th day of July, 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 Monday, August 18, 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 28th day of July, 1975.

Secretary, State Board of Education

Dorothea M Chilgren
President, State Board of Education

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HOWARD B. CASMEY
COMMISSIONER OF EDUCATION

In the matter of the Proposed Adoption of Rules of the State Board of Education Governing Post-Secondary Vocational-Technical Education

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Commissioner of Education for the State of Minnesota on the 18th day of August, 1975, at 9:30 a.m. in the State Office Building Auditorium, St. Paul, Minnesota, after proper notice required by M.S. 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, I find the following:

General. The Rules and Regulations in Chapter 6, including Edu 100, 101, 102, and 103 were no longer appropriate and had to be replaced by a new Chapter 6 including Edu 100, 101, 102, 103, 104, 105, 106, 107, 108, and 109.

Edu 100. Minnesota Statute Section 121.21 (1974) requires approval for districts to operate an area vocational-technical institute, and Edu 100 provides a process for achieving approval.

Edu 101. Minnesota Statute Section 121.21 (1974) requires the criteria to be used in approving an application, and Edu 101 sets out the criteria to be used in processing an application for approval of a district to become an area vocational-technical institute designated district.

Edu 102. Minnesota Laws 1975, Chapter 432, Section 64 requires foundation aid to be paid, and Edu 102 provides the methods whereby this aid can be computed.

Edu 103. Minnesota Laws 1975, Chapter 432, Section 65 requires the payment of capital expenditure aid, and Edu 103 does define the items eligible for said aid and the method for computation.

Edu 104. Minnesota Laws 1975, Chapter 432, Section 65 requires the payment of categorical aids to districts for eligible costs, and Edu 104 does define the eligible items for categorical aid.

Edu 105. Minnesota Laws 1975, Chapter 432, Section 66 requires the payment of categorical aids to districts for the state's portion of debt service costs according to a prescribed formula, and Edu 105 defines the time parameters within which the district must receive the payment from the state.

Edu 106. Minnesota Laws 1975, Chapter 432, Section 63 requires the State Board for Vocational Education to promulgate Rules and Regulations defining budget requests, and Edu 106 adequately and fairly identifies, defines, and prescribes criteria necessary for budget requests.

Edu 107. Minnesota Laws 1975, Chapter 432, Section 63 directs the State Board for Vocational Education to promulgate Rules and Regulations including criteria set forth in the *State Plan for Vocational-Technical Education*, and Edu 107 prescribes criteria for ancillary service requirements as established in the *State Plan for Vocational-Technical Education*.

Edu 108. Minnesota Laws 1975, Chapter 432, Section 67 directs the State Board for Vocational Education to promulgate Rules and Regulations defining entrance eligibility, and Edu 108 defines and prescribes eligibility criteria to be used in determining student entrance status.

Edu 109. Minnesota Laws 1975, Chapter 432, Section 71 provides for the provision of student organizations, and Edu 109 defines student organizations for vocational students as an integral part of all program offerings and defines what may be a part of budget submission for this function.

STATE OF MINNESOTA
DEPARTMENT OF EDUCATION

COMMISSIONER OF EDUCATION

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Board of Education Governing Adoption of Edu 100-109

BEFORE David C. Brandon et al
State Board of Education

ORDER ADOPTING
RULES

The above entitled matter came on for hearing before the State Board of Education of the State of Minnesota on the 18th day of August, 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 needs for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified Edu 100-109 and respectively adopted this 6th 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: January 15, 1976

PROPOSED RULES AND REGULATIONS
FOR
POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION

The following Rules and Regulations are proposed for the operation of area vocational-technical institutes. Current Rules and Regulations in Chapter Six of the Rules and Regulations of the State Board of Education including Edu 100, 101, 102, and 103 are to be repealed and the following inserted in lieu thereof:

Introduction. These Rules and Regulations as approved by the State Board for Vocational Education after a public hearing will be adhered to whenever applicable in the preparation of the annual budget as well as the preparation of proposed program budgets by each local school district.

Edu 100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the State Board for Vocational Education (State Board of Education). Applications shall be reviewed and processed as prescribed in M.S. 121.21.

Edu 101 Basis for Approval. The State Board for Vocational Education in considering a request for designation of a school district as an area vocational school district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the State Board for Vocational Education shall be eligible to receive post-secondary vocational-technical aids. All post-secondary voca-

tional-technical aids and levies must be expended only for approved programs within the budget approved by the State Board for Vocational Education under M.S. 124.561. All materials or equipment developed or purchased by an area vocational-technical institute through the use of Minnesota state tax funds shall reflect the proportionate share of state ownership to the percentage of state funds used. Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

Edu 102 Foundation Aid.

(a) All students attending approved post-secondary vocational-technical programs shall be eligible for post-secondary foundation aid under M.S. 124.562.

(b) Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports for the prior year and shall be the basis for beginning foundation aid payments.

(c) Changes in estimates as authorized in M.S. 124.11 shall be approved by the Assistant Commissioner of Vocational-Technical Education before payment by the State Aids, Statistics, and Research Section.

(d) Final adjustment data shall be submitted by July 20 of each year.

(e) Tuition and fees.

(1) Fees deductible under M.S. 124.562 shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee. A nonrefundable processing fee for application may be charged not to exceed $10.00.

(2) All tuition paid shall be refundable on a pro-rata basis as of the day of termination.

(3) Tuition shall be collected in advance but shall not exceed 30 instructional days' advance payment.

(4) Tuition-paying students in arrears more than 30 instructional days shall be ineligible for foundation aid.

Edu 103 Capital Expenditure Aid.

(a) Districts shall be eligible for capital expenditure aid when foundation aid, tuition, fees, and mandatory levy are insufficient to provide for capital purchases.

(b) All equipment, not approved in the budget review, purchased at a cost in excess of $2,000 must be pre-approved by the Division of Vocational-Technical Education.

(c) All equipment shall be accounted for by the standard inventory control system.

(d) Repairs on facility, equipment, or improvement of grounds that exceed $2,000 and not included in the budget review shall be included in (b) for approval.

(e) Total accumulative minor facility remodeling requests shall not exceed $75.00 times the average daily membership of the previous year. Projects in excess of this shall be submitted as major construction under the requirements of the State Plan for Vocational-Technical Education.

Edu 104 Categorical Aid.

(a) Districts operating high cost/high demand programs expending in excess of funding available through foundation aid, capital expenditure aid, and local mandatory levy shall be eligible for categorical aid.

(b) The distribution of categorical aid shall include the following criteria:

(1) Preservation of the present plant and equipment.

(2) Development of programs for emerging business and industry.

(3) Unique programs designed to serve special populations.

(4) Educational services for special populations.

(5) Services outside the regular geographic area.

Edu 105 Debt Service Aid. Districts eligible for debt service aid under M.S. 124.564 shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the Division of Vocational-Technical Education in the budget request.

Edu 106 Program Approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

(a) Sufficient space and equipment for the post-secondary vocational-technical program.

The program advisory committee for each program offering shall annually review space and equipment and make recommendations to the local board and the director of the institute. This shall also be reviewed and approved annually by the Division of Vocational-Technical Education.

(b) Sufficient and appropriate work stations in all post-secondary supervised cooperative education or internship programs.

(1) Training agreements and training plans shall be used by all supervised cooperative education and internship programs and must be on file in the area vocational-technical institute.

(2) Training assignments and work stations shall be evaluated by the students, the employers, and the staff and these evaluations shall be

written and formal. All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.

(3) All federal and state wage and hour statutes shall be adhered to as related to cooperative and internship programs.

(4) Tuition as specified in Edu 102 shall be charged to the student generating average daily memberships only when supervised by the instructional staff.

(5) Length of internship shall be established by the program advisory committee and approved by the Division of Vocational-Technical Education, except when the internship program is regulated by the accrediting agencies related to that program.

(c) Qualified occupationally competent, certificated instructors shall be employed by local districts.

All instructional personnel shall be certificated under the provisions in the State Plan for Vocational-Technical Education and shall hold such certificates and licensure as required to practice in their field.

(d) A program's advisory committee shall include membership of persons employed in that occupation or at

a supervisory level of that occupation and shall be appointed by the local board.

(1) The program advisory committee shall choose from its membership a chairperson and other officers as it deems necessary.

(2) Each program advisory committee shall meet at least once a year and more often if deemed necessary by the advisory committee or the director.

(3) The program advisory committee shall review annually the:

(a) Curriculum

(b) Facility and equipment

(c) Staff recruitment

(d) Student recruitment

(e) Student placement

(f) Job availability

(4) Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the Division of Vocational-Technical Education.

(e) Each area vocational-technical institute shall conduct an annual evaluation based on the goals and objectives of the vocational-technical programs as approved by the State Board for Vocational Education for that local district. Those institutes with

programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the Division of Vocational-Technical Education.

(f) All program modifications shall be reviewed and approved by the Division of Vocational-Technical Education prior to implementation.

(g) The Division of Vocational-Technical Education shall approve program title, length, and curriculum modifications.

(h) The cost effectiveness of the program.

(i) Regular programs shall have an enrollment of 10 or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs will be limited to a maximum of 24 students per section. Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the Assistant Commissioner of Vocational-Technical Education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one year probation during which enrollment must meet the 10-student criteria in order to receive subsequent approval.

(j) Post-secondary instruction shall be provided on either a full-time or part-time basis by the local

district.

(1) Full-time student day means 6 clock hours per day or a total of 30 hours per week in laboratory and shop subjects, technical subjects, related subjects, and supervised on-the-job work experience of cooperative or internship programs.

(2) Part-time instruction means less than 6 hours per day, as indicated in (1) above, based on the needs of the student and the occupation being served.

(3) Part-time student instructional hours shall be accumulative and computed to equal no less than 6 hours of instruction for one average daily membership equivalent for funding purposes.

(k) Student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, exceptional students may be exempt from the placement criteria. An exceptional student is such person who has characteristics that may preclude job placement. Exceptional students shall be identified to the Division of Vocational-Technical Education. Placement and enrollment reports shall be submitted to the Division of Vocational-Technical Education upon request.

(l) The State Board for Vocational Education may exempt

students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

(m) The local district shall be responsive to current and projected manpower needs and the population groups to be served in the various geographic areas and communities of the state.

(n) Districts shall maintain accounting and reporting records according to the Uniform Financial Accounting and Reporting System as specified in Chapter 683, Section 22, of Session Laws 1973. Such accounting and reporting records shall be available to the Division of Vocational-Technical Education. Information necessary for the conduct of the state's program of vocational-technical education shall be made available to the Division on request.

Edu 107 Ancillary Service Requirements. The district shall provide for:

(a) Vocationally qualified administrative and supervisory staff, as per certification requirements of the Minnesota State Plan for Vocational-Technical Education.

(1) The institute shall have an administrative advisory committee of representatives from the service area.

(2) The total administrative/supervisory development staff shall not be more than one full-time equivalent (F.T.E.) for 12 F.T.E. instructors,

except upon application for variance to the Assistant Commissioner for Vocational-Technical Education.

(3) Staff whose function is business, purchasing, or personnel affairs of the school district shall not be included in the above ratios.

(4) Upon notification to the State Board for Vocational Education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the State Department of Education.

(5) For those local districts who employ differentiated staffing for their operation, the total staff ratio shall not be less than 1 to 10 students or a combination of some of, or all of the following ratios:

1 - supervisor	= .1
1 - instructor	= 1.0
1 - instructor aid	= .7
1 - clerical aid	= .3
1 - student aid	= .3

(b) Pupil personnel services.

(1) Pupil personnel staff employed shall meet certification requirements in the State Plan for Vocational-Technical Education.

(2) Each institute shall have at least one pupil

personnel staff person for each 400 average daily memberships.

(3) The pupil personnel services shall provide for:

(a) Admission counseling

(b) Career counseling

(c) Personal counseling

(d) Student financial assistance

(e) Placement and follow-up program

(f) Student accounting

(4) Adjustments to the pupil personnel ratio based on special make up of the student body in a given location will be considered by the Assistant Commissioner of Vocational-Technical Education.

(c) Maintenance of buildings and grounds.

Adequate buildings, grounds, and security staff shall be provided to maintain acceptable standards of cleanliness and operation.

(d) General secretarial/clerical staff:

Adequate secretarial and clerical staff shall be employed.

Edu 108 Student Entrance Eligibility. All students shall be eligible for enrollment to post-secondary programs regardless of race, color, creed, religion, sex, national origin, marital status, residency, or status with regard to public assistance or disability.

(a) The student is at least 16 years of age.

(b) He has completed or terminated his secondary education.

(c) That no federal or state statute or regulation specifically provides for valid exclusions for such things as health conditions, age, or certain physical conditions.

Non high school graduates less than 18 years of age shall be required to involve their secondary school administrator and/or counselor and parent or guardian in the application process.

(d) Resident status shall be determined at the time of each registration according to the permanent residence of the student's parents or guardian for students under 18 years of age, and according to the permanent residence of the student if he is 18 years of age or older. In addition:

(1) Any student who has graduated from a Minnesota high school and has not established legal residence in any other state shall be considered a resident of Minnesota. Service in the Armed Forces of the United States shall not be considered a disruption of continuous residence.

(2) Any student who has been employed full-time in Minnesota prior to the date of entrance to an area vocational-technical institute shall be granted resident status, provided all

income derived from such employment was subject to taxation by the state of Minnesota and the person meets the residency requirements of a qualified voter in the state.

(3) The spouse of a Minnesota resident shall be granted resident status provided:

(a) That he or she is living with his or her spouse.

(b) That the couple's place of residence is within the state of Minnesota.

This rule shall apply regardless of the age of either spouse.

Edu 109 Student Organizations.

(a) Student organizations shall be an integral part of all program offerings.

(b) Costs related to State Board for Vocational Education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

MINNESOTA REGULATIONS EDU

Amendments and New Regulations Ordered Adopted
October 6, 1975

All New Copy

CHAPTER SIX: EDU 100-119

POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION

The following Rules and Regulations are proposed for the operation of area vocational-technical institutes. Current Rules and Regulations in Chapter Six of the Rules and Regulations of the State Board of Education including Edu 100, 101, 102, and 103 are to be repealed and the following inserted in lieu thereof:

Introduction.

These Rules and Regulations as approved by the State Board for Vocational Education after a public hearing will be adhered to whenever applicable in the preparation of the annual budget as well as the preparation of proposed program budgets by each local school district.

Edu 100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the State Board for Vocational Education (State Board of Education). Applications shall be reviewed and processed as prescribed in M.S. 121.21.

Edu 101 Basis for Approval. The State Board for Vocational Education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the State Board for Vocational Education shall be eligible to receive post-secondary vocational-technical aids. All post-secondary vocational-technical aids and levies must be expended only for approved programs within the budget approved by the State Board for Vocational Education under M.S. 124.561. All curriculum materials developed or inventoried equipment purchased by an area vocational-technical institute through the use of Minnesota state tax funds shall reflect the proportionate share of state ownership to the percentage of state funds used. Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

Edu 102 Foundation Aid.

(a) A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid under M.S. 124.562 for all students attending approved post-secondary vocational-technical programs.

(b) Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments.

(c) Changes in estimates as authorized in M.S. 124.11 shall be approved by the Assistant Commissioner of Vocational-Technical Education before payment by the State Aids, Statistics, and Research Section.

(d) Final adjustment data shall be submitted by July 20 of each year.

(e) Tuition and fees.

(1) Fees deductible under M.S. 124.562 shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee. A nonrefundable processing fee for application may be charged not to exceed $10.00, and the processing fee shall not be deductible from foundation aid.

(2) All tuition paid in advance shall be refundable on a pro-rata basis as of the day of official termination.

(3) Tuition shall be collected in advance but a student shall not be required to exceed 30 instructional days' advance payment, but may pay up to one year in advance.

(4) The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's of tuition-paying students in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local discretionary funds.

Edu 103 Capital Expenditure Aid.

(a) Districts shall be eligible for capital expenditure aid when foundation aid, tuition, fees, and mandatory levy are insufficient to provide for capital purchases.

(b) All equipment, not approved in the budget review, purchased at a cost in excess of $2,000.00 must be pre-approved by the Division of Vocational-Technical Education.

(c) All equipment shall be accounted for by the standard inventory control system.

(d) Repairs on facility, equipment, or improvement of grounds that exceed $2,000.00 and not included in the budget review shall be included in (b) for approval.

(e) Total accumulative minor facility remodeling requests shall not exceed $75.00 times the average daily membership of the previous year. Projects in excess of this shall be submitted as major construction under the requirements of the State Plan for Vocational-Technical Education.

Edu 104 Categorical Aid. The distribution of categorical aid shall include the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid, capital expenditure aid, and local mandatory levy:

(a) Preservation of the present plant and equipment.

(b) Development of programs for emerging business and industry.

(c) Unique programs designed to serve special populations.

(d) Educational services for special populations.

(e) Services outside the regular geographic area.

(f) High equipment costs.

(g) High operating costs.

(h) Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

Edu 105 Debt Service Aid. Districts eligible for debt service aid under M.S. 124.564 shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the Division of Vocational-Technical Education in the budget request.

Edu 106 Program Approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

(a) Sufficient space and equipment shall be provided for the post-secondary vocational-technical program. The program advisory committee for each program offering shall annually review space and equipment and make recommendations to the local board and the director of the institute for review and consideration. This may also be reviewed and approved annually by the Division of Vocational-Technical Education.

(b) Sufficient and appropriate work stations in all post-secondary supervised cooperative education or internship programs.

(1) Training agreements and training plans shall be used by all supervised cooperative education and internship programs and must be on file in the area vocational-technical institute.

(2) Training assignments and work stations shall be evaluated by the students, the employers, and the staff and these evaluations shall be written and formal. All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.

(3) All federal and state wage and hour statutes shall be adhered to as related to cooperative and internship programs.

(4) Tuition as specified in Edu 102 shall be charged to the student generating average daily memberships only when supervised by the instructional staff.

(5) Length of internship shall be established by the program advisory committee and approved by the Division of Vocational-Technical Education, except when the internship program is regulated by the accrediting agencies related to that program.

(c) Qualified occupationally competent, certificated instructors shall be employed by local districts. All instructional personnel shall be certificated under the provisions in the State Plan for Vocational-Technical Education and shall hold such certificates and licensure as required to practice in their field.

(d) A program's advisory committee shall include membership of persons employed in that occupation or at a supervisory level of that occupation and shall be appointed by the local board.

(1) The program advisory committee shall choose from its membership a chairperson and other officers as it deems necessary.

(2) Each program advisory committee shall meet at least once a year and more often if deemed necessary by the advisory committee or the director.

(3) The program advisory committee shall review annually the following appropriate criteria and make recommendations to the local board and the administration:

(a) Curriculum
(b) Facility and equipment
(c) Staff recruitment
(d) Student recruitment
(e) Student placement
(f) Job availability

(4) Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the Division of Vocational-Technical Education.

(e) Each area vocational-technical institute shall conduct an annual evaluation based on the goals and objectives of the vocational-technical programs as approved by the State Board for Vocational Education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the Division of Vocational-Technical Education.

(f) All major program redirections shall be reviewed and approved by the Division of Vocational-Technical Education prior to implementation.

(g) The Division of Vocational-Technical Education shall review and approve program title, length, and curriculum modifications.

(h) The cost of the program shall be related to the benefits of students and business and industry.

(i) Regular programs shall have an enrollment of 10 or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs will be limited to a maximum of 24 students per section. Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the Assistant Commissioner of Vocational-Technical Education when adequately justified. Programs not meeting the minimum student requirements shall be placed on one-year probation during which enrollment must meet the 10-student criteria in order to receive subsequent approval.

(j) Post-secondary instruction shall be provided on either a full-time or part-time basis by the local district.

(1) Full-time student day means 6 clock hours per day or a total of 30 hours per week in laboratory and shop subjects, technical subjects, related subjects, and supervised on-the-job work experience of cooperative or internship programs.

(2) Part-time instruction means less than 6 hours per day, as indicated in (1) above, based on the needs of the student and the occupation being served.

(3) Part-time student instructional hours shall be accumulative and computed to equal no less than 6 hours of instruction for one average daily membership equivalent for funding purposes.

(k) Student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, exceptional students may be exempt from the placement criteria. An exceptional student is such person who has characteristics that may preclude job placement. Exceptional students shall be identified to the Division of Vocational-Technical Education. Placement and enrollment reports shall be submitted to the Division of Vocational-Technical Education upon request.

(l) The State Board for Vocational Education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

(m) The local district shall be responsive to current and projected manpower needs and the population groups to be served in the various geographic areas and communities of the state.

(n) Districts shall maintain accounting and reporting records according to a uniform financial accounting and reporting system as specified by the State Board for Vocational Education. Such accounting and reporting records shall be available to the Division of Vocational-Technical Education. Information necessary for the conduct of the state's program of vocational-technical education shall be made available to the Division on request.

Edu 107 Ancillary Service Requirements. The district shall provide for:

(a) Vocationally qualified administrative and supervisory staff as per certification requirements of the Minnesota State Plan for Vocational-Technical Education.

(1) The institute shall have an administrative advisory committee of representatives from the service area.

(2) The total administrative/supervisory development staff shall not be more than one full-time equivalent (F.T.E.) for 12 F.T.E. instructors, except upon application for variance to the Assistant Commissioner for Vocational-Technical Education.

(3) Staff whose function is business, purchasing, or personnel affairs of the school district shall not be included in the above ratios.

(4) Upon notification to the State Board for Vocational Education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the State Department of Education.

(5) For those local districts who employ differentiated staffing for their operation, the total staff ratio shall not be less than 1 to 10 students or a combination of some of, or all of the following ratios:

1 - supervisor	=	.1
1 - instructor	=	1.0
1 - instructor aid	=	.7
1 - clerical aid	=	.3
1 - student aid	=	.3

(b) Pupil personnel services.

(1) Pupil personnel staff employed shall meet certification requirements in the State Plan for Vocational-Technical Education.

(2) Each institute shall have at least one pupil personnel staff person for each 400 average daily memberships.

(3) The pupil personnel services shall provide for:

(a) Admission counseling

(b) Career counseling

(c) Personal counseling

(d) Student financial assistance

(e) Placement and follow-up program

(f) Student accounting

(4) Adjustments to the pupil personnel ratio based on special make up of the student body in a given location will be considered by the Assistant Commissioner of Vocational-Technical Education.

(c) Maintenance of buildings and grounds.

Adequate buildings, grounds, and security staff shall be provided to maintain acceptable standards of safety, cleanliness, and operation.

(d) General secretarial/clerical staff.

Adequate secretarial and clerical staff shall be employed.

Edu 108 Student Entrance Eligibility. All students shall be eligible for enrollment to post-secondary programs regardless of race, color, creed, religion, sex, national origin, marital status, residency, or status with regard to public assistance or disability.

(a) The student is at least 16 years of age.

(b) He has completed or terminated his secondary education.

Non high school graduates less than 18 years of age shall, when possible, involve their secondary school administrator and/or counselor and parent or guardian in the application process.

(c) That no federal or state statute or regulation specifically provides for valid exclusions for such things as health conditions, age, or certain physical conditions.

(d) Resident status shall be determined at the time of each registration according to the permanent residence of the student's parents or guardian for students under 18 years of age, and according to the permanent residence of the student if he is 18 years of age or older. In addition:

(1) Any student who has graduated from a Minnesota high school and has not established legal residence in any other state shall be considered a resident of Minnesota. Service in the Armed Forces of the United States shall not be considered a disruption of continuous residence.

(2) Any student who has been employed full-time in Minnesota prior to the date of entrance to an area vocational-technical institute shall be granted resident status, provided all income derived from such employment was subject to taxation by the state of Minnesota and the person meets the residency requirements of a qualified voter in the state.

(3) The spouse of a Minnesota resident shall be granted resident status provided:

(a) That he or she is living with his or her spouse.

(b) That the couple's place of residence is within the state of Minnesota.

This rule shall apply regardless of the age of either spouse.

Edu 109 Student Organizations.

(a) Student organizations shall be an integral part of all program offerings.

(b) Costs related to State Board for Vocational Education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

APPROVED AS TO FORM AND LEGALITY
FEB 6 1976 19
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BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

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Secretary of State

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