

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA
BOARD OF EDUCATION
(State Board for Vocational Education)

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD OF EDUCATION (STATE BOARD FOR VOCATIONAL EDUCATION) GOVERNING THE CONTENT, APPROVAL AND FUNDING OF VOCATIONAL EDUCATION PROGRAMS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the State Office Building Auditorium, Room 83, St. Paul, Minnesota, on Tuesday and Wednesday, January 10 and 11, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, to the attention of Hearing Examiner George Beck, phone number (612) 296-8108, either before the hearing or for five or twenty working days after the close of the hearing.

A copy of the proposed rules is attached hereto. The proposed rules, if adopted, will codify the standards to be applied for the approval of vocational education if a school district desires aid at the secondary and adult levels. In addition, the proposed rules will codify new standards and recodify existing rules for the post-secondary level programs. The rules deal with, among other things: definitions, standards for program approval, opportunity to appeal, evaluation by the board of education (state board for vocational education), procedure for licensure of staff, local advisory committees, vocational center approval, local applications for aid, allotment availability of federal funds, property management standards, student eligibility, administrative services, support services, vocational aid, foundation aid, capital expenditure aid, construction, categorical aid, debt service aid, student organizations, and tuition and attributable costs. Copies of the proposed rules are now available, and one free copy may be obtained by writing to Minnesota Board for Vocational Education, Room 541, Capitol Square Building, St. Paul, Minnesota, 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained within Minn. Stat. §§ 121.11(12) and Minn. Laws 1977, Chapter 447, Art. V. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. Ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year

for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone number (612) 296-5615.

STATE OF MINNESOTA
BOARD OF EDUCATION
(State Board for Vocational Education)

Howard B. Casmey
Secretary

Date: Nov. 7, 1977

Rules as Proposed

Chapter Four-A: General Rules for

Vocational-Technical Education

(all new material)

§1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

A. Adult vocational education - Vocational education for persons who have completed or left high school which prepares them to enter, re-enter, or to progress in paid or unpaid employment.

B. Authorized local administrator - The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary and/or adult level for a district, center or AVTI. The superintendent may act as the authorized local administrator in the absence of a vocational administrator.

C. Bona fide sale - The competitive sale of unneeded property which results in the highest possible investment return.

D. Career education - The process of helping individuals acquire and use those attitudes, skills and knowledge needed to develop and manage a reasoned, socially purposeful, and personally-valued life pattern in relation to work of whatever kind.

E. Center - A vocational or cooperative center.

1. Cooperative center - Two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the state board for vocational education.

2. Vocational center - Two or more senior high schools in a single district that share secondary vocational programs that meet rules relating to vocational centers and have been approved by the state board for vocational education.

F. Classroom instruction - An in-school instructional method involving discussion, lecture, and other forms of communication.

G. Competencies - Skills, knowledge, or attitudes necessary for functioning in a specific occupation.

H. Component - A unit of instruction that contributes to the accomplishment of the program objectives.

I. Employment related community-based education (coop experience) - Instruction enabling students to prepare for their tentative career objectives or develop general employability skills through the coordination of vocationally related in-school instruction and supervised part-time on-the-job training.

J. Entrepreneurship - A school supervised business venture undertaken to teach the free enterprise system, including the functions of organizing and managing the factors of production or a distribution of goods or services.

K. Entry level skills - Those basic occupational competencies which enable a person to enter initial employment.

L. Essential licensed personnel - Staff assigned to approved vocational education programs who meet criteria for vocational education licensure set forth by the Minnesota state board for vocational education and who have been issued a license.

M. Exploratory work experience - A school supervised program designed to provide students with paid or unpaid on-the-job work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

N. Extended employment - Paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, laboratory organizations, etc.

O. Extended time student - A student who is in attendance more than six hours but less than nine hours per day.

P. Full-time adult vocational enrollee - A person who is enrolled in a program of adult vocational education in which instruction is available on a daily basis throughout the school year.

Q. Instructional site - A facility or location where students have an opportunity to achieve educational goals and individual program objectives.

R. Laboratory instruction - An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.

S. Local education agency - A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.

T. Necessary equipment - Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS), and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

U. Nonexpendable personal property - Tangible personal property having a useful life of more than one year and an acquisition cost of $300.00 or more, per unit.

V. Occupation - Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.

W. Occupational relations - Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.

X. Post-secondary part-time student - Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.

Y. Post-secondary vocational education - Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.

Z. Pre-vocational education - Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.

A1. Secondary vocational course - One or more components of a secondary vocational instructional program.

B1. Secondary vocational education - Programs for grades 10-12 that meet the requirements of §1.00811 B. 1., 2., 3.

C1. Simulation - An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.

D1. Student full-time equivalent (FTE) - A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.

E1. Student-staff ratio - The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.

F1. Students with special needs - Students who are handicapped or disadvantaged.

1. Students identified as handicapped are defined in Minnesota Statute § 120.03 and cannot succeed in regular vocational programs.

2. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student of his/her parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.

G1. Support service - Noninstructional activities, services and functions carried out to aid and improve the quality of vocational education programs.

H1. Teacher full-time equivalent - A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

I1. Third party appraisal - Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.

J1. Training agreement - An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.

E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all records shall be available to the department of education.

F. A student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. A person with special needs shall be defined as handicapped or disadvantaged to be eligible for enrollment in special needs vocational programs. Special needs vocational programs shall be eligible for aid assistance.

G. The authorized local administrator shall be responsible for coordinating vocational education programs with comprehensive employment training act prime sponsors.

H. Programs shall also meet appropriate level (secondary, post-secondary or adult) criteria designated by these rules.

§1.0072 Opportunity to appeal.

A. Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for vocational education and are entitled to a hearing date at a regular or special board meeting.

B. The state board for vocational education will notify the districts or centers of the time and place of the hearing in writing.

C. Upon completion of the hearing, the decision of the state board for vocational education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the state board for vocational education shall be the final state action.

§1.0073 Evaluation by state board for vocational education. The division of vocational-technical education will evaluate, in quantitative terms, the effectiveness of each formally organized program or project supported by federal, state and local funds. The local education agency shall supply, upon request, the data necessary to make the evaluations. These evaluations shall be in terms of:

A. Planning and operational processes, such as:

1. Quality and availability of instructional offerings;

2. Guidance, counseling and placement and follow-up services;

3. Capacity and condition of facilities and equipment;

4. Employer participation in cooperative programs of vocational education;

5. Teacher/pupil ratios; and

6. Teacher qualifications.

K_1. Training plan - A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the training station after a careful analysis of the student's career objective and the learning opportunities available at the training station.

L_1. Training station - That site at which a student acquires actual work experience.

M_1. Vocational administrator - A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.

N_1. Vocational aid - Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.

O_1. Vocational education - Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.

P_1. Vocational instructional program - An educational activity or a series of instructional components designed to meet the program objectives for the period of instruction.

Q_1. Vocational program advisory committee - A group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a related industry.

R_1. Vocational student organization - Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

§1.0071 Standards for program approval. Written application for the approval of vocational programs by local education agencies shall be made to the commissioner of education. The commissioner's approval to establish vocational programs shall be conditioned on meeting the following minimum standards:

A. All programs shall be assigned vocationally licensed instructional staff as specified in the state plan for vocational-technical education.

B. Sufficient and suitable facilities including laboratories, shops, classrooms, equipment, supplies and adequate storage for the course to be offered shall be provided.

C. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively shall be maintained.

D. Programs shall comply with federal and/or state civil rights laws, labor laws and wage and hour statutes where applicable.

B. Results of student achievement as measured, for example, by:

1. Standard occupational proficiency measures;

2. Criterion referenced tests; and

3. Other examinations of student's skills, knowledge, attitudes and readiness for entering employment successfully.

C. Results of student employment success as measured, for example, by:

1. Rates of employment and unemployment;

2. Wage rates;

3. Duration of employment; and

4. Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.

D. Other results as measured by services to special populations, such as:

1. Women;

2. Members of minority groups;

3. Handicapped persons; and

4. Disadvantaged persons.

§1.0074 Procedure for licensure of staff.

A. Licensed personnel shall meet the licensure requirements of the state plan for vocational-technical education.

1. Licenses become valid on the date of approval by the state board for vocational education. For a local education agency to be eligible for aid, staff shall be vocationally licensed prior to payment for services rendered. All licenses shall bear the date of issue and shall expire the specified number of years from July 1 nearest such date.

2. For those persons meeting stated requirements in both education and occupational experience, an initial entry license shall be issued for a period of two years. Maximum subsequent licensure shall be for five years.

3. A permit or license may be issued according to the vocational teacher education sequence to individuals not holding a vocational education degree when state plan requirements have been met.

4. To be considered, complaints or requests for corrections on licenses shall be made to the commissioner of education within ninety days of issuance.

B. Renewal of license.

1. Renewal applications shall not be accepted prior to January 1 of the year of expiration, with the renewal period commencing on the expiration date.

2. Renewal of the two year entry license or licenses issued for a maximum of five years shall require upgrading activities as set forth in the state plan for vocational-technical education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education.

3. Individuals on the teacher education sequence as set forth in the state plan may request renewals of one year until total qualifications are achieved, at which time a regular five year license may be approved.

4. Reactivation of lapsed licenses (expired two or more fiscal years) requires satisfaction of appropriate current state plan for vocational-technical education requirements. Vocational teacher education sequence requirements stated in terms of clock hours may also be met with equivalent college courses with twelve clock hours equal to one quarter credit.

C. A limited permit for a maximum of 30 days may be approved through the commissioner of education in order to meet an emergency need for a short-term instructor/substitute. An emergency need is defined as:

1. A medical emergency of an instructor, or

2. Hiring on such short notice that it is impossible to gather and submit credentials for approval of licensing prior to the starting date.

D. Individuals may petition the commissioner of education for an examination as approved in the state plan. In such cases the commissioner of education shall appoint an examining committee. The committee shall include at least three members who are recognized as representative of and knowledgeable about the position and/or occupation for which the license is to be issued. In the case of local personnel, one member must be a vocational educator and one person in a position of similar employment as that of the applicant. A fourth member shall be a lay member, if available. In addition to an interview, the committee may require a written examination or a performance examination or both and shall submit its recommendation in writing to the commissioner of education.

E. No unsuccessful candidates for licensure or relicensure by the committee review route shall be allowed to be reexamined until one year has elapsed since previous examination. A candidate questioning an adverse recommendation from a committee shall have a maximum of 30 days from the date of notice to submit a written review of the areas over which there is disagreement with the committee's recommendation to the commissioner of education which shall be reviewed by the state board for vocational education.

F. When emerging occupations or innovative experimental or exemplary programs create new instructional positions which are not governed by the licensing criteria in the state plan for vocational-technical education, the commissioner of education may recommend the issuance of a license for the instructional staff of that program.

§1.0075 Local advisory committee.

A. Establishment of local advisory committee.

1. Each eligible recipient (local education agency or post-secondary educational institution) which receives federal assistance shall establish a local advisory committee on vocational education.

2. The local advisory committee may be established for program areas, schools, the community or the region in which the eligible recipient is located.

3. The local advisory committee shall be composed of representatives of the general public including at least a representative of business, industry and labor.

4. Representatives from several craft committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph 3, may join together to form a general local advisory committee.

B. Duties of local advisory committee.

1. The local advisory committee shall advise the eligible recipient on the current job needs and the relevance of programs (courses) being offered by the local education agency or post-secondary educational institution in meeting current job needs.

2. The local advisory committee shall assist the eligible recipient in developing its application to the state board for vocational education.

§1.0076 Center approval. State board for vocational education approval is necessary if a vocational center is to be eligible for secondary or adult vocational aid or other aid available to approved vocational centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the state board for vocational education when the following criteria have been met:

A. Vocational programs shall be shared by one of the following methods:

1. Two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota state statutes, OR

2. Intermediate school districts established by the legislature to serve two or more independent school districts, OR

3. A school district sharing secondary vocational education among two or more senior high schools.

B. A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

§1.0077 Local applications for aid.

A. To be eligible for aids, the local education agency shall submit the following to the commissioner of education:

1. Assurances of compliances, signed by the authorized local administrator and the local state board representative.

2. Local labor market information on employee demand which is supplemental to data available from the state.

3. An approved evaluation document which reports secondary and post-secondary program output by completion and by entry into an occupation.

4. Information concerning enrollments.

a. Enrollments and costs of current programs in the fiscal year indicating the expansion of present programs and new program plans.

b. Enrollments and costs for services to special needs programs.

B. Any income derived from the sale of products or services derived from the operation of a vocational program shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

C. When instructional and support services and facilities are funded by other sources, except adult vocational tuition, the funded amount shall be included in the budget and shall reduce the state's obligation in the request for aids.

§1.0078 Allotment availability of federal funds.

A. When federal funds are not available to all applicants, the state board for vocational education shall consider the following criteria in determining the allocation of federal funds:

1. Priority shall be determined based upon economic, social and demographic factors relating to need for programs among target groups and areas of the state.

2. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families.

3. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low income families and those with English as a second language.

4. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.

B. Local education agencies and teacher education institutions shall submit annual reports in accordance with these rules indicating expenditures and enrollments for which aid is requested. The commissioner of education may require other statistical and descriptive reports as required for federal reporting.

C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education and approved by the state board for vocational education.

D. In apportioning funds among local education agencies, the state board for vocational education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the non-federal share of the cost of such programs.

§1.0079 Property management standards.

A. A uniform property management system shall be utilized by the districts and centers to:

1. Maintain individual item control for continuing verification on nonexpendable personal property in which the state board for vocational education has provided state and/or federal funds.

2. Maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing and program cost computing.

B. Standards and procedures governing ownership, use and disposition of nonexpendable personal property purchased whole or in part with state funds and in which there are no federal funds are set forth below:

1. Title will not be taken by the state board for vocational education, but shall be vested in the local education agency subject to the following restrictions on use and disposition of the property:

a. Nonexpendable personal property with an acquisition cost of less than $500 and used four years or more: the local education agency may divert the property to any approved vocational program, vocational administration or support service or sell the property and retain the proceeds for vocational education programs.

b. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the state board for vocational education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The state board for vocational education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

c. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 90 days, the local education agency may dispose of the property at their discretion.

2. A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current utilization, and continued need for the property.

3. Property records shall be retained for three years after final disposition of the property.

4. The commissioner of education or his authorized representative shall have access to any pertinent property records for the purpose of making examinations.

C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate code of federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

§1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, residency or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

Chapter Five-A: Secondary Vocational Education

(all new material)

§1.00801 Scope.

A. To be eligible for aid, local education agencies shall meet the rules in this chapter.

B. Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid.

C. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission.

D. Approved programs and administrative services shall be supervised by the authorized local administrator. When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.

E. The local education agency shall resubmit each approved program for evaluation by the state board for vocational education at least once every five years.

§1.00811 Instructional program approval. The commissioner of education shall approve programs on the following basis:

A. Approval shall be on the basis of a complete program as defined in Section D.

B. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

1. In-depth exploration of occupations to assist in the career planning process, and

2. Development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and

3. Development of occupational competencies necessary to enter an occupation.

C. Each program shall have a vocational advisory committee to advise the instructor(s), the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

D. Program components and time standards. All program components must be addressed in order to qualify for approval, however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. Daily time requirements may be converted to weekly equivalents.

1. Agriculture/agribusiness and natural resources occupations.

a. Programs. Instruction in safety, leadership, communications, personal development, decision making, job seeking skills, good work attitudes and habits shall be an integral part of an approved program.

(1) Agricultural mechanics occupations. Learning experiences concerned with the application of mechanical competencies to agriculture. Program components include: agricultural power; hydraulics; welding; machinery maintenance; electrification; mechanics shop; material handling; buildings and conveniences; soil and water management, irrigation; livestock and crop production; farm and business management and entrepreneurship as related to mechanics.

(2) Agricultural products, processing and marketing occupations. Learning experiences concerned with the application of processing and marketing principles, agricultural products. Program components include: evaluation, processing and marketing of dairy, livestock, poultry products, cereal grains and specialty crops; agricultural business management and entrepreneurship; agricultural mechanics principles.

(3) Agricultural supplies and service occupations. Learning experiences concerned with the provision of consumable supplies and services used in agriculture. Program components include: animal and crop production; soils and soil fertility; animal nutrition and health; chemicals, fertilizers and pesticides; mechanics shop; agribusiness organization; management; entrepreneurship; marketing; power; machinery.

(4) Forestry occupations. Learning experiences concerned with the growing, managing, protecting, harvesting, utilizing and marketing of trees. Program components include: tree production, harvesting, management, protection, measurement and marketing; operation and maintenance of forestry equipment; agribusiness management; intensive laboratory occupational experience.

(5) Horticultural occupations. Learning experiences concerned with the culture of plants used for ornamental, aesthetic and food purposes. Program components include: greenhouse and nursery management; turf, fruit and vegetable production; floral production; landscape design; construction; equipment operation, repair and maintenance; garden center materials; plant and soil sciences; agribusiness management; entrepreneurship.

(6) Natural resources occupations. Learning experiences concerned with the principles and processes involved in the preservation and/or improvement of natural resources such as air, forests, soil, water, fish and wildlife. Program components include: water; air; quantity analysis resources; fish; wildlife; animal waste; soil and water management; pollution control; guiding and park management; resort and recreation operation; mechanics shop; entrepreneurship.

(7) Production agriculture occupations. Learning experiences concerned with the principles and processes involved in the economic use of land, labor, capital and management. Program components include: crop, livestock and poultry production; power, hydraulics, welding machinery maintenance and electrification; building and conveniences; mechanics shop; materials handling; irrigation, soil and soil fertility and soil and water management; marketing; finance, recordkeeping, entrepreneurship and farm management.

(8) Other agriculture/agribusiness, natural resources occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. When offering a vocational agriculture/agribusiness, natural resources program, the following considerations apply.

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following experience application options by the 1980-81 school year.

(a) Forestry occupations program shall include an intensive supervised laboratory experience of at least 280 hours, or

(b) Production agriculture occupations programs shall have a coop placement in a production agriculture operation either wage paying or entrepreneurship.

(c) All other programs in agriculture/agribusiness shall have an intensive supervised laboratory experience or a coop placement in a related agricultural business or industry either wage paying or entrepreneurship. An agriculture instructor-coordinator may supervise students in any vocational agriculture/agribusiness and natural resources occupations program.

(3) Various program components which meet approval criteria may be combined to develop a program to meet the needs of the local educational agency, including placement in a coop experience.

(4) Each program shall include one of the following options:

(a) The program shall consist of a minimum of 140 hours for the regular school year, with classes available to students in grades 10, 11, 12. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(b) The program shall consist of a minimum of two 140 hour classes per day, and one 280 hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(c) The program shall consist of a minimum of two 280 hour classes for one regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience; internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(d) Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3- 280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program including a cooperative placement program for the summer school offering. Other summer components in addition to a supervised cooperative placement program, such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in §1.00811 G.) or

(e) Any expansion of currently approved programs must meet agriculture/agribusiness and natural resources options b, 3a, b and/or c in the year for which approval is sought, or

(f) New program requests shall comply with an agriculture/ agribusiness and natural resources option b 5a, b, and c by the third year of operation.

2. Business and office occupations. Instruction in human relations, leadership and organizational competencies, public relations, personal development, self-concept, work attitudes and job seeking skills shall be an integral part of instruction in each program.

a. Programs.

(1) General office typist occupations. Learning experiences concerned with the performance of a variety of office duties, including maintenance of the system and generation of reports. Program components include: typewritten communications; records filing and management; record-keeping (numerical data); machine transcription; office functions including supplies control, telephone techniques, mail handling, reprographics services, machine maintenance and operation.

(2) Secretarial occupations. Learning experiences concerned with coordination of office responsibilities, generation of communication and facilitation of office functions. Program components include: all in general office typist plus: business composition; meeting and travel arrangements; transcription from shorthand notes or machine (shorthand optional); word processing concepts; clerical accounting.

(3) Accounting/data processing occupations. Learning experiences concerned with systematizing information about financial transactions and quantitative records in a traditional or automated setting. Program components include: accounting for receivables, payables; payroll; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; machine operation; business mathematics; records management; programming fundamentals; computer applications.

(4) Banking and finance occupations. Learning experiences concerned with banking or financial institutions services, the handling of money and negotiable instruments. Program components include: accounting for receivables; payables; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; business mathematics; teller functions; finance and credit; decision making; data entry; records management.

(5) Supervisory/management occupations. Learning experiences concerned with managerial skills in planning, organizing, supervising, coordinating, determining work procedures and assigning duties. Program components include: accounting for receivables, payables, billing/invoicing, inventory, purchasing; cash receipts and disbursements; communications; electronic computing; management principles; business ownership; business law; economics; public enterprise systems; personnel management.

(6) Other business and office occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational business and office program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus one of the following application experience options:

(a) In school: model office - a minimum of 100 minutes per day for one school year. (Primarily for use with general office typist and secretarial occupations; see model office brochure for details.)

(b) In school: intensified laboratory - a minimum of 100 minutes per day for one semester; plus related instruction to comprise a minimum of 280 hours in one fiscal year.

(c) Employment related community-based education: See community-based rules in §1.00811 G. A business and office instructor-coordinator can supervise students in any vocational business and office occupations program.

3. Health and environmental occupations.

a. Programs. Instruction in safety, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Environmental occupations. Learning experiences concerned with identification, prevention and control of environmental hazards, environmental aspects of populations and society, natural resources, health and physical implications, technology involved in protecting and restoring the quality of modern environment, and exploring careers in environmental areas. Program components include: environmental services; industrial hygiene related to environmental hazards and toxicants; safety, minimizing accident hazards and promoting safe work habits in plants, mines, industrial, agricultural areas; interpretation and enforcement of environmental laws; environmental technology aspects including performing tests and making samples; option of treatment equipment; societal responsibilities concerned with energy; providing and maintaining safe water, foods, air.

(2) Health care occupations. Learning experiences concerned with health concepts related to the providers and consumers of health care, preventative health care, and the utilization of materials, instruments and equipment

in the health care area. Program components include: health occupations orientation; preparation of health consumer records; laboratory procedures concerned with tests to provide data; performance of routine clinical laboratory procedures; direct care services; procedures designed to introduce concepts related to rehabilitation of people with physical or mental emotional disabilities; communications between health providers and consumers of health services; applied anatomy and physiology.

(3) Other health and environmental occupations. Programs not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational health and scientific occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following application experience options:

(a) In school: the program shall be offered for a minimum of 280 hours within one fiscal year.

(b) Employment related community-based education: see community-based rules in §1.00811 G. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

4. Homemaking occupations.

a. Programs. Instruction in health and safety, multiple roles of both sexes, use of energy in the home and by families, development of self-concept, human relations, and leadership skills shall be an integral part of an approved program.

(1) Consumer-homemaking occupations. Learning experiences concerned with the work in one's own home environment including relating to family members and managing resources. Program components shall include: child development and parenting; individual and family life; home and family resource management and consumerism; consumer (individual and family) housing; consumer (individual and family) foods and nutrition; consumer (individual and family) clothing and textiles.

(2) Home and individual/family resource management occuaptions. Learning experiences concerned with the work in one's own home environment with emphasis on multiple roles of family members, managing resources, purchasing, using products and services. Program components shall include: family financial, time, energy, and human talent management; consumer buying; community resources; multiple roles of family members; housekeeping management skills; family decision making and goal setting.

(3) Individual/family life and parenting occupations. Learning experiences concerned with the work in one's own home environment with the emphasis on relationships, communication among family members; human growth and development and parenting. Program components shall include: relationships; marriage; family financial management and consumerism; human sexuality; alternate life styles, families throughout the life cycle; pregnancy and birth; growth and development; parent-child relationships; community services; family decision making and goal setting.

(4) Other homemaking occupations. Programs not otherwise defined which meet the vocational programs criteria may be approved.

b. Implementation. When offering a vocational homemaking occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall use to deliver homemaking occupations programs:

(a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate courses. Each of the components shall constitute a minimum of 45 hours of instruction, or

(b) For a home and individual/family resource management or individual/family life and parenting program,

(i) simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year, or

(ii) simulation and classroom methods shall be a single course for a minimum of 140 hours within one fiscal year.

5. Industrial occupations.

a. Programs. Instruction in safety, tool usage, self-concept, work attitudes and habits, leadership skills, and job-seeking skills shall be an integral part of all instruction.

(1) Auto body repair occupations. Learning experiences concerned with the repair of automotive bodies, fenders, and frames. Program components include: metal straightening by hammering or machine; smoothing areas by filing, grinding, or sanding; concealment of imperfections; replacement of body components including trim; arc and gas welding; refinishing; glass replacement service; new and used vehicle preparation.

(2) Auto mechanics occupations. Learning experiences concerned with the diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts.

(3) Communication/media technology occupations. Learning experiences concerned with the production and use of electronics and other media materials and equipment. Program components include audio-visual equipment and related production techniques; black/white photography; audio production, including equipment and recording; television equipment; television studio production; production distribution.

(4) Construction occupations - general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed as a learning experience in this program, it shall not exceed 1,000 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

(5) Construction occupations planning and management. Learning experiences concerned with all business, planning and preparation essential to begin erection of a project. Program components include: real estate financing, appraising and insurance; small business management, sole proprietorship, limited partnership, corporate management; land surveying; civil technology; landscaping; heavy equipment operation; environmental enrichment; architectural drafting; construction drafting; codes and ordinances; soil testing and permits; equipment and materials; energy conservation factors.

(6) Carpentry occupations and finishing trades. Learning experiences concerned with rough carpentry and residential interior finishing. Program components include: material and fastening devices; form work; scaffolds, ladders and riggings; framing principles, roof framing, stair framing; exterior finish; insulation and dry wall; floor covering; paper hanging, painting and decorating. No residential unit shall be built in this program.

(7) Construction occupations mechanical trades. Learning experiences concerned with the trade areas dealing with heating, lighting, air exchange, and water. Program components include: air conditioning and heating; ventilation; sheet metal; construction electricity; plumbing; pipe fitting; mechanical blueprint reading.

(8) Construction occupations masonry trades. Learning experiences concerned with concrete and masonry areas. Program components include: brick laying; block laying; stone masonry; cement finishing; concrete technology.

(9) Electricity/electronics occupations. Learning experiences concerned with the design, construction, maintenance, and repair of electronic equipment. Program components include: basic electricity; residential/commercial wiring; motor controls; AC-DC electronics; digital electronics; industrial electronics; active devices (tubes and semiconductors); communications.

(10) Graphic arts occupations. Learning experiences concerned with the design, preparation, printing, and assembly of printed materials. Program components include: Layout and design; copy preparation; line photography; halftone photography; continuous tone photography; cold type composition; stripping; plate making; offset presswork; printing inks; paper; bindery; screen printing; letterpress.

(11) Machine shop occupations. Learning experiences concerned with metal properties, machining, and heat treating. Program components include: bench work; grinding principles; blueprint reading; set up and rigidity; machining principles; use of machinery handbook; cutting tools; feed speeds; drill press; horizontal cut of saw; lathe; horizontal and verticle milling; surface and cylindrical grinding; basic metalurgy, alloys, annealing, hardening, drawing, case hardening and foundry.

(12) Mechanical drafting occupations. Learning experiences concerned with visual communications skills to convey ideas and specifications necessary to manufacture or reproduce mechanical items. Program components include: equipment/instrument usage; sketching; geometric figures; multiview drawing; dimensioning; auxiliary views; pictorial drawing; sectional views; detail and assembly views.

(13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and outboard motors. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; technical manuals.

(14) Service station occupations. Learning experiences concerned with the service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service.

(15) Small engine repair occupations. Learning experiences concerned with maintaining and repairing small engines used on portable power equipment. Program components include: 2 cycle fundamentals; 4 cycle fundamentals; rotary engine fundamentals; carburation; ignition; cooling; lubrication; diagnostic testing equipment and tools; welding; machine tooling; parts; technical manuals.

(16) Welding occupations. Learning experiences concerned with the fusion or separation of metals for fabrication or repair purposes. Program components include: blue-print reading; rough grinding; electrode section; identification of metals; arc welding (flat, horizontal, vertical down, and vertical up); oxyacetylene cutting; oxyacetylene welding; brazing and fabrication.

(17) Other industrial occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational industrial occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall choose when offering a vocational industrial education program:

(a) Summer program of 120 hours for programs 5, 6, 7, 8, 12 and 14.

(b) 140 hours within one school year for programs 5, 6, 7, 8, 12 and 14.

(c) 220 hours within one semester for all programs.

(d) 280 hours within one school year for all programs.

(e) 280 hours within two school years for programs 2, 3, 9, 10, 12, 13, 14, 15 and 16.

(f) Programs 13 and 15 can be combined to meet the 280 hour minimum requirement.

(3) Employment related community-based education: see community-based rules in §1.00811 G. An industrial instructor-coordinator can supervise students in any vocational industrial occupations program.

6. Marketing and distribution occupations.

a. Programs. Instruction in marketing and distribution approved programs shall be composed of the following components as related to the occupational area: advertising, communications, display, human relations, mathematics, merchandising, operations/management, product/service technology, selling, and job-researching skills, work attitudes and behavior.

(1) General merchandise retailing occupations. Learning experiences concerned with various marketing functions and tasks performed by retail employees and management in retail stores.

(2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries.

(3) Other marketing and distribution occupations. Instructional programs involving learning experiences which emphasize marketing functions and tasks performed by employees, including management personnel, not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational marketing and distribution program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus a minimum of one of the following application experience options:

(a) In school: a minimum of 280 hours of simulated occupational experience in a one or two year period.

(b) Employment related community based education: see regular cooperative rules. A marketing and distribution instructor-coordinator can supervise students in any vocational marketing and distribution program.

(c) Other options: must meet all program approval criteria in §1.00811 B.

7. Service occupations.

a. Programs. Instruction in safety, decisions in the use of energy, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Child care/guidance and education occupations. Learning experiences concerned with human development in personal care institutions and agencies. Program components include: growth and development; interpersonal relationships of children and care-givers; supervision and guidance; health; nutrition and feeding; day care; nursery school; family day care; management/ organization, guidance skills; care of persons with exceptional needs; implications of health and welfare agencies on child care services.

(2) Community service occupations. Learning experiences concerned with social and economic services, resource management, rural, urban and community development, public safety, corrections and judicial services, and public transportation operation/management. Program components include: community and public services; service to people as individuals; preserving, managing and restoring natural and artificial environments within the public domain; chart and map preparation; land use studies; preparation of community relations materials; planning of water, sewer line, and transportation layouts; schools/playgrounds; protection of human rights; health, safety and welfare; property rights; exploration of community service careers.

(3) Fashion/apparel/textile occupations. Learning experiences concerned with use of equipment, textile design and production, methods of construction necessary for the production, maintenance, and alterations of clothing and/or industrial household goods. Program components include: clothing production; textiles; alterations; fashion design; selection and coordination; laundry; dry cleaning; accessories; tailoring; management skills.

(4) Food occupations. Learning experiences concerned with planning, preparing, and serving food on a quantity basis. Program components include: sanitation; commercial foods; institutional foods; food procurement; meal planning and nutrition; inter-personal relationships; front and back house operations; management skills.

(5) Grooming services occupations. Learning experiences concerned with services in the areas of personal appearance, skin and hair care. Program components include: Introduction to barbering; introduction to cosmetology; domestic animal grooming; introduction to death-related occupations; interpersonal relationships; management skills.

(6) Housing occupations. Learning experiences concerned with services in the areas of design, care and management of single family and multiple dwellings, commercial and institutional buildings. Program components include: housekeeping/management skills; cleaning/sanitation skills; interpersonal relationships; housing services; interior design/decorating; building/ apartment management; city planning/zoning; health and safety in building design and maintenance; elements and principles of design; housing and environment; careers in the housing industry.

(7) Tourism occupations. Learning experiences designed to provide instruction involving the operation of lodging facilities and travel services. Program components include: Planning and providing travel conveniences, recreation activities and leisure time activities; introduction to planning and operating a tourism enterprise; management skills; hospitality and service; tourism enterprise; conventions; interpersonal relationships; careers in the tourism industry.

(8) Other service occupations not otherwise defined which meet the vocational program criteria in §1.00811 G., may be approved.

b. Implementation. When offering vocational service occupations programs, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include a minimum of one of the following application experience options:

(a) In school: For all programs in service occupations except grooming services and community service occupations, a minimum of 220 hours in laboratory or simulation and classroom instruction shall be offered within one semester.

(b) In school: For tourism occupations programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within two school years.

(c) In school: For grooming services, simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year.

(d) In school: For child care/guidance and education occupations programs, fashion/apparel/textile occupations programs, food occupations programs, housing occupations programs and community service programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within one school year.

(e) Employment related community-based education: See regular cooperative rules. A hospitality/recreation personal service instructor-coordinator can supervise students in any vocational service occupations program. This program shall include prior or concurrent classroom instruction in the occupational area.

E. To be eligible for aid, the minimum student-instructor staff ratio for each program shall be ten students to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students per section. An exception to the minimum student/staff ratio may be granted by the commissioner of education for a maximum of one year to permit students to complete a sequential program, or during the first year of a new program.

F. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

G. Community-based education. When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the rules for the community-based education option of a program as stated below:

1. Single vocational area coop - regular coop.

a. The authorized local administrator shall assign coordination time for the instructor-coordinator in blocks of time large enough for efficiency, such that the staff can contact the employer during hours when the student is working. Preparation time for the instructor-coordinator shall be assigned separately from coordination time.

b. A district or center shall provide coordination time for the instructor-coordinator at a minimum of 25 minutes per week per student on supervised employment.

c. Training stations shall be available to at least half of the coop students prior to the commencement of the program.

d. The student shall be on the job an average of at least two hours per day that school is in session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two hour day.

e. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer and instructor-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program.

f. The coop experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required.

g. The coop experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students.

h. Age certificates shall be submitted to the Minnesota state department of labor and industry.

2. Multiple vocational area coop - diversified occupations/interrelated coop.

a. §1.00811 G. 1 rules shall be met.

b. Diversified occupations/interrelated coop shall serve students from more than one vocational program area.

c. A student shall possess, or acquire concurrently, skill competencies related to his/her stated career objective(s) as stated in the component section of the vocational program area which relates to that stated objective.

3. Special needs coop - community-based education designed specifically to develop employability competencies for special needs students.

a. All programs shall meet the following criteria:

(1) §1.00811 G. 1 rules shall be met.

(2) Students selected for these programs shall meet the definition of handicapped or disadvantaged. A committee consisting of teachers involved in general and vocational education, counselors and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in the state board of education rules and shall be limited to students who cannot succeed in regular vocational programs.

(3) Proof that all students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

b. Work experience career exploration.

(1) §1.00811 G. 3a rules shall be met.

(2) Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year.

(3) The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations.

(4) The training agreement, not including the training plan, shall be submitted to the commissioner of education upon placement of the student.

(5) Employment certificates shall be submitted to the Minnesota department of labor and industry.

c. Work experience disadvantaged.

§1.00811 G. 3a rules shall be met.

d. Work experience handicapped.

(1) §1.00811 G. 3a rules shall be met.

(2) The maximum number of students enrolled in the work experience handicapped coop shall be 23 students when the instructor-coordinator is responsible only for the vocational area of instruction. When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the state board of education rules.

(3) The training agreement and training plan shall be in accordance with the special education individual educational plan in the state board of education rules Edu 120 A. 3.

(4) The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.

§1.00821 Administrative services.

A. Vocational administrative services shall be designed to assist students to meet vocational objectives.

B. When a local education agency provides vocational administrative services, students in vocational programs shall be provided administrative services which are available to all students in the district(s) in addition to the vocational administrative services.

C. A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 20 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent.

D. No proration occurs between 0 and 9 and 21 and 30, however, when instructional staff in approved programs exceeds 30, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 30 staff to one full-time equivalent administrator.

E. Local education agencies eligible as of July 1, 1978, for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service prior to July 1, 1981, may apply to the commissioner of education for an exception to the rule. An exception will be granted when instructional quality and efficiency would be improved by the exception. Administrative time involved in general education is not eligible for vocational aid.

§1.00831 Support services.

A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

1. One full-time equivalent support service manager to 60 full-time equivalent students.

2. One full-time equivalent technical tutor to ten full-time equivalent students.

3. One full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate.

4. One full-time equivalent interpreter to one full-time equivalent student or more as appropriate.

5. One full-time equivalent training specialist in modified vocational course to ten full-time equivalent students.

6. One full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation programs.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full-time.

B. A minimum of one half-time authorized local administrator shall exist prior to implementation of a placement program. A district or center shall be eligible for aid for licensed vocational placement specialist personnel at the minimum ratio of one full-time equivalent placement specialist per 20 vocational instructional staff or one-half time equivalent placement specialist per ten vocational instructional staff. Two or more districts or centers may combine the number of instructional staff to be eligible when the services are provided under the direction of one vocational administrator acting on behalf of the group of boards. Proration is not allowable.

C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility if required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, the children, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

§1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Payment of aids for such categories shall not exceed 100 percent of the estimated budget.

A. Salaries. A local education agency shall be eligible for aid at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs.

1. A district or center shall be eligible for vocational aid for extended employment at a maximum rate of:

FTE instructor	6 days
FTE instructor-coordinator	4 weeks

2. A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:

Maximum Vocational Preparation Time
Eligible for Aid

Average daily length of vocational assignment in instructional contact hours	Maximum preparation time in hours per day
Vocational instructional contact 1.0 hours or less	0.0 hours
Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0	.5 hours
Vocational instructional contact hours greater than 3.0	1.0 hours

3. A district or center shall be eligible for vocational aid for substitute staff holding vocational licensure appropriate for responsibility when aid is not being requested for salary for regular staff for the same time as the substitute.

B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites. Student transportation is not eligible for vocational aid.

C. Equipment. A local education agency shall be eligible for aid at a rate up to 50 percent for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

D. Aid limitations.

1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid.

2. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures not eligible for vocational aid which are directly related to the products or services sold. If the revenue from sale of products or services exceeds the costs to produce those products or services in any fiscal year, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

3. When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.

§1.0085 Vocational aid application procedure. The authorized local administrator shall be responsible for submitting annual program budget, program budget amendments and annual report.

A. To be eligible for vocational aid, annual program budget shall be submitted by February 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by April 30. Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.

1. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education.

2. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

3. An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. Such hearings shall be scheduled between February 1 and May 15 and shall discuss the rationale for program and planned revenue and expenditures.

a. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for their review.

b. The results of the review shall be transmitted to the local board of education in writing.

B. Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when:

1. The total requested budget varies plus or minus more than ten percent from the approved program budget, or

2. The change in budget between programs, administrative or support services exceeds 20 percent.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

C. Annual report. Districts and centers shall maintain records of revenue and disbursements for programs, administrative and support services for which vocational aid is requested in accordance with the uniform financial accounting and reporting system. Final report data shall be submitted to the commissioner of education by August 15 of each year.

§1.0086 Student eligibility.

A. A student who is eligible to attend a Minnesota senior secondary public school is eligible to enroll in the vocational programs of the school. A student enrolled in a work experience/career exploration (WE/CEP) program is excepted from this student eligibility requirement.

B. Students from other states or provinces may be served. When nonresidents of Minnesota are provided approved instructional programs, administrative and support services in Minnesota districts or centers, aid requests shall be prorated to reflect only the percentage of Minnesota students being served.

[EDU 62 Vocational education, reimbursed programs.]

[A. Courses in vocational education are based upon the Minnesota state plan for vocational education.]

[B. Reimbursement. A school district to be eligible for vocational aid shall meet the requirements of the Minnesota state plan for vocational education, and the amount of reimbursement to be granted such districts for approved vocational classes shall be determined by the state board for vocational education (state board of education) on the basis of available funds. (EDU 1956s 5020;1959)]

Chapter Six: [Classification Standards for Area Vocational-Technical Institute] Post-Secondary Vocational-Technical Education

[Edu 100] §1.0100 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] §1.0101 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 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 106] §1.0102 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.]

[J.] [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.]

A. Appropriate work stations for each student shall be provided 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 shall 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.] in writing. 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.] 3. Length of internship shall be established by the [program advisory committee] local board after receiving the recommendation of the program advisory committee and approved by the [division of] commissioner for 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-techncial education and shall hold such certificates and licensure as required to practice in their field.]

[D.] B. 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] commissioner of 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.] C. All major program [modifications] redirections shall be reviewed and approved by the [division of vocational-technical commissioner of education prior to implementation.

[G.] D. The [division of vocational-technical] commissioner of education shall review and approve program title, length, and curriculum modifications.

[H.] E. The cost [effectiveness] of the program[.] shall be related to the benefits of students and business and industry.

[I.] F. [Regular] Instructional programs shall have an enrollment of [10] ten or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs [will] shall 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] ten-student criteria in order to receive subsequent approval.

[J.] G. 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 six-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 six hours per day, as indicated in 1 above, based on the needs of the student and the occupation being served.]

2. An extended time student shall have a maximum attendance of nine hours per day or 45 hours per week.

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

3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the descretion of the local district subject to the program approval process with the state board for vocational education.

4. A part-time student shall have a minimum attendance of five hours per week with a minimum of one hour in any one day.

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

6. Part-time students shall be dropped from aid eligibility records when they have been absent all scheduled days of attendance in a 15 day period of full time operation.

[K.] H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, [exceptional] special needs 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] commissioner of education upon request.

[L.] I. 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.] J. 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.]

K. Each director of an 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 commissioner of education.

L. Evaluation visits shall be made by the commissioner of education at the rate of 11 area vocational-technical institutes per year, or more, for the purposes of conducting on-site evaluations of the existing programs in each institute. A cycle of program evaluations by experts from business and industry will be completed every three years. Self-evaluations shall be submitted by the institutes to the commissioner of education in the intervening years.

[Edu 107] §1.0103 [Ancillary] Administrative and support service requirements. The [district] local board of education shall provide for:

A. Vocationally [qualified] licensed administrative and supervisory staff as per [certification requirements of] the Minnesota state plan for vocational-technical education.

1. The [institute] director of an AVTI 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 of [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 written 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 aide	=	.7
1 - clerical aide	=	.3
1 - student aide	=	.3

B. [Pupil] Student personnel services.

1. [Pupil] Student personnel staff employed shall meet [certification] licensure requirements in the state plan for vocational-technical education.

2. Each institute shall have at least one [pupil] student personnel staff person for each 400 average daily memberships.

3. The [pupil] student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

[d. Student financial assistance]

[e.] d. Placement and follow-up program.

[f. Student accounting]

4. Student financial aid assistance administrator shall be provided and not included in the ratio set forth in B. 2. above.

[4.] 5. Adjustments to the [pupil] student personnel ratio based on special make up of the student body in a given location may be [considered] approved 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.]

C. Secretarial and clerical staff shall be employed.

[D.] [General secretarial/clerical staff:]

[Adequate secretarial and clerical staff shall be employed.]

D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

[Edu 102] §1.0104 Foundation aid.

A. [All students attending approved post-secondary vocational-technical programs] A school district operating an area vocational-technical institute shall be eligible [for] 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 [for the prior year] 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.] is authorized by the department.

D. Final adjustment data shall be submitted by [July 20] August 15 of each year.

E. Only days in which school is open and students are under the supervision and guidance of teachers and for educational purposes are eligible for foundation aid. Snow days are not to be counted.

[E.] F. Tuition and fees.

1. [Fees deductible] Deductible fees [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] pro rata basis as of the day of official termination.

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

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule.

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

4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon application for tuition subsidy to the higher education coordinating board or guaranteed receipt from an agency.

5. A late penalty may be charged not to exceed $10.00 per period established pursuant to F. 4 of this rule. Penalty payments shall be deducted from foundation aid. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's 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 funds. Tuition loss due to deferrment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

7. Students on internships shall pay tuition for the time period claimed for foundation aid. Daily hours shall not exceed six unless the students are fully supervised under personnel provided by the institute.

8. Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.

9. Students in continuous enrollment programs may be maintained on the roll for a vacation or a personal leave not to exceed 15 consecutive school days.

[Edu 103] §1.0105 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, purchases at a cost in excess of [$2,000.00] $4,000.00 must be preapproved by the [division of] commissioner 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] $4,000.00 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.]

§1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without

sufficient time to follow procedures set forth in the state plan, the state board may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

C. When area vocational-technical institute construction becomes eligible for federal financial participation under acts other than 20 U.S.C. §1262, eligible aid will be prorated.

[Edu 104] §1.0107 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:]

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:

[1.] A. Preservation of the present plant and equipment.

[2.] B. Development of programs for emerging business and industry.

[3.] C. Unique programs designed to serve special populations.

[4.] D. Educational services for special populations.

[5.] 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] §1.0108 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] commissioner of education in the budget request.

[Edu 108] §1.0109 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.]

A. The student shall be at least 16 years of age and shall have completed or terminated secondary education. Non-high school graduates less than 18 years of age shall, when possible, involve their secondary school administrators and/or counselors and parents or guardian in the application process.

[d.] B. 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/she 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] §1.01101 Student organizations.

[a.] A. Student professional organizations shall be an integral part of all program offerings when the organization is approved by the state board.

[b.] B. Costs related to state board for vocational education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

Chapter [redacted]-A: Adult Vocational-Technical Education

(all new material)

§1.0111 Scope. These rules govern the operation of adult vocational-technical programs offered by the public schools of Minnesota. A school district or cooperative center desiring to offer adult vocational-technical programs for which state aids are to be received shall be in compliance with these rules.

§1.0112 Instructional program approval. The following requirements shall apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. An overall adult vocational-technical advisory committee or program advisory committees for each occupational area shall be maintained which shall meet one or more times a year. Nothing shall prevent a district or center from having both. Local school personnel shall not be members of advisory committees within the district or center except as ex-officio nonvoting members.

B. Instructional staff shall hold a valid adult vocational-technical license in the area for which aid is claimed. Adult instructors serving over 500 clock hours on an annual basis shall meet full-time licensure requirements.

C. Administrative services shall be provided to administer the adult vocational-technical program needs.

D. Part-time programs shall have an enrollment of ten or more enrollees per program. When more than one program section is in operation, enrollment shall average ten or more enrollees.

E. Programs with full-time adult enrollees shall meet the following criteria:

1. Shall employ a minimum of a one half-time instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators who have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. Programs not meeting the minimum enrollment prior to July 1, 1982, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

3. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. Programs not meeting the minimum enrollment prior to July 1, 1981, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

4. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

F. When an existing program does not meet the minimum enrollment, the program shall be placed on probation for one year.

G. The local district or center shall conduct an annual evaluation as prescribed by the commissioner of education. Programs subject to review by national or state accrediting bodies shall, 30 days prior to that review, provide the date of the review to the department of education and have on file copies of all information supplied to the review body.

§1.0113 Administrative services. The district shall:

A. Designate one authorized local administrator as being in charge of adult vocational-technical programs for the district.

B. Be eligible for aid for the salary of one FTE adult vocational licensed administrative staff when either of the following ratios are met. The same ratios shall be applied for calculation of additional administrative staff.

1. The district enrolls two thousand or more adults annually in approved vocational programs. Adults enrolled in more than one program may be counted in each program in which they are enrolled.

2. The district, through the adult vocational administrator, provides supervision to all full-time adult instructors and maintains 2500 instructional hours of part-time adult vocational education. Adult programs with full-time adult enrollees shall earn 200 instructional hours toward this requirement.

3. Districts not meeting the minimum ratios in Items 1 and 2 above may request an exception from the commissioner of education on an annual basis until July 1, 1982. An exception will be granted when instructional quality and efficiency would be improved by the exception.

§1.0114 Vocational aid criteria. The school district shall:

A. Annually submit an adult vocational-technical program budget for the following fiscal year by January 1.

B. Expend adult vocational education revenue solely for the purpose of adult vocational education programs.

C. File an amended budget for over expenditures exceeding ten percent and under expenditures exceeding five percent of the total budget when such changes affect the state obligation for aids. To be eligible for aid for the over expenditures, the amended budget must be approved by the commissioner of education.

D. Obtain approval from the commissioner of education for changes in budget allocation between occupational program areas.

E. Submit budget adjustment data for the current fiscal year to the commissioner of education by February 15. Final budget data shall be submitted by August 15 following each completed fiscal year.

F. Be eligible to be paid aids for:

1. Seventy-five percent of salaries paid to essential licensed personnel. Costs derived from engaging the services of specialists, guest lecturers and resource personnel as a part of an approved program are eligible for aid if licensure requirements are met.

2. Fifty percent of necessary travel costs of essential licensed personnel between instructional sites.

3. That portion of time of essential licensed personnel allocated to adult vocational programs.

§1.0115 Tuition and attributable costs:

A. The school district or center shall determine tuition and fees except where cited below.

B. Differential tuition rates may be charged for nonresidents versus residents of a district.

C. Attributable costs for individuals enrolled in a full-time adult farm management education program for more than six years, or a small business management education program for more than three years, shall be charged on an hourly basis. The hourly charge shall be determined by dividing the total direct cost of the program by the hourly assignment of the instructor. A full-time instructor load shall constitute 1200 contact hours. Record analysis fees are in addition to attributable costs.

D. Direct cost shall be determined by the sum of costs for instructional staff salary and travel between instructional sites.

§1.0115 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

[EDU 69 Adult vocational education]

[A. Adult vocational education.]

[1. Adult vocational education shall be designed to assist people in preparing for gainful employment, to help those already employed or underemployed, to acquire new skills or to further their employment status or to maintain it. Adult vocational education shall also be designed for consumer homemaking and family living education. All adult vocational education shall be conducted in accordance with the state plan for vocational-techncial education. (EDU 1974; 1975)]

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE BOARD OF EDUCATION
(STATE BOARD FOR VOCATIONAL EDUCATION)

In the Matter of the Proposed Adoption of Rules of the Board of Education (State Board for Vocational Education) Governing the Content, Approval and Funding of Vocational Education Programs	)))))	REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before George A. Beck, duly appointed as Hearing Examiner in this matter, at 9:00 a.m. on Tuesday, January 10, 1978; at 7:00 p.m. on Tuesday, January 10, 1978; at 9:00 a.m. on Wednesday, January 11, 1978; and at 10:00 a.m. on Saturday, January 14, 1978. All hearing sessions were held in the Auditorium of the State Office Building at the Capitol Complex in the City of Saint Paul, County of Ramsey, State of Minnesota.

This proceeding is a rules hearing held pursuant to Minn. Stat. Ch. 15, to determine whether the proposed rules should be adopted and given the force of law. Copies of this Report are available for review from the State Board of Education and from the Office of Hearing Examiners.

Members of the agency panel appearing at the hearing sessions included: Robert Van Tries, Assistant Commissioner of Vocational-Technical Education, Department of Education. Robert Madson, Director of Program Operations, Division of Vocational Education, Department of Education; Melvin Johnson, Director of Program Planning and Development, Division of Vocational Education, Department of Education; Russell Thiem, Legal Intern, Department of Education; Erhling Johnson, member, State Board of Education; and Michael J. Bradley, Special Assistant Attorney General, representing the State Board of Education.

Seventy public witnesses appeared and spoke at the hearing.

Two hundred and thirty timely comments were received concerning the proposed rules and made a part of the record. Based upon all the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On November 1, 1977, the Board filed the following documents with the Office of Hearing Examiners:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing; and
(c) A proposed Notice of Hearing.

2. On November 8, 1977, the Board filed a Statement of the estimated number of people attending the hearing.

3. On November 28, 1977, the Notice of Hearing and a copy of the proposed rules were published at 2 State Register 1056.

4. On December 1, 1977, the Board mailed the Notice of Hearing and a copy of the proposed rules to all persons and associations who had registered their names with the Secretary of State for purpose of receiving such notice. The Notice of Hearing was also mailed to a list of approximately 130 names maintained by the Department containing the names of people who have expressed an interest in vocational education.

5. On December 13, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Secretary of State's Certificate and list;
(e) The Affidavit of Mailing;
(f) The Statement of Need and Reasonableness;
(g) The Statement of Evidence, including the names of witnesses to be called; and
(h) A Certificate of the Board's authorizing resolution.

All documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

6. The record remained open through January 20, 1978, for the receipt of written comments and statements.

7. The Board relies upon Minn. Laws 1977, Ch. 447, article

V for authority to promulgate the proposed rule. That session law contains an amendment of Minn. Stat. § 124.57, subd. 1, which reads in part as follows: "Whenever any district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board adopted by that board, the state board shall reimburse such district. . . ." (Emphasis added) The session law also added a subdivision 3 to Minn. Stat. § 124.572, concerning adult vocational education which provides in part: "The state shall be paid only for services rendered or for travel costs incurred in adult vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board". (Emphasis added) The session law also added a third subdivision to Minn. Stat. § 124.573, which reads in part: "This aid shall be paid only for services rendered or for the costs designated in subdivision 2 which are incurred in secondary vocational education programs approved by the state department of education and operated in accordance with rules promulgated by the state board." (Emphasis added)

The Board also cited Minn. Stat. § 121.11, subd. 12, which states that: "The state board shall have power from time to time to make and enforce such rules and regulations, consistent with this code, as may be appropriate for the administration and enforcement thereof."

8. The rules as proposed are divided into four chapters. Chapter 4A deals with general rules for all vocational-technical education. Chapter 5A deals with secondary vocational education. Chapter 6 deals with post-secondary vocational-technical education and Chapter 6A deals with adult vocational-technical education. The Board states that the proposed rules are a result of changes in the funding of adult and secondary vocational education programs mandated by the 1977 State Legislature. Changes were also made to bring state programs in accord with federal regulations. The Division of Vocational Education of the

Department of Education stated that it met with representative groups such as the Secondary Vocational Administrators Association, the Post Secondary Vocational Administrators Association, the Adult Vocational Administrators Association, the Area Vocational-Technical Institute Directors Association, the Minnesota School Board Association, the Minnesota Association of School Administrators, the Minnesota Federation of Teachers, the Minnesota Education Association, the Governor's Staff, the Legislative Staff, and representatives from the United States Office of Education, in the process of developing these proposed rules. (Ex. 4, p. 1)

9. General support for all chapters of the proposed rules was voiced by several persons and associations. (Exs. G, L, Q, T, V, DD, p. 1, EE, SS, WW, XX, Tr. p. 97, pp. 281-284) The associations indicating general approval included the Minnesota Education Association (Ex. PP), the Minnesota Association of Secondary School Principals (Ex. 3M), the Minnesota Vocational Association (Ex. 7C), the Minnesota Association of Distributive Educators (Ex. G), and the Minnesota Association of Secondary Vocational Administrators (Ex. DD).

CHAPTER 4A - GENERAL RULES FOR VOCATIONAL-TECHNICAL EDUCATION

§ 1.0070 - Definitions

10. Section 1.0070 contains definitions of words and phrases which are used in the rules. The definitions aid understanding of the rules by clarifying terminology unique to vocational education, and by assuring consistency in usage throughout the rules. The following definitions received no comment at the hearing or in the written comments and are needed and reasonable: Section 1.0070 A, B, C, F, G, I, J, M, N, O, P, S, U, V, W, X, Y, Z, C sub 1, D sub 1, E sub 1, G sub 1, H sub 1, I sub 1, J sub 1, K sub 1, L sub 1, M sub 1, O sub 1, and R sub 1.

11. Section 1.0070 D provides a definition of "career education". One comment suggested that since the term did not appear to be used in the rules, it was not needed. (Tr. p. 347)

Although the Examiner was unable to find a use of this exact phrase in the rules, it is presumably a term which would be used in connection with the administration of several sections such as section 1.00831 B or section 1.00811 B, and is therefore needed and reasonable.

12. Section 1.0070 E defines "cooperative center" and "vocational center". One person suggested that the phrases "state board for vocational education" in each definition be changed to "state board of education". (Ex. 3V, p. 1) The Board pointed out that although the state board of education currently also acts as the state board for vocational education, the latter term is used in federal legislation and state statute, and is therefore necessary to these rules. (Tr. pp. 337-338) The definition is reasonable and needed as proposed.

13. Section 1.0070 H defines component. The Minnesota School Boards Association (MSBA) expressed concern that this definition, when compared to the definition of "secondary vocational course" at section 1.0070 A sub 1, might lead to the conclusion that component and course are synonymous since course can be defined as one component of a program. The MSBA stated that this might lead to an unfortunate interpretation of section 1.00811 D, which could then be interpreted as meaning that a school would have to offer all programs listed in each occupational area in order to qualify for aid. (Ex. S, p. 1) The Board responded that its interpretation is that a single program within an occupational area could be offered without offering all of the programs listed under that particular occupational area. (Ex. 37, p. 4) It is concluded that the interpretation of the definitions feared by the MSBA is a remote possibility and that the definitions as proposed are needed and reasonable.

14. Section 1.0070 K defines "entry level skills". One comment suggested that the definition was vague due to the use of the phrase "occupational competencies" within the definition. (Ex. 3V, p. 2) The Board opposed any change. (Ex. 37, p. 10)

Based upon the record, it is concluded that the phrase, "occupational competencies" is one commonly used and understood in vocational education. The definition is needed and reasonable.

15. Section 1.0070 L defines "essential licensed personnel". Several comments directed at this definition revolved around the concern of degreed teachers that the definition allows non-degreed teachers who are vocationally certified to teach one hour broad-based courses presently being taught by industrial arts teachers. (Ex. 3R, p. 1) Concern was expressed that the state plan for vocational-technical education requires that industrial arts teachers, in order to become vocationally certified, must have a certain minimum number of on-the-job work hours. (Ex. 3T)

The MEA suggested that language be added to the definition to the effect that: "Secondary vocational education teachers are licensed by the Minnesota Board of Teaching. Post-secondary and adult vocational education teachers are licensed by the Minnesota State Board of Vocational Education." The MEA suggested that such language would provide a clear-cut delineation of the scope of the two boards. (Ex. PP; see also, Ex. 3V, p. 2)

The Board expressed the belief that these concerns were properly addressed to the state plan for vocational-technical education (see Ex. 30) and not to these rules since the statutes providing funding for vocational education mandated that the matter be dealt with in the state plan. (Ex. 37, pp. 9-10) Minn. Stat. § 124.573, subd. 3, reads in part: "Except as provided in section 125.185, subdivision 4, rules relating to secondary vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference. This aid shall be paid only for services rendered and for travel costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the state plan for vocational education." Minn. Stat. § 124.572, subd. 3, reads in part: "Except as provided in section 125.185,

subdivision 4, by 1978-1979 rules relating to adult vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference." Minn. Stat. § 125.185, subd. 4, reads in part that: "With regard to vocational education teachers the board of teaching shall adopt and maintain as its rules the state plan for vocational education." The legislative intent is clearly to deal with licensure requirements in the state plan and not in these rules. The definition as proposed is needed and reasonable.

16. Section 1.0070 Q defines "instructional site". One comment stated that the defintion should include sites used by local agriculture teachers on the students farm during the summer program and suggested adding the words "to include farms" after the word "location" in the definition. (Ex. 7H, p. 2) The Board responded that they believe that farm sites were included within the definition already, and that specifically naming eligible instructional sites within the definition was undesirable since legitimate sites might be excluded. (Ex. 37, p. 17) It is concluded that the definition would include farm sites and that it is reasonable and necessary as proposed.

17. Section 1.0070 R defines "laboratory instruction". One person suggested that the phrase, "practice of skills" be replaced by the following language: "development of knowledges, skills and understandings" since laboratory instruction should not be limited to only skill development. (Ex. 3V, p. 2) Although the Board might wish to consider this as a policy matter, it cannot be said that the rule as proposed is unreasonable.

18. Section 1.0070 T defines "necessary equipment". One comment suggested deletion of the last 13 words of the definition since neither occupational competencies or approved vocational programs are clearly defined in the rules. (Ex. 3V, p. 2) The Board opposed the change. (Ex. 37, p. 10) It should be noted that "competencies" is defined at section 1.0070 G. Presumably an approved program would be one in compliance with these rules, and therefore eligible for aid. The definition is

necessary and reasonable as proposed.

19. Section 1.0070 A sub 1, defines "secondary vocational course". The MSBA expressed concern about this definition as has been explained at Paragraph No. 13 above. The rule is needed and reasonable.

20. Section 1.0070 B sub 1, defines "secondary vocational education". At the hearing, the Board suggested that the language "and work experience/career exploration programs" be added to this definition to allow for a specialized vocational program designed to reduce dropout rates at the ninth grade level. (Ex. 35) A director of secondary vocational education felt that the amendment was insufficient and that the language "plus special needs, community based programs including work experience/career exploration programs" should be added instead. (Ex. 4X, p. 2) The Board did not support an amendment phrased in this manner. While the Board's amendment merely attempts to include a ninth grade program, the director's amendment would include a specific program which would be offered to grades 10 through 12. (See, Ex. 37, p. 12)

Two comments expressed the belief that the state should approve programs as permitted by federal law (Ex. 3R, p. 1), and should use the federal language which talks in terms of "age 16 or older" instead of mentioning grade levels. (Ex. 3V, p. 3) The Board indicated that this decision had been made by the Legislature. (Ex. 37, pp. 9-10) The definition is needed and reasonable as proposed.

21. Section 1.0070 F sub 1, defines "students with special needs" and "students who are handicapped or disadvantaged". The Minnesota Vocational Association of Special Needs Personnel (MVASNP) suggested inserting the word "cultural" after the word "academic" where it appears in the first and second sentences of F sub 1, 2. (Ex. LL, p. 1) The Board stated that the word "cultural" was not included since it did not appear in the federal definitions of disadvantaged students and the Board's intent was to maintain consistency between the federal and state

definitions. (Tr. pp. 160-161) It is possible that such an amendment of the definition might have a significant impact on the number of students included within the definition. (Tr. p. 162), and might therefore more properly be considered by the Legislature. (Ex. 37, p. 7)

The MSBA raised the concern that the definition of disadvantaged students is too broad. The MSBA pointed out that although it is not opposed to special need services for the handicapped and disadvantaged, it is:

> opposed to the broad definition of disadvantaged stated in FF. 2. because it could have a significant cost impact upon local school districts required to implement it in order to qualify for vocational reimbursement. In effect, the state agency may be mandating the local districts provide appropriate services which are viewed as being appropriate by that state agency without adequate (100 percent) funds being provided. As indicated previously, but using the special education of the handicapped example, endeavors of that nature, even when well-intended and well-defined, are tremendously expensive. It perhaps might be more appropriate for the legislature to deal with this significant policy and funding question. (Ex. S, pp. 2-3)

The MSBA points out that read literally, the rule would allow a student to be classified as disadvantaged merely by reason of his or her unemployment.

The Board states that it believes the definition is clear and in conformance with federal definitions. The Board suggests that the proposed rules are <u>not</u> a mandate for minimum program offerings and would not require major new expenditures on the part of the school districts. (Ex. 37, p. 4) It would appear, however, that the broader of the definition of "disadvantaged students", the more expensive secondary vocational education will become.

The MSBA also expressed concern over the lack of a due process system to resolve differences of opinion as to who is disadvantaged and who is handicapped. (Ex. S, p. 3) The Board stated that, in regard to handicapped students, the due process procedures contained in Minn. Rule EDU 120 through 129 would apply. In regard to disadvantaged students, the Board stated

that they were aware of no statutory or constitutional due process rights involved. (Ex. 37, p. 4)

It is concluded that the rule is needed and reasonable as proposed. However, the Board may well want to consider modifying the language concerning unemployment to make it plain that this would not apply to an unemployed secondary school student, if that is indeed the Board's intent. Although the rule does not set out a method of appeal by a student or his or her parents of an exclusion from the disadvantaged student category, it is likely that a student has a constitutional right to some kind of hearing before the local school board. It is questionable whether the Board could at this point include a due process hearing procedure in the rules since this might well be a substantial change. The Board may want to consider this at a future rule hearing, especially should the definition become a source of frequent dispute. In the phrase "the student of his/her parent(s) is a recipient of public assistance", the first "of" should apparently be "or". The MSBA has not demonstrated that the language used to define disadvantated students is unreasonable.

22. Section 1.0070 N sub 1, defines "vocational aid". One comment suggested that the words "and prevocational" should be inserted before the word "programs" in the definition. (Ex. 3V, p. 3) The Board does not support the change. (Ex. 37, p. 10) The author of the comment supplied little reason for it. The definition is needed and reasonable as proposed.

23. Section 1.0070 P sub 1, defines "vocational instructional program". One person commented that the definition violated all principles of a good definition, presumably because it repeated some of the terms to be defined in the definition. (Ex. Q, p. 3) Although the definition cannot be said to be unreasonable, the Board should consider rephrasing this definition if it is possible to do so without changing the meaning.

24. Section 1.0070 Q sub 1, defines "vocational program advisory committee". In the course of the hearing, the Board

suggested an amendment of this definition. The Board seeks to revise the last sentence of the definition to read as follows: "At least 50 percent of the members shall be representatives of directly related business, labor, and industry." The Board suggests this change clarifies the membership. (See also, Tr. p. 97) As amended, the rule is reasonable and needed.

25. One comment suggested other possible definitions which would aid in interpretation of the rules. (Ex. S, p. 4) The Board may wish to consider this at a future rule hearing.

§ 1.0071 - Standards for Program Approval

26. Section 1.0071 governs standards for program approval. This section lists the eight criteria which the Department of Education will use to determine whether or not a program should be approved. The standards received support as "those which provide minimum, as well as flexible, measures for protecting the public interest while at the same time allowing for incremental elevation of such standards." (Ex. Q, p. 2)

27. Section 1.0071 A attracted a proposal which would modify the provision to require that all secondary vocational teachers hold a valid four-year teaching degree and provide that post-secondary and adult instructors may hold a four-year teaching degree. (Ex. 3V, p. 3) It was suggested that secondary vocational students must be taught by a professional competent teacher with at least a four-year teaching degree. It was stated that since at the present time there is a surplus of degreed teachers, there is no reason to permit the approximately 180 non-degreed secondary vocational teachers now teaching in Minnesota. The Board opposes the suggested change. (Ex. 37, p. 10) As indicated at Paragraph No. 15, this change should be addressed to the state plan for vocational-technical education.

28. Section 1.0071 C. This provision attracted criticism on the grounds that it was too vague to permit interpretation by local school districts. The Board stated that the language was

intentionally phrased in that manner in order to allow the local school district the opportunity to direct its own programs. The Department of Education stated that it would not be able to enforce a policy more restrictive than the rule. (Tr. pp. 352-353)

29. In regard to section 1.0071 E, the MSBA expressed concern that the phrase "all records shall be available" may be more broadly interpreted than just referring to the UFARS records. The Board may wish to consider inserting the word "such" between "all" and "records" to clarify what is intended.

30. Section 1.0071 F, provides that a student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. The MSBA opposed this rule in its mandatory form since it believes that in some instances this would be contrary to the safety of other students and the handicapped student as well since some vocational courses may be extremely dangerous for handicapped students to participate in. (Ex. S, p. 4) It is concluded, however, that if participation in vocational education by a person with special needs is permissive only, then those persons have gained very little indeed. Although the MSBA offers no examples of dangerous situations, the solution would seem to be to eliminate or lessen the danger rather than to exclude persons with special needs from the programs. The Board stated that section 1.0071 F complies with Minn. Stat. § 120.17 and 45 CFR § 104.45, which require that vocational education be made available to an individual regardless of their handicapped or disadvantaged status. (Ex. 4, p. 2)

31. Section 1.0071 is reasonable and needed as proposed.

§ 1.0072 - Opportunity to Appeal

32. Section 1.0072 govern the opportunity to appeal disapproval by the commissioner of vocational programs or courses. This section is needed to comply with 45 CFR § 104.182, which guarantees local education agencies the right to a review of the commissioner's disapproval of their programs. One comment

requested that the Board be required to notify the districts or centers within 20 days of the time and place of the hearing. (Ex. 3V, p. 4) The Board pointed out that the rules of the Office of Hearing Examiners provide for 30 days notice of a hearing. Although the provision is reasonable as proposed, the Board could place a time limit in excess of 30 days in order to ensure that districts or centers are given prompt hearings.

A suggestion was also made that the Board be required to make its decision within 20 working days of the hearing. Although such an amendment is within the Board's authority, it would not allow much time for the hearing examiner to analyze the case and prepare his report and transmit it to the Board, which would then have to review the case based upon the record before making its final decision. The rule is needed and reasonable as proposed although the Board could consider a time limit. (Ex. 3V, p. 4, Ex. 37, p. 10)

§ 1.0073 - Evaluation by State Board for Vocational Education

33. Section 1.0073 sets out the criteria by which the division of vocational-technical education within the Department of Education will evaluate effectiveness of each program or project. The elements specified for data collection are required by federal regulations at 45 CFR § 104.402, which must be satisfied in order to be eligible for federal aid. Analysis should indicate which parts of the program are successful and which parts need to be improved or changed. (Ex. 4, p. 3) The MSBA expressed concern that the language of the rule diminishes local control over programs and that the criteria set out in fact lacks standards. (Ex. S, pp. 4-5) The Board pointed out that the evaluation process is not involved in the approval process and that evaluation is solely for the purpose of improving programs. (Ex. 37, pp. 4-5)

The St. Paul Public Schools points out that with the planning and evaluation mandated by Chapter 271 of Minnesota

Statutes, plus North Central accreditation, plus these rules for vocational education, secondary vocational education programs would be subject to three sets of evaluation criteria and procedures. It was suggested that secondary vocational education be exempted from section 1.0073, with section 1.00801 E revised to be coordinated with the "PER" evaluation and the North Central accreditation. This decision is a policy matter to be considered by the Board. Clearly some means of evaluation is needed. The means chosen is consistent with federal guidelines and is reasonable.

§ 1.0074 - Procedure for Licensure of Staff

34. Section 1.0074 states that licensed personnel shall meet the licensure requirements of the state plan for vocational-technical education. The section spells out the procedures for application, maintenance and renewal of required vocational instructors' licenses and provides guidelines to follow when licensure problems arise. (Ex. 4, p. 3) The section received the support of the Minnesota Association of Secondary Vocational Administrators (MASVA), which commented that "the law provides for the use of the provisions of the state plan for vocational education as the basis for vocational licensure. The system of licensure spelled out in the state plan and summarized in the proposed rules has proven to be effective as a means of promoting quality vocational education." (Ex. DD, p. 3) The section was supported also by the Minnesota Vocational Association (MVA) (Ex. 7C) and others (Ex. 7H). The Industrial Education Department of the Minneapolis Public Schools commented that licensing under the state plan presented no hardship, and their industrial arts teachers obtained vocational certification without difficulty. (Ex. 5Z, p. 1)

A good deal of the comment directed toward this section was in support of adding language which would provide that industrial arts licensure is a valid license for teaching industrial education occupations. (Ex. 5L, p. 1) This was supported

by the Minnesota Industrial Arts Association (MIAA) (Ex. 6H), the Minnesota Federation of Teachers (MFT) (Tr. p. 343), and others (Tr. pp. 292-294, 316-317, Ex. 3V, p. 5).

The Board pointed out that Minn. Stat. § 124.573, subd. 3, requires that the state plan, and not these rules, are to govern the question of what prerequisites, such as occupational experience, are necessary for vocational certification. (Ex. 37, pp. 13, 15) The licensure question, obviously a controversial one, will be considered in the future by an ad hoc committee on the state plan for vocational-technical education. (Tr. pp. 297-299) One person commented that the section should contain a variance procedure to allow hiring a less than fully qualified person in the event of an emergency. (Ex. 7D) This appears to be dealt with in section 1.0074 C.

35. Section 1.0074 B 2 deals with certain license renewals. The Board suggested two amendments to this subsection at the hearing. The first would strike the words "the two year entry license or" and replace it with the following: "The renewal of the two year entry license shall be in accordance with the state plan for vocational-technical education and shall be submitted to the commissioner of education for approval." The Board stated that this amendment would conform the procedure to that used by the Board of Teaching. The Board proposed a second amendment which would add this sentence to the end of the paragraph: "If the content is disapproved, approval may be sought from the commissioner of education." The Board stated that this amendment would prevent an unlawful subdelegation of authority from the commissioner to the vocational license committee.

36. One comment directed at this subsection pointed out that if the local vocational license committee referred to the committee described in the Board of Teaching rules, those rules have not yet been finally adopted. (Ex. S, p. 5; see also, Tr. p. 232) The above concerns were addressed by an additional amendment proposed by the Board to be added at the end of section

1.0074 B as new section No. 5 to read as follows:

> 5. Vocational staff shall be subject to the continuing education structure as outlined in the Minnesota State Plan for Vocational-Technical Education. Such licensure shall be recommended by the local vocational relicensure committee. Vocational staff employed in school districts or state board approved vocational or cooperative centers currently employing a combination of individuals with standard and vocational licenses shall select one of the options listed below. The selection of alternatives shall be made by a vote of these staff members currently using vocational licensure, and such election shall originally be supervised by the chairperson of the local continuing education committee established under Minnesota Statute 125.187 subd. 4.
>
> (a) Vocational staff may select the existing local relicensure committee, except that five vocationally-licensed vocational staff members currently practicing full-time on a valid vocational license, as elected in secret ballot by the district or state board approved vocational or cooperative center vocationally licensed staff, shall be the teaching faculty members of the committee whenever issues of vocational licensure arise.
>
> (b) A separate local vocational relicensure committee may be formed by the election of five vocationally licensed staff currently practicing full-time on a valid vocational license. The committee will be elected by the staff who are currently using vocational licensure of the district or state approved vocational or cooperative center. The committee shall also have one representative from administration and one from the residents of the district or center. The administrator is to be elected by the licensed administrators of the district or center. The resident shall be designated by the local school board, but may not be an employee of the district or center. School board members are not considered to be employees of the district. This option shall be limited to those school districts or state board approved vocational or cooperative centers utilizing twenty-five (25) or more vocational licensees.
>
> (c) Vocational staff in two or more districts or state board approved vocational or cooperative centers situated in close proximity may operate under the provisions of either option (a) or (b) with regard to the composition of the local vocational committee and method of identification of committee members.
>
> In the event that a local relicensure committee cannot be established before July 1, 1978, relicensure may be recommended by the local vocational administrator until December 31, 1978.

The Board stated that this new subsection was intended to be included in the Board of Teaching rules, but since they have not been adopted at this time, it is necessary to include them

in these proposed rules. (Ex. 36, pp. 2-3) MASVA and a large number of individuals supported a change in the Board's proposed new subsection which would insert the language "except for authorized local administrators as defined in section 1.0070 B" between the words "licensure" and "shall" in the second sentence of the proposed amendment. (Ex. 9R, Ex. 7M) The Board supported this suggestion and stated that inclusion of the authorized local administrator would have put them in a subservient position to their subordinates for their own continued licensure and employment. The proposed new subsection, with the MASVA amendment, is needed and reasonable.

37. One comment directed at section 1.0074 E suggested that the rule was administratively expedient, but not reasonable in regard to candidates. (Ex. S, p. 5) The Board stated that the time parameters are necessary in the rule to ensure sufficient time has elapsed during which candidates could acquire additional necessary competencies. (Ex. 4, p. 4)

38. Section 1.0074 F, permitting licensure in new and emerging fields in which criteria have not been identified, received specific support from the Industrial Education Department of the Minneapolis Public Schools. (Ex. 5Z, p. 1)

39. It is concluded that section 1.0074 as a whole, together with the amendments proposed for B 2 and B 5, is needed and reasonable.

§ 1.0075 - Local Advisory Committee

40. Section 1.0075 provides for the establishment and duties of local advisory committees. The Board stated that federal regulations at 45 CFR § 104.111, require the establishment of local advisory councils as a prerequisite to obtaining federal aid. These committees are necessary to develop and maintain working relationships between the vocational education programs and local businesses and industries. (Ex. 4, p. 4) The section received general support. (Ex. 3P, pp. 1-3) One person suggested that the advisory committee created under this rule, together with the advisory committees created

in regard to each secondary program, resulted in too many committees. (Ex. A) The Board replied that the federal regulations mandate the committees and observe that the program level committees would be different in scope, membership, and advice offered than the "general" advisory committee established under this section since the program level committees required membership knowledgeable in the given program area. (Ex. 37, p. 1)

41. In regard to section 1.0075 A 2, the Board at the hearing proposed deletion of the words "program areas" from the section since it is not appropriate to define a general advisory committee in terms of program areas. (Ex. 36, p. 1) MASVA also suggested and supported this amendment as did others. (Ex. D, p. 3, Ex. 4X, p. 2)

42. In regard to section 1.0075 A 3, the Board proposed an amendment at the hearing which would delete the words "at least a representative of business, industry and labor" and insert the words "representatives of directly related business, industry, and labor." The Board suggested that this change clarifies the membership. The amendment received support. (Tr. p. 98)

43. A comment directed toward section 1.0075 A 4, suggested that the word "craft" be replaced by the word "program" since craft is a term which is not used anywhere else in the rules and limits the variety of secondary vocational program offerings. (Ex. 4X, p. 2) The Board agreed to this change. (Ex. 37, p. 12)

44. All of section 1.0075 as amended is needed and reasonable.

§ 1.0076 - Center Approval

45. Section 1.0076 sets out the procedures and criteria which the Board will use in approving centers for vocational aid pursuant to Minn. Stat. § 123.351. (Ex. 4, p. 5) The section received no comment and is needed and reasonable.

§ 1.0077 - Local Applications for Aid

46. Section 1.0077 governs local applications for aid and sets out the items to be submitted in order to be eligible for aid. The rule provides a check to see that the funds are being equitably distributed and the requirements are generally mandated by federal rules and statute at 45 CFR § 104.141 and Title VI of the federal statutes. (Ex. 4, p. 5) One comment was made in regard to section 1.0077 A 2 and 3, and expressed the concern that such data will mean costly separate surveys for information which will duplicate information available from the state. (Ex. CC, p. 3) The Board replied that federal regulations at 45 CFR § 104.141 require that programming must be in occupational areas where there is job potential which means these rules are needed. (Ex. 37, p. 6) The section is needed and reasonable as proposed.

§ 1.0078 - Allotment Availability of Federal Funds

47. Section 1.0078 governs the allotment availability of federal funds which is administered by the Board pursuant to 45 CFR § 104.34. The criteria listed are designed to assure that the money will be distributed in an equitable and socially beneficial manner. (Ex. 4, p. 5) One comment suggested that the listed criteria were too broad. (Ex. S, p. 5)

48. In regard to section 1.0078 C, the Board proposed an amendment to the last sentence of the paragraph which would strike the words "and approved" and insert "for approval". The Board stated that this change would provide the opportunity for discretion on the part of the Board. (Ex. 36, p. 1) This change was also suggested by the MSBA. (Ex. S, p. 5)

49. So amended, section 1.0078 is needed and reasonable.

§ 1.0079 - Property Management Standards

50. Section 1.0079 governs property management standards and is needed because there is an outstanding difference in the overall importance of property utilized in vocational programs as compared to most other educational processes. This rule,

therefore, implements a property management system designed to ensure strict controls governing the ownership use and disposition of personal property purchased with state funds. At the hearing, the Board suggested that section 1.0079 B 1 c be amended to change "90 days" to "120 days" in order to make the rule consistent with federal regulations. The Board also suggested an amendment to section 1.0079 C to delete the words "code of". (Ex. 35) There were no comments directed toward the rule and it is needed and reasonable as amended.

§ 1.00791 - Student Eligibility

51. Section 1.00791 governs student eligibility and assures that no person's legal rights will be abridged by denying them access to vocational training. At the hearing, the Board suggested an amendment striking the word "residency" from the paragraph since programs offered at the secondary level and the adult level may limit participation on the basis of residence. The rule received no comments and as amended is necessary and reasonable.

52. The Board also suggested at the hearing that the phrase "these rules shall become effective on July 1, 1978" be added as a separate section at the end of the proposed rules. This phrase, which is consistent with the statutes, should likely be added at the end of each of the four major sections of the proposed rules and should contain a citation to the rules to which the effective date applies.

CHAPTER 5A - SECONDARY VOCATIONAL EDUCATION

§ 1.00801 - Scope

53. The Scope section provides some general rules for approval of programs which must be submitted by local education agencies in order to be eligible for vocational educational aid. One comment stated that in section 1.00801 B, a distinction should be made between approved occupational programs and approved non-occupational programs. (Ex. M, p. 1) One written comment suggested adding a section to section 1.00801

requiring evidence that any new program request or alteration be given exposure to students, parents, faculty and the local board of education. (Ex. 3V, p. 5) The Board replied that this is currently handled through the use of advisory task forces. (Ex. 37, p. 10) Section 1.00801 is needed and reasonable as proposed.

§ 1.00811 - Instructional Program Approval

54. Section 1.00811 deals with instructional program approval and carries out Minn. Stat. § 124.573, which states that "secondary vocational education programs approved by the state board for vocational education and operated in accordance with the rules promulgated by the state board."

§ 1.00811 A

55. Section 1.00811 A provides that approval shall be on the basis of a complete program as defined in section B. The Board stated that this rule is needed to clarify that a program may be designed in a variety of ways and that each series of courses or other experiences comprising the program will be considered for approval. (Ex. 4, p. 9) One comment suggested in addition to section B, section G 3 b, c and d, dealing with special needs coop-community based programs ought to be included since they are not covered in section D. (Ex. 4X, p. 2) The Board stated that the introductory language of section 1.00811 would accomplish this since it shows that parts A through G apply. (Ex. 37, p. 12) It appears that the language proposed by the Board would be more accurate since the community-based education provisions under section 1.00811 G, including the special needs coop work experience sections under 3 b, c, and d, still must relate to one of the programs listed in section 1.00811 D.

§ 1.00811 B

56. Section 1.00811 B sets out three vocational objectives which the vocational curriculum must be designed to meet. (Ex. 4,

p. 9) The Board believes it is necessary to make each objective available to each student. (Tr. pp. 233, 236) A three-objective approach was supported by MASVA (Ex. D, p. 3) and others. (Ex. 5X, Tr. p. 258) MASVA stated that "Multiple goals are appropriate for high school vocational education because students differ in their vocational maturity. They take vocational courses for different reasons, i.e., some have decided on a career and want job skill training and/or higher education; others are still looking and have yet to decide. To have a single narrow institutional objective such as 'career exploration' simply would not meet the vocational needs of all students." (Ex. DD, pp. 3-4)

One comment expressed the belief that the curriculum should have to meet only one of the three objectives. (Ex. 3V, p. 6) Representative Raymond J. Albrecht stated that "skill development is and should be the primary objective of the area vocational technical institutes and the major objective of the secondary schools should be exploration of different occupations." (Ex. 9T) The Board stated that while it believed that all objectives should be met in a curriculum, the student would be able to opt to pursue any one of the three objectives. (Ex. 37, pp. 10, 14)

57. One comment stated that section 1.00811 G 3 b, c, and d, should be exempted from section 1.00811 B 2 since this was not an appropriate goal in the special needs area. The Board disagreed and stated that the objectives should exist in every program with the student having the option of selecting only one objective. (Ex. 37, p. 12) Section 1.00811 B 3 received specific support. (Ex. W, W-1, NN)

58. The MEA requested some clarification of the "shall provide evidence" language in the rule since it believes that some school districts are converting general education courses to "vocational" courses in order to secure vocational aid. The Board replied that it was unaware of this activity occurring and thus, no extensive criteria were prepared. (Ex. 37, p. 7)

Detailed criteria would presumably have to be the subject of a new rule hearing.

59. Section 1.00811 B is needed and is reasonable as proposed.

§ 1.00811 C

60. Section 1.00811 C mandates a vocational advisory committee for each program. The Board states that this is needed in regard to each program so that changes in the occupational area can be identified, so that the educational community can adjust the vocational program to current occupational directions, and to conform with federal regulations at 45 CFR § 104.111, relating to advisory committees. (Ex. 4, p. 9) Several comments believed that this resulted in too many committees. (Ex. A, Ex. 6F) Representative Albrecht stated that "I believe one standing advisory committee for all vocational programs would be acceptable. I would question the concept of advisory committees that would mean having one advisory committee for each program." (Ex. 9T) One comment stated that this section contradicted section 1.0075 A 2. (Ex. CC, p. 4) The Board replied that the Board's proposed amendment to section 1.0075 A 2 cured that problem.

The federal regulation section 104.111 does not appear to mandate advisory committees for each program. It should be noted that the rule requires the committees to meet a minimum of two times per year. A question of whether programs in an occupational area can be adjusted to current occupational directions through the use of one committee for all programs or through the use of a committee for each program is a policy matter properly within the expertise of the Board. The proposed rule cannot be said to be unreasonable on that account. The rule is needed.

61. A new subsection was proposed for inclusion in the rules at this point by the Minnesota Association of Legal Assistants (MALA). The amendment would preclude non-degree

granting vocational schools from offering programs which are academic in nature and more appropriately offered on the college level such as paralegal or legal assistant programs. The MALA believes that it is in the public's best interests that college level programs are the only programs offering paralegal training since paralegals must exhibit high academic, verbal and analytical skills. (Tr. p. 176, Ex. KK) The Board pointed out that these rules do not govern private vocational schools which might offer such programs. The Board expressed the belief that a decision as to whether or not such programs should be offered at an area vocational-technical institute should be made at the time such a program was actually being considered. (Ex. 37, p. 7) It appears that a specific prohibition such as that suggested would have to be the subject of a new rule hearing rather than an amendment since those reading this notice of hearing and not attending the hearing would not be aware that such a prohibition was being contemplated in the course of this rulemaking procedure.

§ 1.00811 D - Program Components and Time Standards

62. Section 1.00811 D sets out the program components and time standards for various occupational categories. The Board stated that "subsection D is needed to describe a variety of program parameters which allow the local district or center to develop vocational programs consistent with community needs. The components listed for each program reflect occupational needs as identified by consulting with state and local vocational advisory committees. . . .The component lists. . .are based primarily upon experience of districts and centers in offering each program and upon experiences of other states." (Ex. 4, pp. 9-10) A number of comments were made to the effect that the detailed nature of the program components would prevent local school districts and centers from considering school and community needs in structuring their programs. (Exs. S, p. 5, 6Y, 8H, CC, p. 4) Representative Albrecht observed that the PER

and planning legislation intends for the local school district to establish goals and objectives and expressed concern that these rules might conflict with that intention. (Ex. 9T, see also, Ex. 6F, p. 2, Tr. p. 341) The Board observed that the detail listed are minimum program components, not mandated program offerings. No district is compelled to offer any particular program. Flexibility within program components is to be achieved through use of the advisory committees. (Ex. 37, pp. 14, 18) The rule itself states that all program components must be addressed in order to qualify for approval; however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. One comment did question the meaning of the word "addressed" (Tr. p. 346) and the Board might well consider whether this term can be elaborated upon or defined.

The listing of the program components was supported by MASVA. They believe that detailed program and time criteria will ensure comprehensive programs, provide explicit guidelines for local planners, promote better articulation between secondary, post-secondary and adult levels of vocational education, make curriculum development less costly, and provide a standard of program evaluation. (Ex. DD, p. 2, see also, Ex. Q, p. 2) In light of the fact that the rule does not require a local school district to offer any particular program and allows the school district to determine the emphasis to be given to components within any particular program, it is concluded that the structure of this rule is needed and reasonable.

§ 1.00811 D 1 - Agriculture/Agribusiness and Natural Resources Occupations

63. The program components listed in this occupational area are the result of extensive study of curriculum from vocational agriculture/agribusiness programs from throughout the nation. The Board states that the components are necessary to develop student competencies identified in the national competency study

and will result in a balanced program. The structure of this occupational section received general support. (Tr. pp. 113-121, Ex. AA) The International Harvester Company expressed concern that the components should cover areas that would train mechanics for service and parts departments of agricultural equipment dealers and specifically that students understand "hydrologic functions, testing and analyses and repair", and also "electrical, diesel and air conditioning". (Ex. 4Z, p. 1) It would appear that this general subject area is covered in section 1.00811 D 1 a.(1), (2) and (3), and that a local advisory committee could emphasize this area. The Board suggested that this particular type of emphasis should be studied by various advisory committees to propose a later rule change. (Ex. 37, p. 12)

64. Each occupational area listed contains an "a." section describing the programs and components and a "b." section describing implementation including time options. Each b. section contains a statement identical to that at section 1.00811 D 1 b.(1) which states that component emphasis shall be consistent with program objectives. The vocational education department of the Minneapolis Public Schools suggested that the following language be added to the aforementioned sentence: "When necessary to meet the program objectives, components offered in one-period segments, one year or less, may be eligible for aid when they are offered as preparation for one of the objectives listed." This addition would be intended to assure the local school district that curriculum dictates the length of time allowed to each educational component. (Ex. T, pp. 2-3) The Board should consider this as a matter of policy.

65. Section 1.00811 D 1 b.(2)(c) provides that programs in agriculture/agribusiness shall have a laboratory experience or a coop placement. This requirement was supported by MASVA as a method for students to obtain actual "hands on" experience. (Ex. DD, p. 4) Other comments were in support. (Ex. 50, p. 1, Tr. pp. 78-80) One small school district expressed concern that they would not be able to offer the "entrepreneurship" option in

the sense of allowing a student the opportunity to operate a business. The subsection appears to permit alternatives however.

66. Section 1.00811 D 1 b.(4) sets out the time options which may be utilized by the local school district. The entire section received support (Tr. pp. 81), but was criticized for a lack of a definition of "internship". (Tr. p. 346)

67. Section 1.00811 D 1 b.(4)(a) and the other options require a summer school segment. Three comments received stated that the summer school segment should be optional and not mandatory since some school districts have discontinued summer school because of financial problems or low enrollment (Ex. 5U, p. 2) and a school should not lose aid for its regular school year by failing to offer a summer program. (Ex. 6F, p. 2, 9T) The Board stated that summer instructional programs permit students to develop competencies necessary to obtain occupational objectives which, because of the seasonal nature of agriculture, can be attained at no other time.

68. Section 1.00811 D 1 b.(4)(b) provides a second time option. The Board suggested an amendment during the hearing which would delete the words "per day" from the first sentence of this segment. This was a typographical error. (Ex. 36, p. 2) Two comments (Ex. DD, p. 6, Ex. 4X, p. 2) also suggested this correction.

69. Section 1.00811 D 1 b.(4)(d) permits a period of development in regard to attaining a comprehensive program including a cooperative placement program for the summer school offering. During the hearing, the Board proposed an amendment to this section which would delete several phrases and result in a rule which would read as follows:

> Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3 - 280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program. Summer components such as internship and classroom instructional programs are strongly encouraged. (See community based rules in section 1.00811 G.) or

The Board stated that these changes would remove the inconsistency between this segment and section 1.00811 D 1 b.(2)(c). In addition, the Board said that this amendment would allow those schools which have developed and built intensified laboratories to continue to utilize this effective setting for students to develop necessary competencies in the program in which they are enrolled. (Ex. 36, pp. 1-2) This amendment was prompted and suggested by a large number of comments such as that from the MASVA (Ex. DD, p. 5) and the Minneapolis Public Schools (Ex. T), which stated that the cooperative method or program in this section should be optional rather than required. (See also, Exs. C, 4X, p. 2, 5O, p. 2, 5U, p. 2) The Board responded to these suggestions by adopting the proposed amendment. (Ex. 37, pp. 2, 5, 12-13)

70. Section 1.00811 D 1 b.(4)(e) and (f) contain typographical errors as noted by two comments (Ex. S, p. 6, Tr. p. 347). The Board suggested changing "3a" to "2a" in the (e) section and changing "5a" to "4a" in the (f) section.

71. As proposed and amended, section 1.00811 D 1 is needed and reasonable.

§ 1.00811 D 2 - Business and Office Occupations

72. The components listed in this subsection for general office typist, secretarial occupations, and accounting/data processing were taken from task lists developed by a statewide advisory committee of persons knowledgeable in each area. The "b." section offers three options in connection with a business and office program. The first option allows districts and centers in small communities with a limited job market the opportunity to offer a business and office program. The second option allows extending the program over more than one year while retaining a time block method. The third option, relating to community based education, allows districts additional flexibility while permitting students to acquire actual work experience. (Ex. 4, pp. 11-12)

73. Section 1.00811 D 2 received general support from the Minnesota Business Educators, Inc. (Ex. FF, p. 1) and others. (Ex. 3S)

74. In regard to section 1.00811 D 2 b.(2)(b), Representative Albrecht and a school district noted that this provision increased the time requirement by adding a minimum of 280 hours per year for the laboratory experience. They felt that there should be at least one option which required only 140 hours per year, or one class period per year. (Ex. 6F, p. 2, Ex. 9T, p. 2) The Board replied that "the provisions for flexibility in implementation of time standards are based on the experience of the division of vocational-technical education and several vocational administrators who operated programs such as those stated for many years. This experience suggested the flexibility with some restrictions so that students would have a reasonable chance to accomplish their educational objective in a safe environment." (Ex. 37, p. 15) This rule section is needed, and based upon this record cannot be said to be unreasonable.

§ 1.00811 D 3 - Health and Environmental Occupations

75. The components for environmental occupations were developed from program descriptions from other states and from the United States Office of Education. The components listed for the health occupations program reflect occupational needs as identified by consulting with health providers representing over 200 health occupations within Minnesota in addition to health consumers and educators. This section received support from health care professionals, (Tr. pp. 93-96, 132) educators, (Tr. pp. 127-129, 134) and parents. (Tr. p. 133) The rule is needed and reasonable.

§ 1.00811 D 4 - Homemaking Occupations

76. This section sets out the components to be included in the homemaking occupation programs. The emphasis on resource management, human development and nutrition in this section is

necessary to meet the requirements of federal statute to permit qualification for federal vocational funds. (Ex. 4, p. 13) This section received general support from MASVA (Ex. DD, p. 6), the Minnesota Strengthening Home Economics Project (Ex. V), Home Economists in Education (Ex. MM), and others. (Ex. BB, 7H, 8I). The Board suggested one change in the section at section 1.00811 D 4 b.(2)(a), where the Board suggested changing "45 hours of instruction" to "40 hours of instruction". The Board stated that this change is necessitated due to the fact that the number of hours per component stated as 45 was calculated when the school year was estimated at 175 days. It was reduced to 40 hours because of action by the 1977 Legislature allowing up to five days of the school year to be utilized for teachers in-service workshops. (Ex. 35, p. 2) This amendment was supported by MASVA (Ex. DD, p. 6) and others. (Ex. 8I) This section is needed and reasonable as amended.

§ 1.00811 D 5 - Industrial Occupations

77. Time frames and program components in the industrial area were recommended by state advisory committees and local teacher input groups. The entire section received general support. (Ex. 5X, Tr. pp. 215, 259)

78. In regard to section 1.00811 D 5 a.(2), a comment suggested that the word "inspection" be added before the word "diagnosis" in the first sentence. The same person also suggested that the phrase "emission systems" be replaced by "fuel and emission systems" and that "cooling and heating system service" and "technical manuals" be added as additional program components. (Ex. 9V, p. 2, Tr. p. 356) The Board agreed that these were proper amendments and additions. (Ex. 9V, p. 1)

79. Section 1.00811 D 5 a.(4), dealing with construction occupations - general, drew 32 comments. Only one comment, by the Minnesota State Council of Carpenters, supported the rule as proposed in relationship to the 1,000 square feet maximum size for construction of a residential unit. In addition to several comments in opposition to any restriction on the size of

the residential unit, (Ex. ZZ, 5C, p. 3, 5U, p. 3, Tr. p. 306) 25 comments supported raising the maximum size to 1200 square feet. (Ex. A, M. DD, p. 7, 3X, p. 2, 3Y, 4L, 4M, 4O, 4P, 4S, 4V, 5G, 6E, 6Y, 7D, 7H, 7S, 8C, 8D, 8H, 8P, 8T, 9Q, p. 2, Tr. pp. 215-216) Typical of the concerns expressed was that of Representative Willis R. Eken, who stated that:

> "There is a concern that this restriction will make it more difficult for the school to sell this home. It is my understanding that many communities by local building codes and zoning ordinances have minimum standards above the proposed rule and in these localities they will be allowed to comply with that local ordinance. I believe that this proposed rule will be discriminatory against those schools where these local minimum standards are not enforced. Therefore, I would hope that the proposed rule could be changed to set that minimum standard to 1200 square feet as a more reasonable limitation." (Ex. 8R)

In response to these comments, the Board agreed to raise the maximum square footage to 1200 square feet, since this size house is more readily saleable. The Board observed that homes of 1,000 square feet or less account for only seven percent of the new home market, and that a residential unit of 1200 square feet can provide a greater variety of learning experiences and more work stations for students. (Ex. 37, pp. 1-2)

80. Two other comments indicated that school districts might experience difficulty finding an instructor with competencies in the minimum five program components required under this rule subsection. (Tr. pp. 234-236, 314) The Board commented that secondary programs of vocational education have been, for several years, offering programs with all of the components listed in these rules, and that an instructor may bring in outside resources to help provide expertise in regard to any particular component. (Tr. pp. 240-241)

81. In a comment directed toward section 1.00811 D 5 a.(13), dealing with recreational vehicle repair occupations, one person suggested that the phrase "outboard motors" be replaced by "marine engines" so as to include both outboard and inboard motors. It was also suggested that "principles of power transmission

units" be added as a component. (Ex. 9V, p. 2, Tr. p. 357) The Board agreed with the suggestions. (Ex. 9V, p. 1)

82. In regard to section 1.00811 D 5 a.(14), dealing with service station occupations, it was suggested that the word "inspection" be inserted before the word "service" in the first sentence. It was also suggested that "break system service", "diagnostic testing equipment", and "technical manuals" be added as components. (Ex. 9V, p. 3, Tr. p. 357) The Board agreed to these additions. (Ex. 9V, p. 1)

83. In regard to section 1.00811 D 5 a.(16), dealing with welding occupations, the Board corrected a typographical error at the hearing by suggesting that the phrase "electrode section" be changed to "electrode selection". (Ex. 35, p. 1) Section 1.00811 D 5 a.(17) received specific support. (Ex. 5Z)

84. Section 1.00811 D 5 b.(2), the subsection setting out the time options for industrial occupations, drew several comments. One comment from the Minnesota Industrial Arts Association (MIAA) asked why the standard 120-hour figure was not used throughout the options. (Ex. 3R, p. 2) The Board stated that:

> Time frames and program components in the industrial areas have been recommended by state advisory committees and local teacher input groups. The programs in construction occupations planning and management, construction occupations mechanical trades, construction occupations masonry trades, construction occupations in finishing, mechanical drafting occupations, and service station occupations lend themselves to be taught in shorter time blocks than other industrial programs. For this reason schools have the option of teaching these programs during a 120 hour summer school program or of scheduling them for a minimum of 140 hours during the school year. The 20 hour difference is due to the fact that summer school segments are offered in longer time blocks, so less time is devoted to clean up. When offering these programs during the regular school year, scheduling is at the discretion of the school, providing minimum time requirements are met. Although the previously mentioned programs may be offered for shorter time periods, all schools have the option of offering them for 280 hours or more. (Ex. 4, p. 13)

Five comments were received in support of this proposed subsection, generally praising the flexibility allowed in the rule. (Ex. 3S, 4X, p. 1, 5L, 9V, p. 3, Tr. p. 315) The Board proposed

an amendment at the hearing to add the number 16 to the series of numbers contained in both (2)(a) and (2)(b). (Ex. 35, p. 1) This was a typographical error.

85. In section 1.00811 D 5 b.(2)(e), the vocational education department of the Minneapolis Public Schools proposed adding program 11, which is machine shop occupations, to this subsection to make that program consistent with others. (Ex. T, p. 3) The Board stated that this change would not be acceptable because the safety considerations as well as the necessary set up and clean up time in a machine shop would preclude attaining the stated objectives in less than two hours. (Ex. 37, p. 5)

86. Section 1.00811 D 5, together with the suggested amendments and additions, is needed and reasonable.

§ 1.00811 D 6 - Marketing and Distribution Occupations

87. The components in this section were based on what is presently being done in school districts and what nationally is being accomplished in these programs. The section received general support. (Tr. p. 218) Section 1.00811 D 5 b.(2) was proposed for deletion by the Minneapolis Public Schools on the grounds that it would require schools offering only a 12th grade cooperative education program in marketing to develop a new course in addition to the required related instruction and that no rationale has been shown for this additional requirement. (Ex. T, p. 4) MASVA suggested that the words "prior or concurrent classroom instruction in the occupational area plus" be deleted. MASVA stated that the "model store" is a popular and successful method of teaching marketing and distributive occupations and is usually the school's only program in this occupational area. The proposed rule would require an additional course being offered with the model store and may cause some schools to drop the entire program. (Ex. DD, p. 7) The Board stated that such a change would greatly depreciate the options to students for career exploration prior to job placement.

(Ex. 37, p. 5) The head of the Student Education Division at the University of Minnesota commented that the subsection should be maintained since cooperative occupational experience or simulation, either one by itself is insufficient as a means of helping students enter a consumer marketing occupation. He stated it is generally agreed that a person can be more productive and satisfied in their job or simulated setting if they advance with their basic skills first. Introductory experience helps develop basic skills and also helps students decide whether they want to continue in an occupation. A person is given a better idea of what is expected and how to perform in the role. (Tr. pp. 218-219)

88. Section 1.00811 D 6 is needed and the record sufficiently demonstrates its reasonableness.

§ 1.00811 D 7 - Service Occupations

89. The components listed in this section were developed from a wide variety of sources. (Ex. 4, p. 14) The section received general support, (Exs. V, Y, Z, BB, MM, 8I, pp. 1-2, UU) and no specific criticism. It is needed and reasonable.

§ 1.00811 E

90. This section sets the minimum student-instructor staff ratio for each program at ten students to the instructor. The Board noted that districts and centers have flexibility in carrying out this rule during periods of declining enrollment by combining grade levels, sharing students among neighborhood districts, and offering programs less frequently than on an annual basis. (Ex. 4, p. 15) The only comments recieved strongly supported this rule as proposed. (Ex. M, p. 2, DD, p. 7, 7H, p. 2) The section is needed and reasonable.

§ 1.00811 F

91. Section 1.00811 F essentially carries out the mandate of Minn. Stat. § 124.573, which provides that these rules shall not prevent a student from enrolling in secondary vocational

educational courses on an exploratory basis for less than a full school year. (Ex. 4, p. 15) The rule was criticized as being somewhat vague, (Tr. pp. 347-348); it is, however, needed and reasonable given the statutory requirement.

§ 1.00811 G - Community-Based Education

92. This section is intended to permit districts and centers the option of providing community based learning experiences within an approved vocational program. Many students are able to effectively learn to apply occupational knowledge and skills which they have already learned, in a real job setting. The concept of gaining practical experience through community-based education drew considerable support. (Ex. Q, 3S, Tr. pp. 63-65, 130-131, Ex. G, see also, Board Ex. 24) Several comments (Ex. S, p. 6, 6F, p. 3, 9T, p. 2) questioned whether this rule would prohibit operation of non-cooperative secondary vocational programs. The Board replied that it would not. (Ex. 37, p. 15)

93. Section 1.00811 G 1 b requires a district or center to provide coordination time for the instructor at a minimum of 25 minutes per week per student on supervised employment. The Board states that this allows adequate coordination time for the instructor so that the school representative, employer and student can interact. (Ex. 4, p. 16) The MSBA stated that it would like to see a more flexible minimum established since a flat minimum such as 25 minutes per week may be an inefficient utilization of staff members. The minimum might also have a tendency to discourage school districts from fully utilizing community-based education because additional personnel would have to be hired. (Ex. S, p. 6) The Minnesota Vocational Association of Special Needs Personnel (MVASNP) urged that a minimum of 40 minutes per week per student coordination time should be provided for special needs instructor coordinators. They stated that since special needs educators taught 60 percent of all students in cooperative training programs

in 1975-76, and since the complexities of the students' problems increase the time which the instructor must spend with other teachers, parents, employers and oftentimes administrators, law enforcement officers, social workers, drug counselors and the students themselves, a greater amount of coordination time is justified. (Ex. LL, p. 1)

The Board stated that the coordination time for disadvantaged students should not be increased to 40 minutes per student since the Legislature has indicated its desire that these rules establish the least restrictive criteria wherever possible. As the rules are presently written, the district has the option of increasing the amount of coordination time where necessary. Where such an increase is not justified, it would result in a 60 percent cost increase without any attendant benefits. (Ex. 37, p. 7) The subsection is needed and is not unreasonable based upon the record.

94. Section 1.00811 G 1 c provides that training stations shall be available to at least half of the coop students prior to the commencement of the program. The Board's rationale for this is that many students who enroll in this type of program need the on-the-job experiences immediately to stay interested in school. If the instructor-coordinator has not secured at least 50 percent of the jobs by the time school starts, the time utilization during the first part of the program is inefficient and unproductive for the students. (Ex. 4, p. 16) The MEA questioned whether funding would be provided for the extended employment required under this rule. The Board pointed out section 1.0084 A 1 permits aid for up to four weeks of extended employment for coop coordinators. (Ex. PP, p. 2, Ex. 37, p. 7)

Several comments stated that the rule should explicitly make extended contract time mandatory. (Tr. pp. 303-304, Ex. T, p. 4, Ex. 3U) MVASNP stated that unless the majority of special need students are placed in training prior to the commencement of school, poorly motivated students may drop out.

They proposed that the phrase "the instructor-coordinator shall have four weeks extended employment for student selection and placement" be added to the end of the rule as proposed. (Ex. LL, p. 2) The Board acknowledged that the rule implies some extended contract time, places a maximum on that extended employment at section 1.0084 A 1, but does not make such contract time mandatory. This matter would presumably have to be negotiated between the coordinator and the school district. The section is needed and cannot be said to be unreasonable; however, the Board may want to consider whether requiring that at least some extended contract time be mandatory would result in a more workable rule.

95. Section 1.00811 G 1 d provides that the student shall be on the job an average of at least two hours per day that school is in session. The Board stated that a minimum length of time for a student to be on the job is set in order to allow the student to experience the realities of the occupation. The identified time block will help the student make the transition from the controlled learning environment of school to a work environment. The Board believes that employees usually spend longer periods in uninterrupted work time than in a school classroom period, and that most employers establish breaks at approximately two hour intervals. (Ex. 4, p. 16)

One school district commented that many students are hired to work at fast food restaurants during noon rush hours and are not always needed for an average of two hours per day. If a boy or girl averages 1.5 to 1.75 hours, he or she is still gaining work experience and motivation to progress in school. The commentor felt that the two hour rule was unnecessarily restrictive. (Ex. K) A vocational director stated that he believed that the rule as proposed would rule out many excellent training stations and retail establishments which may require the majority of a student's hours to be on weekends with fewer than an average of two hours per day available on school days. He proposed that the rule be amended to provide that

"the student shall be on the job an average of at least ten hours per week during the school year". (Ex. 3S, p. 2) The rule is needed; however, based upon the evidence presented it is unreasonable since it is too inflexible and restrictive. The Board should consider an amendment consistent with the comments received.

96. Section 1.00811 G 1 e requires a training agreement and training plan for each student on the job. The Board states that this provides accountability through written records, of individualized education for each student. (Ex. 4, p. 16) The St. Paul Public Schools suggested that the words "training plan" be deleted from this section and from section 1.00811 G 3 d.(3) since it places additional requirements on employers and will limit flexibility in meeting the changing needs of students. (Ex. CC, p. 4) The Board stated that the signed plan prevents students from being unfairly exploited. (Ex. 37, p. 6) This section is needed and reasonable.

97. Section 1.00811 G 1 g requires prior or concurrent classroom instruction in the occupational area except work experience for special need students. The Board believes that this will improve the probability that learning will take place than would be likely if the student were employed on the same job without being supervised and coordinated by the school. (Ex. 4, p. 17) The St. Paul Public Schools suggested that this provision is to provide skilled training in occupational areas where it is not feasible for the school to provide classroom instruction. (Ex. CC, p. 5) The rule is needed and reasonable as proposed.

98. With the exception of section 1.00811 G 1 d, as explained at Finding No. 95 above, section 1.00811 G is needed and reasonable.

§ 1.00821 - Administrative Services

99. This section sets out the parameters for receipt of vocational aid for secondary vocational administration. The

Board believes that the rule as proposed is consistent with Minn. Stat. § 124.573, subd. 3, which states that the rule shall not require any minimum number of administrative staff. The entire section did receive general support. (Ex. 7H, p. 2)

§ 1.00821 C, D and E

100. In regard to these subsections, the Board stated as follows:

> Subsections C and D are needed to assure efficiency in utilization of state and federal vocational funds for vocational administration staff. Experience in operating secondary vocational programs in Minnesota has shown that availability of licensed vocational administration staff relates to variety of programs offered, efficiency of programs, and effectiveness of programs. The vocational administrator serves as a change agent for development of vocational education, upgrading and updating of curriculum and occupational equipment and as a catalyst for vocational staff development. The ratio of one vocational administrator to provide leadership for twenty secondary vocational teachers and support service staff is both efficient and cost effective, based on past experience in both large-district and multi-district operations.
>
> Subsection E allows for exceptions to be made for the next three years while districts and centers adjust the number of administrators or number of instructional staff or tailor their local budget to cover expenditures for vocational administration which is not eligible under the rules. This rule is necessary because of the number of districts and centers which are in the developmental stage of providing a variety of secondary vocational programs. Any district, center or potential center that chooses to develop approved programs involving at least ten instructional staff could do so within three years without being deprived of vocational aid for vocational administration employed to develop the program. Three years is also a reasonable length of time for each district and center board to address the question of whether they are too small to efficiently operate their vocational programs with the amount of vocational administration time they have chosen. The available opportunities of establishing a vocational center, merging vocational centers, or sharing vocational administration between districts or centers also make three years reasonable.

Twenty-seven public comments were directed toward these three sections.

101. Several comments questioned whether or not the rule as proposed was requiring that a district or center hire an

administrator. (Ex. S, p. 6, Ex. 6F, p. 3, Ex. 9T, p. 2, Ex. PP, p. 2) The Board pointed out that Minn. Stat. § 124.573, subd. 3, precludes the Board from requiring in these rules that an administrator be hired. The language of the rule merely guarantees aid, but does not, in the Board's view, require adding an administrator. (Ex. 37, pp. 7, 15)

102. Two comments specifically complained that since section 1.00821 D allowed no proration between zero and nine staff, small centers and schools with under ten staff persons would not be eligible for aid. (Ex. OO, Ex. 3B) In its post-hearing comments, the Board stated that there may be instances in which it is not possible to have ten vocational teachers in any particular school district or vocational center. Therefore, the Department agreed to an amendment of the proposed rules that would allow a proportionate salary payment where, because of the lack of population in a geographic area, it is not realistically feasible to support a vocational program of ten teachers. This might also occur where a new vocational program is being implemented for the first time. Accordingly, the Board suggested that section 1.00821 E be amended to read as follows:

> Vocational centers eligible for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service may apply to the commissioner of education for an exception to the rule. An exception will be granted on the basis of the following criteria:
>
> 1. During the first fiscal year following State Board of Education approval;
>
> 2. In those instances where the demography of the area served by the center cannot reasonably support ten vocational instructional staff.

The Board then proposed that the last sentence of the original section 1.00821 E, namely, "Administrative time involved in general education is not eligible for vocational aid", should then be added as the last sentence of section 1.00821 C.

103. Most of the comments were from smaller centers and schools which have been eligible in the past for a full-time administrator regardless of staff size. (Ex. 8Z) They view

the proposed rule as a backward step that will harm programs in rural school districts and sparsely populated areas. (Ex. S, Ex. 4V) Their position is that each center or school district should have a full-time director or administrator regardless of the size of the staff. (Exs. 3X, 3Y, 4P, 5G, 5U, p. 3, 6L, 8T) Several comments perceive the proposed rule as being unreasonable since it prorates based upon the number of staff people when in fact coordination with the staff is a small part of an administrator's responsibilities. (Ex. 6E) Several comments mentioned that an administrator or vocational director has many duties including that of superintendent, principal, counselor, teacher, curriculum director, disciplinarian, business manager, public relations person, supervisor of buildings and grounds, and advisor. (Ex. 9Q, Ex. 5C, p. 2, Ex. 6L, see also, Board Ex. 27) One center director commented that:

> This approach in determining efficiency based on the number of teachers (full-time equivalency) is a simple approach to a much more complicated problem.
>
> I am in favor of more efficient use of education dollars, however in my 16 years as a secondary school supervising administrator for 30 or more teachers and five years as a center director I have consistently found part-time teachers requiring at least as much or more administrative effort and time in supervision as full-time teachers. Supervising teachers is only a fractional part of an administrative job. Finance, program development, community relations, and working with four principals, four superintendents, four counselors, and eight board members and public groups on a regular basis are some other requirements of a center administrator. I find much more is demanded in directing a center for our rural communities than is clearly understood. (Ex. 7W)

It was observed that the number of staff is simply not an appropriate measurement of administrative needs in a rural or sparsely populated area. (Ex. 4B)

104. Another group of comments focused on the ratio of one full-time equivalent administrator per 20 vocational instructional staff. The comments indicated that a more appropriate ratio based upon the need for administrative services was 1 to 10 or 1 to 12. (Exs. H, I, p. 1, A) The Duluth Public Schools

stated that their current ratio was approximately 1 to 17. The proposed rule could therefore result in less supervision in their program. (Exs. J, p. 1, I, p. 1) It was observed that this ratio was even less than the area vocational-technical ratio which is 1 to 12, and is less than the general education ratio even though there is presumably more travel time and other duties involved for a vocational administrator, especially one who is in charge of a center. (Ex. M, p. 2, Ex. J, p. 1) The comments indicated that the 1 to 20 ratio would be a deterrent to expansion of vocational opportunities at schools and centers. (Ex. A)

105. MASVA's testimony in regard to these sections suggested that, in regard to section 1.00821 C, the phrases "or one half time administrator per ten vocational instructional staff" and "when the administrative position is between one half time equivalent and full time equivalent" be deleted. MASVA also suggested deletion of the phrase "zero and nine and" from section 1.00821 D. These changes were proposed on the grounds that there is a need for vocational administration services whenever vocational education programs are provided and that a district or center should be eligible for aid on a prorated basis using the 1 to 20 ratio. MASVA supported section 1.00821 E. (Ex. DD, p. 8)

106. The Board stated in regard to the above comments that the state has a valid interest in ensuring that to the extent possible all programs are operated in an economic manner. Therefore, the administrative staff ratios established in the proposed rules are proper. (Ex. 37, p. 2)

107. It is concluded that, although a need has been shown for this rule, the Board has not met its burden of showing by an affirmative presentation of facts that the 1 to 20 ratio is reasonable in regard to its effect upon school districts and centers, nor has the Board shown that basing aid for administrators upon the number of staff is a reasonable approach, especially in regard to small and rural school

districts and centers. The Board's presentation in support of these sections was essentially limited to the conclusion that the 1 to 20 ratio is both efficient and cost effective based on past experience. Although the Board's proposed amendment of section 1.00821 E addresses the concerns of a portion of those persons commenting, it does not supply the necessary facts to support the unamended portions of the rule as proposed. It is suggested that the rule be amended based upon the statements at the hearing and the written comments received.

§ 1.00831 - Support Services

§ 1.00831 A

108. The Board states that this rule is needed to make it financially feasible for districts and centers to provide related services which facilitate the effective operation of secondary vocational education. MASVA suggested that the phrase "for support service personnel" be inserted between the words "vocational aid" and "when a minimum" in the first paragraph of the rule. MASVA stated that they believe that this was a technical omission since interpretation without the suggested clause could mean no categorical aid to the district or center for any expenditures including salaries for regular vocational instructors unless a one-half time vocational license administrator existed. (Ex. DD, p. 10) This would appear to an appropriate amendment.

109. Two comments were directed at section 1.00831 A 1, expressing concern that another administrative position was being created labeled "support service manager" which might better be handled by the vocational director. (Ex. 6F, p. 3, Ex. 9T, p. 2) The Board stated that current practice verifies that the proposed "support service manager" student staff ratio is needed to allow time for indirect service to students, assessment, consultation and indirect service to vocational instructors, monitoring or follow-up of students and coordinating

services with other support service personnel. The proposed ratio is consistent with special education rule EDU 122(c)(4) which allows school districts to assign case management and follow-up duties to a single special educator. (Ex. 4, p. 19)

110. At the hearing, the Board proposed that section 1.00831 A 5 be deleted on the grounds that the sentence did not belong in the support services section because training specialists are certified teachers and not support personnel. This would require that "A 6." be renumbered to "A 5.". (Ex. 35, p. 1) One comment (Ex. 5M, p. 2) pointed out that support service managers must have a degree in a technical human service area or in education and that most are also certified teachers.

111. Section 1.00831 A, as proposed and as amended by the MASVA and the Board, is needed and reasonable.

§ 1.00831 B

112. This section is necessary since when placement services are provided, vocational administration is necessary to facilitate coordination among placement specialist services, other student personnel services and vocational instructional staff. The rule provides a minimum ratio of placement specialists to vocational instructional staff to encourage distribution of state funds on an equitable basis. The concept of providing a placement specialist received considerable support including that of the MASVA which believes that it will increase youth employment and can complement existing guidance personnel. (Ex. DD, p. 10, Ex. 4X, p. 1, Ex. 5K, Ex. 5S, Tr. pp. 75-79, 299-300, see also, Board Ex. 28) Two comments were received indicating that the 1 to 20 ratio in the section was too restrictive and that the placement specialist should be funded regardless of the size of the staff. (Ex. 7S, p. 2, Ex. 8S) The Board stated that evaluation of four years of pilot projects involving placement specialists shows that this is a reasonable ratio for effectiveness of the program. Because placement specialists can provide services to students on a less than

daily basis, districts and centers are given the opportunity to share placement specialist services. (Ex. 4, p. 20)

113. Comments were also received from the Minnesota School Counselors Association (Ex. 3Q), the Minnesota Personnel and Guidance Association (Ex. 6K), and others (Ex. 6J, Ex. 8G, Tr. pp. 277-281) expressing opinions on the proper qualifications for placement specialists. These comments are properly addressed to the state plan for vocational-technical education and not these rules. (Ex. 37, p. 9)

114. Section 1.00831 B is needed and reasonable based upon the evidence in this record.

§ 1.00831 C

115. This section provides the districts and centers the option of utilizing a licensed aide or licensed pre-school teacher in order to operate a child care laboratory as a learning experience for secondary vocational students. The section received strong support. (Tr. pp. 138-140) The St. Paul Public Schools commented that while the rule references child care and guidance occupational programs, presumably under the service occupation area, it does not reference the child development and parenting component contained in the consumer-homemaking occupation program in the homemaking occupations area. The St. Paul Public Schools also commented that present practice does not require licensure of facilities for pre-school children when operated in conjunction with the public school program. (Ex. CC, p. 5) It should be noted that the word "if" in the first sentence of this section should apparently be "is". Although the rule is needed and reasonable as proposed, the Board should consider these suggestions.

§ 1.0084 - Vocational Aid

116. This rule sets out the items for which vocational aid is available. The entire section received support from MASVA and others. (Ex. DD, p. 10, Ex. 7H, p. 2) MASVA and others suggested that the first paragraph of this rule be

revised to provide that final aid payments be based on actual expenditures rather than the estimated budget. (Ex. DD, p. 10, Ex. 4X, p. 2) Normally, the estimated budget exceeds the actual expenditures according to these comments and therefore, it is questionable whether the Legislature intended payments to be based upon the estimated budget especially in light of the language of Minn. Stat. § 124.573, subd. 2, which seems to look toward actual expenditures. The rule as proposed is needed and reasonable; however, the Board should consider the comments made.

§ 1.0084 A - Salaries

117. This rule sets out the statutory provision that aid be available at up to 50 percent of the salaries of essential licensed personnel. Industrial arts teachers expressed concern that they might be replaced with vocational instructors due to this 50 percent funding. (Ex. 3R) Although this is essentially a legislative concern, the Board did note that the economic incentive for a school district to add vocational education is dampened by the fact that vocational education costs more than general education. (Ex. 37, p. 9) One comment supported the flexibility of extended employment provided in section 1.0084 A 1. (Ex. 3S) One comment directed toward section 1.0084 A 3, suggested that the section was vague. (Tr. pp. 348-349) The Board stated that when substitute staff were being paid at the same time as a regular staff member, the district or center may choose whether the salary of the substitute or the regular staff member shall be eligible for aid. The rationale for this policy is that the state vocational aid is a categorical aid program rather than a general maintenance aid. (Ex. 4, p. 21)

118. Section 1.0084 A is needed and reasonable.

§ 1.0084 B - Travel

119. This section restates the statutory directive contained at Minn. Stat. § 124.573, subd. 2, which provides that

beyond their control. (Ex. S, p. 6) The Board stated that Minn. Stat. § 124.19, subd. 1, already provides such relief. (Ex. 37, p. 5)

144. In regard to section 1.0104 F 4, the Board suggested an amendment at the hearing as follows: After the word "upon", add the word "initial"; after the word "subsidy", add the phrase "in any given year"; delete the phrase "to the Higher Education Coordinating Board". The Board stated that this latter change is needed because students do not apply directly to the Higher Education Coordinating Board for tuition subsidy. The other additions are needed to assure that students will not be able to abuse the system by re-applying many times. (Ex. 35, p. 1; see also, Tr. pp. 151-152)

145. The amendments to section 1.0104, together with the changes proposed by the Board are needed and reasonable.

Section 1.0105 - Capital Expenditure Aid

146. Certain changes in dollar amounts are made in this section due to inflation. (Ex. 4, p. 30) No comments were received concerning this section, and the amendments are needed and reasonable.

Section 1.0106 - Construction

147. This new section sets out the rules governing eligibility for aid for expenditures for approved construction projects. One comment (Ex. 8L, pp. 1-2) suggested that the type of "aid" in the "A" section of this rule should be specified. The writer also commented that the phrase "and moneys expended from other than funds acquired by incurring bonded indebtedness" was not clear in that it may imply that the state could be paying debt service aid on construction which was not funded through borrowing. The phrase "in unusual situations in which federal funds become available" was suggested for modification if it implies that construction could be obligated without the approval of the State Board of Education. In the "B" section of this rule, the writer suggested that the phrase "eligible for aid

be deleted; and that the word "of" be added for the purpose of consistency. This is needed and reasonable.

139. Section 1.0102 E prompted a change by the Board at the hearing. The Board suggested changing the second "of" in this sentence to "to". This is a semantic change. (Ex. 35, p. 1)

140. Section 1.0102 F attracted two comments directed to limitation of the number of students to a maximum of 24 per section, to which the writers objected. (Exs. E, VV) The Board observed that Minn. Stat. § 124.572, mandates that the Board establish student-teacher ratios and therefore, by inference, maximum class size, and that the number 24 was based upon the need for adequate teacher supervision and a safe learning environment, in light of the fact that vocational education is a higher than average risk endeavor. (Ex. 37, p. 3, 8) It appears that the comments are not directed at any of the changes being proposed in this rule hearing, but are directed toward an already promulgated rule. Therefore, the Board would not be able to make any change in this matter in the course of this rule hearing procedure.

141. The amendments to § 1.0102, together with the suggestions made by the Board at the hearing, are needed and reasonable.

Section 1.0103 - Administrative and Support Service Requirements

142. Several changes in terminology were made in this rule. None of them attracted any comment. They are explained at Ex. 4, p. 26, and are needed and reasonable.

Section 1.0104 Foundation Aid

143. An addition is proposed in this section at 1.0104 E which provides that foundation aid is available only for days on which school is open and students are under the supervision and guidance of teachers. One comment by the MSBA suggested that an emergency provision be incorporated into the proposed rule so as not to penalize school districts for circumstances

132. It is concluded that section 1.0084, as amended, is needed and reasonable except in regard to section 1.0084 D 1 as explained at paragraph No. 130 above.

Section 1.0085 - Vocational Aid Application Procedure

133. The purpose of this section is to alert local administrators to the time scheduling process for submitting forms for aid. Only one comment was directed towards this section. In regard to section 1.0085 A, it was observed that compliance by February 1, 1978 would be extremely difficult. (Ex. 3R, p. 1) Since these rules are to take effect in July of 1978, this would not appear to be a problem. The section is needed and reasonable.

Section 1.0086 - Student Eligibility

134. This section clarifies the fact that Minnesota students in grades 10, 11 and 12 are eligible to be served in secondary vocational education. This section received no comments and is needed and reasonable.

CHAPTER 6: POST-SECONDARY VOCATIONAL TECHNICAL EDUCATION

§ 1.0100 - Application

135. This section mandates a written application. One sentence is deleted due to a statutory change. This is needed and reasonable.

Section 1.0101 - Basis for Approval

136. One statement has been deleted and moved to the general section of the rules. This is needed and reasonable.

Section 1.0102 - Program Approval

137. Several changes were made in this section, some of which were deletions where language was moved to other sections of the rules. There were also several non-substantive technical changes, and some addition of new language. The detailed explanation is found at Ex. 4, pp. 24 - 26.

138. At the hearing, the Board suggested, in regard to section 1.0102 A 3 that the phrase "for vocational technical education"

immediately following adoption of the rule if the estimated total cost exceeds $100,000 in either of the two years.

The Board has stated that the impact is less than $100,000. (Ex. 3) The Board points out that an impact statement would not be required since the rules do not mandate actions or expenditures by local school districts or centers and leaves the decision up to the local authorities. (Ex. 37, p. 13) It would appear that the proposed rule would not technically require any expenditures of public money by the affected local public bodies. It is, however, obviously a situation very close to that. Faced with a loss of funding, the local district or center is given the choice of dropping or curtailing the program or finding locally generated funds to replace the lost state aid.

130. A rule is clearly needed to govern the relationship between funding from vocational and special education sources. It is concluded that section 1.0084 D 1 as proposed is not reasonable since it changes the status quo in regard to co-funding without explicit legislative authority to do so and based solely upon the interpretation of the legislative staff. This very important matter ought to be explicitly considered by the legislature before any detrimental change is made. A further problem in regard to the rule is that the solution it proposes goes beyond solving the abuse of 115% funding which the legislature apparently perceived. In this sense, the need has not been shown for a change in the status quo in regard to co-funding. It is recommended that the rule be amended based upon this record to permit combined categorical aids at a rate not to exceed 80 or 85% of total program costs.

131. Two comments were directed towards section 1.0084 D 3 which provides that when ineligible students are served in an approved program, aid requests must be accordingly pro-rated. The comments suggested that aid should be available for work with students in pre-vocational or practical arts programs, such as industrial arts and home economics, since these courses are often feeder courses for vocational education. (Ex. J, p. 1; Ex. I, p. 2) It would appear, however, that the statute would prohibit this.

this proposal. (Tr. 245) This speaker also pointed out that since this interpretation is not really a matter of statute and has not been presented before all legislators, it is therefore improper to stop co-funding based solely on the advice of legislative counsel. (Tr. 247, 248) Several comments underline the seriousness of deleting this type of funding since the loss of these programs for students with special education needs may affect the ability of a person to be independent for the rest of his or her life. (Tr. 249, Exs. 7D, 7U, 8E, 8V)

128. It is apparently a common practice currently that vocational education for disadvantaged and handicapped students is funded at a rate of approximately 80% based upon co-funding from both special education and vocational funds. (Ex. 5M) The St. Paul Public Schools suggested that the rule, as proposed, be amended to provide that

> "Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for combined categorical aids at a rate not to exceed 85% of total program costs." (Ex. CC, p. 6)

It was stated that this would continue the funding as it is now until the legislature had the opportunity to expressly consider the question. (Tr. p. 248) Concern was expressed that vocational aids should be available for <u>all</u> students, including the handicapped and disadvantaged, and that the latter should not have to rely solely on special education funds. (Ex. LL, p. 2)

129. Several comments expressed the belief that the Board should be required to prepare a fiscal impact statement since they believe that this rule will have a substantial financial impact on local school districts and centers. (Ex. 9U; Ex. 5M, p. 2; Exs. 8V, 8B, 8D, 7U) Minn. Stat. § 15.0412, subd. 7, states that:

> If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, and the affected local public agency has not been directly involved as provided by statute in the actions relating to implementation of the rule, the notice of the proposed rule as required by this section shall be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years

Technical Education and the Division of Special and Compensatory Education, and are eligible for special education aid. (Ex. 35, p. 2)

125. This rule subsection drew several comments since its effect would be to diminish funds available for vocational opportunities for special education students. (Ex. CC, p. 6; Ex. 7b) Historically, many districts and centers have funded vocational education for the handicapped or disadvantaged from both special education funds (which is available for up to 65% of district expenditures), and also from vocational education funds (which is available at up to 50% of expenditures). The Board stated that legislative staff has advised them that these rules cannot provide for funding beyond the maximum of either of the two acts, that is, the Act relating to special education, and the statutes relating to vocational education. The legislators are apparently concerned about some instances of 115% funding due to the co-funding approach. (Tr. pp. 173-174)

126. The problem was summarized by the Director of Vocational Technical and Industrial Education of the Minneapolis Public Schools as follows:

> Through co-funding, the larger percentage of the cost of special services was provided by state and federal contributions which enabled new positions and services of support to be initiated. It is very obvious that if co-funding does not continue, we will lose these additional services because there are no allowances in our present budget, nor does there appear to be much opportunity in our future budgets for local contributions in these areas. . . . It is my understanding that in St. Paul, our sister city, the additional cost to the district will run somewhere in the neighborhood of $55,000. In the City of Minneapolis, one program of support services alone would create a loss of $33,374 to the Minneapolis public schools, and that is just for our special needs coordinators (SNCC) program. I am aware that there are quite possibly abuses of the dual collection. I am equally aware that these abuses were perpetrated by a small number of districts. I would suggest that in lieu of penalizing all the young people who are handicapped and disadvantaged in the State of Minnesota by discontinuing co-funding, that energy be directed towards a more equitable distribution formula that corrects the abuses of a few. (Ex. 9S, p. 1)

127. One speaker argued that there is no statutory language that would prohibit co-funding or require the policy embodied in

sentence. This would have excluded the homemaking occupations from being eligible for categorical equipment aid. (Ex. 35, p. 2) Twenty-six comments were received as a result of this proposed amendment indicating opposition to this amendment and support for the rule as was originally proposed. (Exs. 3D, 3F, 3O, 3W, 4A, 4G, 4H, 4I, 4J, 4N, 4Q, 4R, 4W, 4X, p. 3, 5D, 6Q, 6T, 6V, 7V, 8I, p. 2, 8Q, 8X, 8Y, Tr. pp. 164-168) Many of the comments accurately identified this proposed amendment as a substantial change in the rule without proper notice. As a result, the Board agreed to withdraw the proposed amendment and proceed with the rule as originally proposed. (Ex. 36, p. 1) Other comments expressed a fear of reduced aid under the rule. (Ex. H, p. 2, Ex. HH, p. 4)

122. The rule as originally proposed is needed and reasonable.

123. Several comments were addressed to the fact that people desired to see supplies funded in a manner similar to travel and equipment. (Ex. H, Ex. I, p. 2, Ex. J, p. 2, Ex. HH, p. 3, Ex. 3Y) The Board noted that the Legislature specifically limited the funding to salary, travel to instructional sites, and equipment. (See Minn. Stat. § 124.573, subd. 2)

§ 1.0084 D - Aid Limitations

124. This section is needed to set out the limitation on aid. Section 1.0084 D 1 clarifies how the law relates to programs or services which are eligible for more than type of categorical aid with the intention of eliminating duplicate payments for any one item. The Board proposed an amendment at the beginning of the hearing which would add the following sentence to the end of this subsection:

> "Work Experience-Handicapped (Section 1.00811 G 3 d) is not eligible for vocational categorical aid"

The Board stated that this change is necessary since the work experience-handicapped must adhere to the vocational educational program approval criteria, but is not eligible for vocational categorical aid under these rules. The Board stated that the programs are jointly managed by the Division of Vocational

50 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers shall be paid by the state. Most of the 30 comments directed at this rule section were in protest of the failure to fund travel expenses of advisors incurred in attending youth organization activities. (Exs. N, QQ, 3B, 3S, 3U, 6M, 6U, 7C, 7R, 9O, 9Q, p. 2, Tr. pp. 254-257, 284-287, 287-288, 301-303, 325, 358-361) The Board agreed that travel for youth group advisors is desirable, but stated that it had been advised by the legislative staff it was the intent of the Legislature not to fund that type of travel based on the rationale that the state does not give categorical aid to similar non-vocational educational experiences such as debate or athletics. Other testimony indicated that funding for this type of travel was struck in the course of compromise negotiations leading to passage of this statute. (Ex. X) Several speakers, including the MEA, recognized that the language of the statute precluded funding for youth group advisors and urged that the law be changed. (Ex. PP, p. 2, Ex. Z, p. 2, Tr. p. 62) Other comments indicated that travel to homes of students for parental involvement should be funded. (Ex. CC, p. 5, Ex. FF, p. 2) It would appear that the explicit language of the statute limiting reimbursement to one type of travel would preclude this also. Other comments generally indicated that funding for travel was insufficient. (Ex. J, p. 1, Ex. H, p. 1, Ex. I, p. 1, Tr. pp. 41-44)

120. The proposed rule section is needed and reasonable as an accurate reflection of the statutory language and legislative intent.

§ 1.0084 C - Equipment

121. This subsection establishes that, pursuant to the statutory language, only occupational equipment is eligible for the 50 percent funding. Initially at the hearing, the Board proposed an amendment to add the phrase "except programs approved under section 1.00811 D 4" at the end of the first

from funds" should explain what type of funds. In the "C" section the writer stated that there is no explanation of the basis on which funds will be prorated.

148. Although the rule is reasonable and needed as proposed, the Board should consider the comments made.

Section 1.0107 - Categorical Aid

149. Several additions were made to this section. (Ex. 4, p. 31) No comments were received, and the amendments are needed and reasonable.

Section 1.0108 - Debt Service Aid

150. Minor technical changes were made in this section. (Ex. 4, p. 32) They are needed and reasonable.

Section 1.0109 - Student Eligibility

151. Several changes involving clarification of the previous rule were made in this section. (Ex. 4, p. 32) The changes are needed and reasonable.

Section 1.0110 - Student Organizations

152. Two phrases were added to this rule section. A comment directed at this rule questioned whether student organizations could be mandated and whether the costs of student organizations should be considered instructional costs. (Ex. 8L) These comments go beyond the changes which were proposed for this hearing by the Board and are addressed to the already promulgated rule, namely, rule EDU 109. As such, the Board cannot act upon them at this time. The amendments, which are clarifications, are needed and reasonable.

CHAPTER 6 A: ADULT VOCATIONAL-TECHNICAL EDUCATION

Section 1.0111 - Scope

153. This section makes it plain that programs offered must comply with these rules to receive state aids. This section received no comments and is needed and reasonable.

Section 1.0112 - Instructional Program Approval

154. Section 1.0112 A, B, C and D are subsections setting out rules regarding advisory committees, licensing, administrative services, and part-time programs. Only one comment was received directed to these sections, and that was to section D where a need was perceived for a definition of part-time programs. (Ex. 4T, p. 1) These subsections are needed and reasonable as proposed.

Section 1.0112 E 1

155. This proposed rule requires that programs with full-time adult enrollees shall employ a minimum of a one half-time instructor. The Board stated that to assure quality education programs, it is not educationally sound to deliver full-time programs with less than a half-time instructor because persons working less than half-time on full-time programs tend to put their prime responsibility and interests on their major work situation. (Ex. 4, p. 34; Ex. 8A and 8J, p. 2)

This proposed rule attracted 18 written comments. There are currently 11 districts that employ less than a one-half time instructor. (Ex. X, Ex. 37, p. 3) Several comments pointed out that an excellent way to start an adult program is with a one-quarter time instructor and that many successful programs have started this way. (Ex. D, Ex. X) Several comments indicated that it was not uncommon for an instructor to teach three-quarters time at the high school and one-quarter time in the adult program in small communities, and that the proposed rule might cause this person to have to choose between the programs. (Ex. X, Ex. 5J, p. 2) Some comments saw this proposed requirement as discriminatory against smaller schools or new adult programs in less populated areas. (Ex. 3N, Ex. 7Q, p. 2; Ex. 9F) Most of the comments supported changing the "one-half" to "one-fourth". (Exs. 5I, 5N, 5T, p. 2; 7P, 8H, 8O, 9D, 9G) One center pointed out that no valid reason to change had been advanced. (Ex. 7S, p.2)

156. It is concluded that although a minimum is needed, the Board has not met its burden to show by an affirmative

presentation of facts that it is reasonable to set a minimum of a one-half time instructor. The Board has essentially stated only its concern that less than this minimum does not produce a quality program without any further support for that conclusion. (Ex. 37, p. 3) It would appear that, based upon the comments received, some new programs might be discouraged from starting, and other existing programs could be dropped. The Board should amend the rule consistent with the comments in the record.

Section 1.0112 E 2

157. This section provides that adult farm management shall have a minimum enrollment of 42 cooperators who have been enrolled six years or less. Programs which do not meet the minimum enrollment prior to July 1, 1982, may apply for an exception.

158. One hundred public comments were received concerning this proposed rule subsection. A number of them (Exs. D, F. U, 3H, 3I, 5A, 5P, 5Q, 5R, 6B, 6P, 6S, 6C, 7J, 7X, 7Z, 8J, 9I, Tr. pp. 320-322) protested the requirement in the rule eliminating aid to those participants enrolled for six years or less. The Board pointed out that this requirement is mandated by statute. (Ex. 37, p. 2; Tr. p. 57) Minn. Stat. § 124.572, subd. 9, states as follows:

> Effective July 1, 1978, any individual enrolled in an adult farm management program for longer than six years shall be charged a tuition rate equal to the full cost of the program attributable to that individual.

Persons concerned about this requirement should address their comments to their legislators.

159. The requirement of a minimum enrollment of 42 cooperators caused the most comment. Thirty-three comments from farmers, instructors, superintendents, and others affirmed the value of this program and stated that this proposed rule would lead to termination of programs and the exclusion of some participants contrary to the goal of the governing statutes. (Exs. B, O, 3A, 3K, 3L, 4K, 4Y, 5B, 5E, 5H, 5N, 5U 2, 5V, 5W, 5Y, 6G, 6K, 6N, 6O, 6X, 7E, 7G, 7I, 7K, 7T, 8B, 8K, 8M, 8N, 8U, 8W, 9A, 9W)

A large number of comments stated that setting the minimum enrollment at 42 who have been enrolled six years or less, would place such a heavy workload upon the instructor that he would be unable to help anyone with over six years' enrollment. It was also observed that in many sparsely populated areas, it would be difficult to attract enough new members to satisfy the 42 minimum. A majority of the comments stated that the minimum enrollment of 30 co-operators under six years would be reasonable. (Exs. U, p. 3; X, JJ, 3E, 3G, 3J, 3K, 3Z, 4C, 4D, 4E, 4F, 4K, 4U, 4V, 5F, 5I, 5J, 5R, 5T, 5U, p. 2; 6A, 6C, 6D, 6M, 6X, 7A, 7F, 7L, 7N, 8A, 8O, 9B, 9D, 9E, 9F, 9G, 9L, 9N, 9P.)

160. The chairman of the State Vo-Ag Advisory Committee pointed out that that committee had recommended a minimum of 30. (Ex. 3N) He also stated that an ad hoc advisory committee on these rules initially suggested a figure of 30, and that committee was made up of instructors, adult coordinators, vocational center directors, and others interested in the vocational education field. (Tr. 68 - 69) He believed that approximately 40% of existing programs would not currently meet the 42 minimum. (Tr. p. 70)

161. Professor Edgar A. Persons, Professor of agricultural education at the University of Minnesota, stated that the proposed rule would seriously hamper the continuation of and potential growth of educational services to adults in agriculture, and supported amending the rule to require a minimum of 30 co-operators who have been enrolled six years or less. (Ex. 4T, p. 2) A portion of Prof. Persons' remarks were as follows:

> It can be assumed then, that of the 46.5 families reported by the average instructor, only 36.5 families would qualify under the 6 year limit. The average instructor, in addition would have about 7 new first year families, bringing enrollment that qualified under the 6 year rule to about 43.5 families.
>
> However, the purpose of rules and regulations is to define the minimum standards. If the current proposed rule is imposed (42 students) one has to consider the impact of raising the minimum standards to a level that is now reached only as a program average. What would the impact be?

If the assumption is made that enrollment in the first year of instruction would average 7, as previously reported, it would require 44 families analyzing records to maintain the 42 registrations under 6 years. (Seven new families + (44 x 78.6%) = 42 families.) If this criteria is applied to the chart in Table 1, 34 of the schools reporting less than 44 families with a business analysis (only two of the 10 programs in the 40-44 families with analysis reported the top limit of 44 in this category) would meet the proposed limit of 42 students. It seems inappropriate that 44% of the programs now in existence would be below standard, given the long history of support and supervision by the State Department of Education. Using the midpoints of the intervals to calculate the number of families involved, closure of the 34 programs would deprive 1123 farm families who are now enrolled of the opportunity of continued enrollment and would remove the opportunity for 238 families to join a farm management education program (34 programs x 7 new enrollees/year). Thus, instead of adding to the opportunity for enrollment by farm families, the demand of 42 cooperators would in fact eliminate the opportunity for over 1300 families to enroll.

* * *

Setting the enrollment minimum at 30 as proposed in this amendment to the proposed rules and regulations, would accomplish several purposes. It would bring the student teacher ratio for farm management instruction in line with other adult disciplines and other levels of vocational education and lessen the appearnce of discriminatory action.

Given the historic retention rate for new families, and allowing the 6 year enrollment period, it will require an addition of approximately 6-7 new families to a program each year to maintain the minimum enrollment of 30 under six years. . . . (Ex. 4T, p. 3, 6)

161. The Board stated in reply to Professor Persons:

The data presented in relation to the number of additional cooperators necessary to bring existing farm management coops into compliance with the requirement of 42 enrolled less than six years is correct as stated. This data, however, would be substantially different had the adult farm management instructors been notified of the requirement four years ago. It is the Department's belief that there are sufficient farmers presently not being served, and that given the four-year grace period in which to come into compliance, the agriculture instructors will be able to tap that available market and come into full compliance by July 1, 1982. There are currently 4,000 cooperators enrolled in the adult farm management program out of a potential 118,000 cooperators according to the Minnesota Department of Agriculture. (Ex. 37, p. 11)

162. The Board's justification for the minimum enrollment of 42 was stated as follows:

The aaverage salary and travel expense for adult farm management instructors is $25,000. This is the direct cost of the program. The indirect cost is 40% of the instructional cost and covers fringe benefits, heat, light, rent, and equipment. This brings the total program cost to $35,000. On the basis of Dr. Edgar Persons' study, it has been determined that 3 adult farm management students equal one full-time equivalent. The 14 student enrollment for full-time adult classes times 3 brings the adult farm management enrollment to minimum enrollment of 42.

On the basis of 14 students and a $35,000 program cost the following is the fiscal justification:

Total program cost	$35,000
Collected in aid 14 X 2000/ADM	28,000
Balance	$ 7,000

$7,000 to be picked up by local or students

$7,000 divided by 42 enrollment comes to $167 per student to be collected in tuition.

If the minimum was 30 as suggested by some the local contribution would be $233 per student.

The fact that there are 120,000 farms in Minnesota and only 4,000 farm families enrolled currently, it is imperative that the enrollment remain at 42 so more people can be provided training opportunities. The higher program cost with low minimum enrollment would keep those who need farm management skills the most out of the program.

Figuring the cost in 75% of salary and 50% travel would be as follows:

Salary 22,000 X 75% Travel 3,000 X 50%	$16,500 1,500
Reimbursed Amount	$18,000
Total Program Cost	$35,000
Reimbursed	18,000
Local Contribution per student @42	$17,000 404

Not including indirect costs, which we know are part of program costs, the direct cost of $25,000 would leave $7,000 local share the same as figuring on ADM.

This is why the current reimbursement is not adequate and we need to get on an ADM basis. Decreasing the enrollment to less than 42 would force local districts to drop the program because cost would be prohibitive to get enrollment.

Many districts are charging $200 per student now and still are not balancing the budget. Local tax dollars are no longer available and programs must be self-supporting. (Board Ex. 37-1)

163. In regard to the proposed ratio of 14 adult students to one instructor, Professor Persons commented that:

> This acceptance of the 3:1 ratio is referenced because of the discriminatory rule that is now proposed for adult farm management instruction. It should be noted that the proposed secondary rules set the ratio of students to instructor at 10:1; post-secondary rules and regulations propose a ratio of 10:1; all other adult education has a proposed ratio of 10:1. Only farm management education has a proposed ratio of 14:1 (42 ÷ 3 = 14 FTE). It is an inconsistency in the proposed rules that has no defense. (Ex. 4T, p. 6)

164. Two comments were received in support of the proposed rule subsection. One was from the Martin County Cooperative Center Vocational Director who stated that:

> We strongly support the minimum enrollment requirements of the Adult Farm Management program set at 42 cooperators and the complete paragraph as it is written in the rules. This program, seventy-five percent reimbursed by the State, has needed correction and revision for a long time. We have many situations across the State where an Adult Farm instructor is receiving a salary in excess of $20,000 a year and has less than 25 cooperators on record! We are considering seriously the discontinuance of this program for the coming school year simply because it is not providing enough service to enough farmers to justify even the local expense after the 75% reimbursement is received. This entire program is being looked at very hard by Boards and Superintendents across the State and they are saying the service provided is so limited that it can no longer be afforded. We recommend the inclusion of this rule as written. (Ex. 4V, p. 2)

The St. Paul Area Vocational-Technical Institute stated that:

> It seems to be reasonable, after consultation with Vocational Agriculture instructors and administrators, to insist upon a minimum enrollment of forty-two cooperators. It would appear, from the situation at the St. Cloud AVTI, where we have two full-time instructors, that the enrollment work load of forty-two cooperators is not excessive. Also, the fact that there is a four year period that is allowed to attain this ratio seems to me to be very reasonable and realistically can be attained. From a fiscal standpoint, unless we have at least forty two cooperators, it will be very difficult to be financially able to carry on the program. If we would insist on fewer than forty-two, the end result would be a substantial increase in tuition and fees to be charged to every enrollee as compared to what is currently charged or what we would have to charge if we maintained an enrollment of forty-two or more. . . . (Ex. YY)

165. The rule subsection is clearly needed. Based upon records compiled and given the Board's stated rationale for the rule of providing more farmers more training opportunities at a

reasonable cost, it cannot be concluded that the rule, as proposed, is unreasonable. This does not mean that the Board should fail to seriously consider the comments made in regard to this rule subsection, and the very substantial support for changing the minimum figure from forty-two to thirty. Such a change may very well result in a more reasonable rule. It is not, however, within the province of the Hearing Examiner to make a determination as to whether a proposed amendment is more reasonable than the rule proposed. Such a determination would intrude upon the policy-making prerogative of the Board.

Section 1.0112 E 3

166. This section sets out a minimum enrollment of 30 enrollees who have been enrolled three years or less for small business management education programs. The Board stated that

> Small business management instructors are by necessity required to work with many different types of businesses. For this reason, members of the advisory committee, who are all involved in the small business community, recommended that the minimum enrollment for this program be 30 students. The three-year curriculum was developed by the University of Minnesota and adopted by the Small Business Management Advisory Committee. (Ex. 4, p. 34)

The Board noted that the exceptions placed in the rule would prevent any student from being unnecessarily penalized by having a program terminated if he has already concluded a part of that program, and would allow a variance where the geographic size of the district might actually permit an increase in instructional quality and efficiency. (Ex. 4, p. 34)

167. The rule was supported at the hearing. (Tr. p. 58) Six timely comments were received in opposition to the three-year requirement. (Exs. 7Z, 8F, 9C, 9H, 9J, 9K, 9M) Comments indicated that enrolees still had much to learn after three years, and that the participants should have the privilege of deciding when the program was no longer valuable to him. Given the limits on funding available, and the length of curriculum developed by the University of Minnesota, and adopted by the Small Business Management Advisory Committee, the rule is needed and reasonable as proposed.

Section 1.0112 E 4

168. This section states that full-time adult education programs, except adult farm management and small business management, must provide a minimum student enrollment of 14. The rule attracted no comment, and is needed and reasonable.

Section 1.0112 F and G

169. These sections provide for a probationary period and an anual evaluation. See Ex. 4, p. 35. No comments were made on these sections, and they are needed and reasonable.

Section 1.0113 - Administrative Services

170. This section sets out provisions governing aid for administrative staff. (Ex. 4, p. 35) No comments were made on this section, and it is needed and reasonable.

Section 1.0114 - Vocational Aid Criteria

171. This section sets out the requirements which the school district must follow in order to qualify for aid. (Ex. 4, p. 35) The only comments in regard to this section were directed towards section 1.0114 F 2 which provides that aid is available for 50% of necessary travel costs of essential licensed personnel between instructional sites. The comments indicated that limiting aid to 50% was unfortunate and also stated that the limitation of aid only to costs of essential licensed personnel between instructional sites was too narrow. (Ex. H, p. 2; Ex. M, p. 2; Ex. 5B, p. 2) The Board pointed out that the limitations are explicitly required by Minn. Stat. § 124.572, subd. 2. The rule subsection is needed and reasonable.

Section 1.0115 - Tuition and Attributable Costs

172. Section 1.0115 C provides that those enrollees who pass the three or six-year cutoff point shall be charged on an hourly basis. This section received support. (Ex. 4V, p. 2) Two comments thought this was unfair, (Ex. 6M, p. 3; Ex. 9I) especially since the long-time enrollees usually enjoyed less time with the instructor. The Board pointed out that the charge was based upon time actually spent with the instructor. (Ex. 37, p.

16) One comment suggested that the full-time instructor should have a load of 2,000 contact hours. (Ex. 70) The Board stated that the 1200-hour figure had been used since the inception of the program and appeared to be reasonable. (Ex. 37, p. 17) Section 1.0115 is reasonable and needed as proposed.

Section 1.0116 - Student Eligibility

173. The Board pointed out at the beginning of the hearing that this section was mis-numbered in the rules as they were proposed and mailed since this section was originally labelled section 1.0115. (Ex. 35) There were no comments on this section, and it is needed and reasonable.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Board of Education gave proper notice of the promulgation of the proposed rules and proposed rule amendments.

2. The Board of Education has statutory authority to promulgate the proposed rules and proposed rule amendments.

3. That the Board of Education has fulfilled all relevant, substantive and procedural requirements of law or rule.

4. That except as otherwise specifically noted in the foregoing Findings of Fact, the Board of Education has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts in the record.

Based upon the foregoing Conclusion, the Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed rules and rule amendments be adopted by the Board of Education as set out in the Findings of Fact herein.

Dated this 17TH day of February, 1978.

George A Beck

GEORGE BECK
Hearing Examiner

MEMORANDUM

The participants in this rule-hearing proceeding deserve to be publicly commended. The Board of Education and the Division of Vocational-Technical Education within the Department of Education did an excellent job of preparing relevant evidence in support of the proposed rules. Those panel members appearing on behalf of the agency at the hearing were well-prepared and were able to explain the proposed rules in a thorough manner. Those persons representing the Board exhibited a willingness to adopt valid suggestions offered by members of the public, and this was done in a number of instances. An effective rule-hearing procedure under Chapter 15 also requires vigorous public participation. This record demonstrates well the benefits of informed public comments upon proposed rules. Although the record in this matter is an extensive one, consisting of the hearing transcript of 362 pages, in excess of 250 written comments from the public and approximately 40 exhibits submitted by the Board itself, the Board also fulfilled its most important responsibility, which is to address itself to each public response submitted in regard to the proposed rules, even though this had to be done in a very short time period. Upon receipt of this Report, it is of course, the Board's further responsibility at this time to examine all of the public comments and make a final decision as to the final form of the rules based upon a consideration of the evidence in the record. As stated earlier, a finding of reasonableness by the Hearing Examiner, should not preclude an agency from consideration of modification of the proposed rules based upon comments in the record.

N O T I C E

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 — 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

MAR 1978
Ass't. Comm.
Voc'l-Tech.
Educ. Div.

March 14, 1978

Mr. Robert Van Tries
Assistant Commissioner
Vocational-Technical Education Division
Department of Education
Fifth Floor, Capitol Square Building
Saint Paul, Minnesota 55101

Re: In the Matter of the Proposed Adoption of Rules of the Board of Education (State Board for Vocational Education) Governing the Content, Approval and Funding of Vocational Education Programs.
Docket No. EDU-78-002-GB

Dear Mr. Van Tries:

Enclosed please find the entire record which you submitted to us for review on the issue of substantial change together with the Report of the Chief Hearing Examiner, pursuant to Minn. Stat. § 15.052, Subd. 3.

The enclosures consist of the following:

1. Findings of Fact and Order Adopting Recommendation of Hearing Examiner and Rules; and

2. Notice of Hearing.

Yours very truly,

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

DRH:sw
Encs.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE BOARD OF EDUCATION
(STATE BOARD FOR VOCATIONAL EDUCATION)

In the Matter of the Proposed Adoption of Rules of the Board of Education (State Board for Vocational Education) Governing the Content, Approval and Funding of Vocational Education Programs

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, hearings were held on January 10 and 11, 1978, before George A. Beck, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Board of Education (State Board for Vocational Education) on February 17, 1978; and

WHEREAS, the Board of Education (State Board for Vocational Education) has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Board of Education (State Board for Vocational Education) has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearings and that the Board of Education (State Board for Vocational Education) has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board of Education (State Board for Vocational Education) has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated: March 14th, 1978.

Duane R. Harves

Exhibit No. 11
File No. EDU-78-623-GB
Date 1/16/78

RECEIVED
DEC 13 1977
OFFICE OF HEARING EXAMINERS

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary of the board of education (state board for vocational 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 (state board for vocational education) duly and properly called and held on the 7th day of November, 1977; 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 board of education (state board for vocational education) shall call a hearing for the purpose of informing the public concerning proposed rules of the board governing the content, approval and funding of vocational education programs; and that the Commissioner or his Deputy is authorized to sign an order and notice of such hearing to be conducted under rules of the board.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of November, 1977.

Howard B. Casmey
Secretary, Board of Education
(State Board for Vocational Education)

Henry S. Tuttle
Member, Board of Education
(State Board for Vocational Education)

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE GEORGE BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed adoption of rules of the Board of Education (State Board for Vocational Education) governing the content, approval and funding of vocational education programs.

FINDING OF FACT AND ORDER ADOPTING RECOMMENDATION OF HEARING EXAMINER AND RULES

The above-entitled matter came on for hearing on January 10, 11, and 14, 1978, at St. Paul, Minnesota, before George Beck, Hearing Examiner appointed by the Chief Hearing Examiner after proper notice required by Minnesota Statute 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 reviewed all testimony, having considered all the evidence adduced, having considered the Report of the Hearing Examiner, and upon all of the testimony and proceedings herein, and applicable statutory standards or criteria, having withheld action on the proposed Rules for the required period of time after receipt of the Hearing Examiner's Findings and having confirmed the need for the above captioned Rules, we find that except as qualified below the findings of fact of the Hearing Examiner accurately reflect the facts in the record.

NOW THEREFORE BE IT RESOLVED that the State Board of Education (State Board for Vocational Education) hereby adopts and incorporates herein the Rules as proposed and amended during the hearing process and the Report of the Hearing Examiner dated February 17, 1978, with the following exceptions and additions:

1. Pursuant to the suggestion in Finding 66 the following definition of "internship" has been added to §1.0070:

> "Internship - A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station."

2. In response to the Hearing Examiner's Finding 95 that §1.00811 G. is unreasonable since it is too inflexible and restrictive, that section is amended to read:

> "The student shall be on the job a minimum of one hour per day, averaging no less than 10 hours per week during the school session."

It is necessary to require a minimum amount of time during the school day to provide an opportunity for the teacher-coordinator to have a supervisory period during the time the teacher-coordinator is on contract. This reduction in requirement from two to one hours will provide greater flexibility for school districts, students and teacher-coordinators.

3. In response to the Hearing Examiner's determination in Finding 107 that the ratio in §1.00821 C. of one vocational administrator per 20 vocational staff was not shown to be reasonable in regard to its effect upon school districts and centers particularly in rural areas, the ratio is hereby amended to one vocational administrator per fifteen vocational staff. As amended §1.00821 C. will read:

> "A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 15 vocational instructional staff in approved programs or one half-time administrator per eight vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent."

In addition the proration figures in §1.00821 D. will be amended accordingly. As amended the section will read:

> "No proration occurs between 0 and 8 and 16 and 20; however, when instructional staff in approved programs exceed 20, a local education agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 20 staff to one full-time equivalent administrator"

These changes will make the rule more reasonable by allowing smaller districts and centers to qualify for administrative aid as a result of the lower ratio and provide more flexibility within the Rules and necessitate less requests for exemptions to the Rules.

4. The Minnesota Association of Secondary Vocational Administrators (MASVA) suggested amendment to §1.00831 A. found in Finding 108 is accepted. The phrase "for support service personnel" shall be inserted between the words "vocational aid" and "when a minimum" in the first paragraph of the section. This amendment will clarify the interpretation of the Rule as the Hearing Examiner pointed out. As amended §1.00831 A. will read:

> "Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one

half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:"

5. Section 1.0084 is amended by adding the phrase "based on actual expenditures" at the end of the first paragraph of the Rule. This amendment, as was mentioned in Finding 116, was suggested by MASVA and others. It is needed because in light of the language of Minnesota Statute 124.573 subd. 2, it appears that the Legislature intended that final payments be based on actual expenditures rather than the estimated budget. As amended §1.0084 will read:

"Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Payment of aids for such categories shall not exceed 100 percent of the estimated budget based on actual expenditures."

6. In response to Finding 130 which states that §1.0084 D.1. as proposed is not reasonable since it changes the status quo in regard to co-funding without explicit legislative authority, there is pending legislation which addresses the relationship between vocational and special education programs and their funding procedures. This legislation will clarify the Legislature's intent as to the source and amount of aid available for these programs.

In the event that the pending legislation is not passed, the Rule as proposed should still be adopted. The potential for an audit exception exists where aid would be paid to the maximum allowed in both statutory provisions, as opposed to the payment as stated under the proposed Rules. The apprehension regarding the audit exceptions is predicated on legislative aide interpretations that have had significant impact on the legislative process in the past.

7. The Hearing Examiner's suggestion in Finding 148 that the Board consider comments made about §1.0106 has been noted; however, pending legislation will soon supersede this section. In the event the pending legislation is not passed, the Rule as proposed should still be passed because it is designed to comply with federal rules governing eligibility for aid for expenditures for approved construction projects.

8. In response to Finding 156, §1.0112 E.1. is amended to read:

"Shall employ a minimum of a 40 percent time instructor."

A minimum must be set at a level high enough that school districts will make a significant commitment of staff to the program of adult farm management and low enough to provide sufficient flexibility. This commitment is necessary so that the enrollee in the program, who under these Rules is eligible for a full six-year program, will in fact have staff available to carry out the program objectives. The Rule, as amended, provides both the commitment and the flexibility.

9. At the Hearing §1.0074 B.2. was amended, but the amendment failed to mention the one-year permit or renewal and the three-year adult supplementary license. This omission was an inadvertent oversight. Provisions for renewal of these types of licenses are currently in the State Plan for Vocational-Technical Education. The section is therefore amended to read:

"Renewal of the two-year license, the one-year permit or renewal, and the three-year adult supplementary license shall be in accordance with the State Plan for Vocational-Technical Education and shall be submitted to the commissioner of education for approval. Renewal of licenses issued for a maximum of five years shall require upgrading activities as set forth in the State Plan for Vocational-Technical Education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education. If the content is disapproved, approval may be sought from the commissioner of education."

10. In order to allow districts which have less than five vocational teachers and which are geographically isolated so they cannot cooperate with another district to utilize their existing relicensure committee and to make the vocational Rules the same as the Rules being promulgated by the Board of Teaching, §1.0074 B.5. is amended by adding the following segment:

"d. Vocational teachers may be subject to the local continuing education/relicensure committee as currently established, when such teachers teach in a district which employs less than five vocational teachers or which is geographically isolated so it cannot feasibly cooperate with another district."

Having considered all other comments and suggestions, no other changes in the Rules are recommended at this time.

THEREFORE, IT IS ORDERED that these Rules, identified as 5MCAR §1.0070-§1.0117 are adopted this thirteenth day of March, 1978, pursuant to authority vested in us by Minnesota Statute 121.11, subd. 12 and Minnesota Laws 1977 chapter 447, art. V.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION
(State Board for Vocational Education)

Henry G. Tweten, President
State Board of Education

Chapter Four-A: General Rules for Vocational-Technical Education

§1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

A. Adult vocational education - Vocational education for persons who have completed or left high school which prepares them to enter, re-enter, or to progress in paid or unpaid employment.

B. Authorized local administrator - The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary and/or adult level for a district, center or AVTI. The superintendent may act as the authorized local administrator in the absence of a vocational administrator.

C. Bona fide sale - The competitive sale of unneeded property which results in the highest possible investment return.

D. Career education - The process of helping individuals acquire and use those attitudes, skills and knowledge needed to develop and manage a reasoned, socially purposeful, and personally-valued life pattern in relation to work of whatever kind.

E. Center - A vocational or cooperative center.

State of Minnesota
Board of Education
(State Board for Vocational Education)

IN THE MATTER OF: The proposed adoption of rules governing the content, approval and funding of vocational education programs.

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

The 1977 Minnesota State Legislature mandated that new rules for funding of adult and secondary vocational education programs be developed, changing from a reimbursement system to a current funding basis. In addition, changes were needed to bring state programs in accord with federal regulations in the Vocational Education Act of 1963 as completely revised by the Education Amendments of 1976. Pursuant to the Legislature's mandate, the Division of Vocational Education was assigned the task of developing these rules.

In preparing for the implementation of this act and the preparation of these proposed rules, the Department of Education, Division of Vocational Education, has studied the law relating to vocational education, has sought advice and input from vocational instructors and representatives of business, labor and industry.

In an effort to gain a broad base of input, the Division has conducted meetings with representative groups such as: the Secondary Vocational Administrators Association, the Post-Secondary Vocational Administrators Association, the Adult Vocational Administrators Association, the Area Vocational-Technical Institute Directors Association, the Minnesota School Board Association, the Minnesota Association of School Administrators, the Minnesota Federation of Teachers, and the Minnesota Education Association. There have been frequent meetings with the Governor's staff, the legislative staff and representatives from the United States Office of Education. The laws of other states, specifically Wisconsin, Ohio and Illinois were also studied.

In summary, these rules were developed at the behest of the State Legislature through consultation with concerned groups and parties. The Division of Vocational Education has endeavored to formulate rules which comply with federal and state regulations and which can be implemented in an efficient and reasonable manner.

The proposed rules are in four chapters: General, Secondary, Post-Secondary and Adult. This statement of need is organized in a similar manner. It is the intent of this statement to clarify the need for each proposed rule, and to indicate why the rule is reasonable.

STATEMENT OF NEED AND REASONABLENESS FOR
PROPOSED CHAPTER FOUR-A: GENERAL RULES FOR
VOCATIONAL-TECHNICAL EDUCATION

§1.0070 Definitions.

This section contains definitions of words and phrases which are used in the rules for vocational-technical education. The definitions aid understanding by clarifying the terminology which is unique to vocational education and by assuring consistency in usage throughout the rules. Many of the words and phrases are cited in federal law and rules, and in state statutes. Specific definitions are provided in keeping with the use made of the term or phrase in its educational context.

§1.0071 Standards for Program Approval.

This section details the procedure and standards that local education agencies must follow in order to have their vocational education programs approved by the Commissioner of Education. It also lists the eight crit5ria which the Commissioner will use to determine whether or not a program should be approved.

Subsection A is necessary to comply with 45 C.F.R. §104.402(a)(6), Minnesota Statute §124.57, Subd. 1, Minnesota Statute §124.572, Subd. 2, and Minnesota Statute §124.573, Subds. 2 and 3, which require that in order to be eligible for vocational aid, the instructional staff must be vocationally licensed.

Subsection B is necessary to comply with §1.9 E 5 of the State Plan for Vocational Education and to meet state and federal building, occupational safety and health regulations. In addition, it is reasonable to expect that sufficient and suitable facilities are needed to operate a program.

Subsection C reflects experience that has shown that for a financially sound and educationally efficient program, reasonable minimum and maximum student/staff ratios must be maintained.

The requirement in Subsection E that school districts and centers use the UFARS system is mandated in Minnesota Statute §121.908. The availability of records to the Department of Education is needed because the Department is charged with the fiscal accountability for the distribution of vocational aid. The records are needed to construct a budget and to assure that the funds are expended in accordance with authorization.

Subsection F complies with Minnesota Statute §120.17 and 45 C.F.R. §104.45, which require that vocational education be made available to an individual, regardless of their handicapped or disadvantaged status.

Subsection G complies with 45 C.F.R. §104.188, 104.162(h) and 104.222(f)(1).

§1.0072 Opportunity to Appeal.

This section is needed to comply with 45 C.F.R. §104.182 which guarantees local education agencies the right to a review of the Commissioner's disapproval of their programs if they feel that such disapproval was unjustified. The review procedure is designed to insure that the Commissioner's decisions are not biased. The section also insures that the local education agency will be made aware of the decision of the State Board for Vocational Education by specifying that their decision must be transmitted to the local education agency in writing. The statement regarding the finality of the State Board's decision informs the local education agency that 45 C.F.R. §104.293 then applies, and in the interest of expedience and fairness, sets a reasonable limit on the extent to which an appeal may be carried.

§1.0073 Evaluation by State Board for Vocational Education.

In order to determine that public funds are being applied in the most efficient and socially useful manner, it is necessary to determine the quality of the vocational programs being offered. Another reason for evaluating the vocational programs is that an analysis of the data will indicate which parts of the program are successful, and which parts need to be improved or changed. The elements specified for data collection are required by federal regulations in 45 C.F.R. §104.402 which must be satisfied in order to be eligible for federal aid. Since qualitative terms are very subjective, only data which is capable of being measured will comprise the basis on which the evaluation will be made. Planning and operational processes will be reviewed to see that the programs are complying with all the specifications and requirements which have been established by these rules. A review of student achievement is needed to provide feedback for instructors and administrators which will help them pinpoint areas of strength and weakness in their programs. Such knowledge will enable them to improve their programs by correcting areas of weakness. Measurement of results of student employment will give the educators an indication whether or not the competencies they are providing are actually significant factors in securing jobs. Finally, evaluation will provide an opportunity to insure that special populations, such as those enumerated in Subsection D, are receiving special services, which as a matter of public policy is deemed desirable.

§1.0074 Procedure for Licensure of Staff.

In order to provide a consistent mechanism for the application, maintenance and renewal of required vocational instructors licenses, it is desirable that the procedures be spelled out. This section clarifies those procedures, as well as those in the State Plan, and also provided guidelines to follow when licensure problems arise.

Subsection A is necessary to define the dates and duration of licensure to insure that districts have the authority to legally pay for professional personnel who are licensed. Dates established conform with existing state fiscal years. Duration of license is established to conform with all other existing licensure requirements. Unique provisions of vocational certification are necessary to allow nondegreed applicants to become certificated according to the State Plan. The 90 day time limitation is reasonable because it provides sufficient time for the recipient of the license to discover inaccuracies in the license.

Subsection B is needed to assure that acceptance of renewal applications after January 1 of the year the certificate expires will result in providing the applicant a new certificate commencing on the date of expiration of the previous certificate. Renewal units shall be preapproved by the local vocational license committee to design renewal unit content to meet the needs of the teacher. One year renewals of the two year license are provided to facilitate the accomplishment of the teacher education sequence by individuals who, because of geographic isolation have difficulty attending formal teacher education in-service offerings.

Two years is a reasonable time after which automatic relicensure is inappropriate due to potential developments in the applicant's field. The equivalence of the 12 clock hours for one quarter credit is uniformly accepted and is stated to insure full provision for applicants attending collegiate offerings.

Subsection C allows for a limited permit which assures continuing programming for students. The 30 day limitation provides sufficient time for other arrangements to be made for continued programming.

Subsections D and E provide for an alternative licensure process so that the written criteria will not prevent individuals with existing competencies from becoming licensed. A committee of objective examiners shall be established to make an evaluation of competencies not attested to in licensure criteria. Time parameters are necessary to insure sufficient time has elapsed during which they could acquire additional necessary competencies.

Subsection F is needed because the criteria for licensure is predecated on known fields, thereby necessitating a provision for issuance of licenses in new and emerging fields in which criteria have not been identified.

§1.0075 Local Advisory Committee.

Federal regulations require the establishment of local advisory councils in 45 C.F.R. §104.111 in order to be eligible for federal aid. These committees are needed to develop and maintain working relationships between the vocational education programs and the local businesses and industries. The committees are valuable because they provide input which may increase the quality and relevancy of the programs that are offered. Subdivision B of this section clarifies the duties of the local advisory committee, which are specified in 45 C.F.R. §104.112.

§1.0076 Vocational Center Approval.

The State Board of Education (State Board for Vocational-Technical Education) is authorized by state law, Minn. Stat. §123.351, to approve centers for vocational aid. This section is needed to clarify the procedures and criteria which the State Board will use in making or withholding their approval. The section also assures accountability by specifying an individual who shall be responsible for the vocational programs.

§1.0077 Local Applications for Aid.

This section is needed to provide a uniform procedure for the distribution of funds. By requiring the local education agency to submit the specified data, the rule provides a check to see that funds are being equitably distributed. The section also makes the local education agencies aware of the criteria they must meet in order to be eligible for aid. Subsections B and C of this section insure that the state's obligation will be reduced when funds are derived from other sources so that local programs will not experience overpayment or double fu2ding.

The requirement for the assurances in subsection A. 1., comes from Title VI. The other requirements will enable the state to complete its application for federal funds as specified in 45 C.F.R §104.141.

§1.0078 Allotment Availability of Federal Funds.

45 C.F.R. §104.34 grants to the State Board the right to administer federal funds for vocational education. This section is needed to specify the method of aid distribution. The criteria which the Board will use in determining the allocation of federal funds are designed to assure that the money will be distributed in an equitable and socially beneficial manner. The requirement that annual reports and written plans for use be submitted assures the State Board, in turn, that the local education agencies are using the funds properly. The final part of this section assures that the funds shall be administered on a non-discriminatory basis, without regard to the inability of the local education agencies' ability to pay the nonfederal share of the cost of new programs. This is needed because it is deemed against public policy to discriminate on the basis of ability to pay.

§1.0079 Property Management Standards.

The necessity for managing personal property is needed because there is an outstanding difference in the overall importance of property utilized in vocational programs as compared to most other educational processes. Vocational education has a disproportionate share of its operating capitol invested in property as any physical tour of vocational-technical facilities will reveal. It is evident that the tax paying public is becoming increasingly concerned in the way educational resources are managed. A property heavy system ought to, therefore, implement property management criteria centering around that of "running a tight ship."

Subsection A relates to the uniform financial accounting standards which are being developed and implemented by the UFARS mandate. The primary use of the UFARS implementation is the establishment of operating funds that account for revenues and expenditures on a current basis. The determination of net assets available for further appropriation dictates excluding assets that are fixed from operating accounts and then placing them in a single separate, self-balancing group of accounts. This section, therefore, requires uniformity in the subdevelopment and basic management of this special set of accounts. Uniformity in the account subdevelopment will allow for the use of established UFARS source codes. Determination can then be made if revenues were expended on property in an allowable manner. Furthermore, entitlement matters can be easily resolved and disposition direction can be correctly given. A result of uniformity is that all programs and levels of management may readily intercommunicate in property matters.

1. Property control assures watchfulness over property so that it is used solely for its intended purpose, fixes accountability and establishes location of the property. Property control and property information allows for the proper administration of grants, contracts and funded programs.

2. Uniform categorization of property correlated against pre-established market and replacement value files and charts (vs correlating solely against original cost data) allows management to obtain a more realistic picture of the property assets. In addition, determination of value of insurance is readily obtained if current and forecast information is available.

Subsection B clarifies the procedure when property is purchased by schools with state funds in the absence of federal funds. Standards for management of property obtained in this manner are deemed necessary since federal property management rules and regulations have no jurisdiction in this instance.

1. Title is vested in the recipient school by reason that the recipient is designated responsible for adequately insuring the protection and safeguarding of property purchased by the school with State Board for Vocational-Technical Education furnished funds. Title is vested conditionally to allow for the reuse of property excess to systems needs be performed in a manner resulting in the highest practicable return to the system.

    a. For the purpose of integrating state and federal systems, this $500 criteria is adopted from the general provisions for operation of state administered federally funded vocational programs. Use of this condition allows for the disencumbrance of property items as program usage would generally depreciate items in this category to a minimal value.

b. For the purpose of integrating state and federal systems this $1,000 criteria is adopted from the general provisions for operation of state administered federally funded vocational programs. This allows for crediting the State Board for Vocational-Technical Education with its proportionate share of value of property as a result of diversion. This safeguards the State Board's interest in property filling this category when the property is diverted in some manner.

c. For the purpose of integrating state and federal systems, this $1,000 criteria is also adopted from the general provisions. The criteria allows the Commissioner of Education to divert unneeded property to fulfill other vocational-technical program requirements. This regulation provides for economy in operations as it allows for the reuse of unneeded property versus purchasing more property items. Similarly, the 120 day requirement makes the rule concur with the federal rules and regulations 100 b. 215(c)(2) 38 F.R.

2. A physical inventory of property must be performed on a periodic basis to assure that unneeded items are identified and disposed of. Neglected items needing repair are discovered by this process. Most importantly, missing items are brought to the attention of the proper authorities so that necessary investigations may immediately be performed.

3. This provision allows for final disposition of property records. The three year requirement aligns the state rule with federal rules and regulations.

4. This provision aids state officials in their decision making by allowing them to evaluate records maintained at the local school level.

As a result of subsection C, school districts are notified that they shall adopt appropriate federal rules and regulations when they have purchased property whole or in part with federal funds furnished by the State Board for Vocational-Technical Education.

§1.00791 Student Eligibility

This section is needed to assure that no persons legal rights are abridged by denying them access to vocational training on the basis of the listed items. The exclusionary clause clarifies that students may be deemed ineligible for vocational training due to physical circumstances which would prevent them from obtaining employment, regardless of training, but not on the basis of the constitutionally protected areas so defined in state and federal law.

STATEMENT OF NEED AND REASONABLENESS FOR
PROPOSED CHAPTER FIVE-A: RULES FOR SECONDARY
VOCATIONAL EDUCATION

INTRODUCTION

Minnesota Statute §124.573 charges the State Board for Vocational Education with the responsibility for promulgating rules for approval and operation of secondary vocational education programs. This law makes it possible for districts and centers to offer secondary vocational education by combining foundation aid, local tax revenue and vocational categorical aid. The result for students in the opportunity to begin vocational education before completing the first 13 years of public education. Communities in the State of Minnesota have the opportunity to provide education which can result in encouraging local economic development and decreasing youth unemployment.

§1.00801 Scope

Local school boards and center governing boards have the responsibility to provide secondary education to residents. A board may choose to offer vocational education as a part of the secondary education program.

Subsection A is included to clarify that any board that decides to operate approved secondary vocational programs is eligible for vocational categorical aid if they meet the general vocational rules and secondary vocational rules in this chapter.

Subsection B is necessary to clarify that the State Board for Vocational Education has a responsibility to assure that the Legislative appropriation is distributed in an accountable manner.

Subsection C is designed to assure the district or center that the state will respond clearly within a reasonable length of time.

Subsection D identifies that the individual who the state will hold accountable for secondary vocational education is the same individual who the district or center board has identified. This statement also assists in developing an efficient line of communication between state and local authorities.

Subsection E is needed to provide a realistic time schedule for program accountability review. The Federal regulations (45 C.F.R. §104.402) for vocational education require that the results of evaluation be utilized to improve vocational programs and increase the effectiveness of vocational education. A secondary student follow-up system has been developing and operating in Minnesota for six years. An on-site evaluation system is in the third year of development and will be operational for the 1978-79 school year. A program evaluation system is in the second year of development. A coordinated evaluation system involving these three parts comprises the secondary vocational education system.

§1.00811 Instruction Program Approval

This section carries out Minnesota Statutes §124.573, which states: "secondary vocational education programs approved by the State Board for Vocational Education and operated in accordance with the rules promulgated by the State Board." The Commissioner has been substituted for the State Board as is permitted by Minnesota Statute §124.16. This will enhance the speed with which programs can be reviewed.

Subsection A is needed to clarify that a program may be designed in a variety of ways by a local district or center. Each series of courses or other experiences comprising a program will be considered for approval.

Subsection B establishes in rules the objectives which relate to a combination of student needs and occupational relevance. Each individual may choose one or more occupations during a lifetime. Youth make more satisfactory vocational choices when they have become familiar with a variety of occupations before making a choice. Vocationally licensed instructors with relevant occupational experience can assist students in examining occupations realistically. The second objective relates to the student transition from secondary vocational education to post secondary education in an AVTI, college or private vocational school. A student can then progress without repetitive learning experiences. One result is decreasing student frustration. An additional result is saving educational time for students so that more time is available for employment. This means increased tax income for students so that more time is available for employment, which generates increased tax income for the State of Minnesota. The third objective is essential for the sixty percent of high school graduates who become employed part-time or full-time within the first year after leaving school. "Status of Former High School Students," a report published by the Minnesota Research Coordinating Unit, supports the sixty percent figure. About eighty percent of the jobs in Minnesota require trained staff, but do not require a college degree. Many of these positions are available to a high school graduate who has completed an appropriate vocational program. The Federal regulations for the 1976 Vocational Education Act supports these objectives in 45 C.F.R. §104.512.

Subsection C indicates that a local advisory committee is needed for each program to identify changes in the occupational area so that the educational community can adjust the vocational program to current occupational directions. A minimum of two meetings a year has proved to be adequate for keeping up to date and reasonable for cost and time effectiveness. This statement is consistent with the federal regulation in 45 C.F.R. §104.111 relating to advisory committees. Materials are available to assist district and center personnel in selecting and utilizing vocational advisory committees.

Subsection D is needed to describe a variety of program parameters which allow the local district or center to develop vocational programs consistent with community needs. The components listed for each program reflect occupational needs as identified by consulting with state and local voca-

tional advisory committees. Local districts and centers are encouraged to develop programs from the material provided in this section of the rules. The statement related to time requirements alerts the local administrator to opportunities for a variety of local scheduling.

The component lists have been designed through the leadership of Vocational-Technical Division staff. These are based primarily upon experience of districts and centers in offering each program and upon experiences of other states. Continuous leadership in providing materials to assist districts and centers will result in an effective vocational program capable of changing at the local level to meet present community needs.

The "other" category in each vocational area provides the local district and center the opportunity to plan and implement a program for which components have not been identified in these rules. Minimum timelines have been identified for each program consistent with the specified components and the three objectives of section B of this rule for secondary vocational education. Program descriptions are consistent with safety standards for each occupation and legislation effecting that occupation. These rules provide flexibility in methodology for delivering each program. Examples of options to local boards include classroom, laboratory, simulation, community-based experiences and vocational student organizations. The transition from the status of student to a productive community member can be bridged by teaching leadership skills, safety concepts, personal development, decision-making and related skills through a vocational student organization. The vocational student organization as an integral part of a vocational program, is supported by Minnesota Statute §126.151.

The subsection on agriculture/agribusiness and natural resource occupations is necessary to the program options available in this field. The components included are the result of extensive study of curricular from vocational agriculture/agribusiness programs from throughout the nation. The components fit logically into the taxonomy lists developed by the USOE in the Dictionary of Occupational Titles (DOT). The components are necessary to develop student competencies identified in the national competency study which has been validated by knowledgeable persons in the Industry of Agriculture. The components are similar to those included in current curriculum bulletins, and will result in a more balanced program. Flexibility is permitted to meet local employment opportunities or vocational program objectives.

Vocational education is a learning to do method of instruction. The application of technical information through psychomotor activities reinforces concepts provides an opportunity for the development of manipulative skills, aids in the decision making process. Because of the hazardous occupations definition of the Federal Labor laws, a Coop component cannot be included. Most students enrolled in secondary forestry programs are not 18 years of age and are precluded from being employed in a wage earning situation.

An opportunity is provided to develop managerial competencies in one or more production orientated enterprises owned and or managed by the students. These include but are not limited to many management, time management the decision making process, promotion of American Competitive free enterprise situation. Also, provide students to acquire specific competencies not available in their home environment, students are provided an opportunity to be involved in the seasonal aspects of the production operation. More and varied learning experiences are provided which reflect the seasonal changes found in typical production cycles of the Agricultural Industry. It is extremely difficult (because of zoning laws) and costly to provide adequate land laboratories for this phase of the program.

The coop component may be less costly to initiate than a laboratory. The coop experience provides student an opportunity to participate in an educational experience in a realistic situation and will assist student in the development of necessary competencies in meeting people, employee-employer relations, work attitudes and work ethics. A coop experience permits students to observe the changed seasonal aspects of the agricultural industry. Such an experience provides students an opportunity to gain learning experiences associated with the continually changing technology of agriculture and in a real life situation which possibly could not be duplicated in a laboratory. An intensive supervised laboratory is effective in communities lacking adequate training stations, or when economic conditions preclude employment of student learners.

Minimums of one period classes make programs more adaptable to smaller schools. This time option permits local options, and permits students to pursue the college predatory program as well as a vocational program. The technology of agriculture includes much of the cognitive domain which is enhanced by one period classes. Adequate lead time is provided to permit effective scheduling of students. Suggested options permit local educational agencies to offer one period of double period blocks depending on nature of program (cognitive and/or psychomotor activities).

Summer instructional programs permits students to develop competencies necessary to obtain occupational which objective because of the seasonal nature of agriculture can be attained at no other time. This option will provide adequate time for instructional staff to provide supervision of directed laboratory experience and/or coop component. This option provides an opportunity for local education agencies an opportunity to develop the laboratory and/or cooperative experience station. The summer school component provides an opportunity to attain competencies precluded by seasonality of the agricultural industry. An opportunity is provided students to participate in more in-depth program which will permit attainment of competencies.

The subsection on business and office occupations is necessary to describe a variety of program options while being more explicit in defining the business and office programs a local district or center can develop to address specific community needs. The components listed for general office typist are taken from task lists developed by a statewide advisory committee consisting of business/industry personnel and clerical/

secretarial instructors. The components were further validated through a review by a group of business and office instructors representing both the secondary level and teacher education. The components listed for secretarial occupations are taken from task lists developed by a statewide advisory committee consisting of business/industry personnel and secretarial/clerical instructors. The components were further validated through a review by a group of secretarial/clerical instructors representing both the secondary level and teacher education. The components listed for accounting/data processing are taken from task lists developed by a statewide advisory committee consisting of accounting personnel and bookkeeping/accounting instructors. The components were further validated through a review by a group of business education instructors representing districts, centers, Area Vocational-Technical Institutes and colleges. The components listed for the banking and finance or supervisory/management programs reflect occupational needs thus advance standing for continued education and identified by consulting with United States Office of Education program description, business/industry representatives and staff members in banking and finance or supervisory management.

The "other" category provides the local district and center the opportunity to plan and implement a program for which components have not been identified in these rules. The implementation statements describe the options available to a district or center in offering a business and office program. The first option allows districts and centers in small communities with a limited job market the opportunity to offer a business and office program if they choose. The concentrated time block provides students the opportunity to realize the difference between regular classroom instruction and "working" because of the simulation during the time block over the full school year. The second option allows another way to schedule the program, extending it over more than one year, while retaining a time-block method which permits students the concentrated work simulation opportunity. The community-based option allows districts and centers additional flexibility while permitting students to acquire actual work experience in a business setting. A school-community instructional method permits students the opportunity to realize the value of their learning immediately.

The subsection for health and environmental occupations is needed to describe a variety of program parameters which allow the local district or center to develop vocational programs consistent with community based needs. The components of environmental occupations were developed from program descriptions from other states and the United States Office of Education. The components listed for the health occupations program reflect occupational needs as identified by consulting with health providers representing over 200 health occupations within Minnesota in addition to health consumers and educators.

The "other" category provides the local district and center the opportunity to plan and implement a program for which components have not been identified in these rules. The implementation statements describe the scheduling options available to districts and centers. The first alternative allows for a one-semester program for districts and centers that wish to schedule in this way. Adequate time for skill development through the laboratory method can be provided in a minimum of 280 hours. The employment-related community-based education option allows for additional flexibility in meeting local needs through this instructional method allowing students to apply their in-school learnings to a supervised job.

The subsection on homemaking occupations program parameters allows the local district or center to develop vocational programs consistent with community needs. The emphasis on resource management, human development and nutrition in this section is necessary to meet the requirements of Subpart 5, Section 150 of Public Law 94-482 enabling the State Board for Vocational Education to qualify for federal vocational funds.

The "other" category in homemaking occupations provides the local district and center the opportunity to plan and implement a program for which components have not been identified in these rules but which are still consistent with program criteria. The implementation statements describe the options available to local districts and centers. A minimum of 280 hours is required for a consumer-homemaking program because of the high percentage of laboratory practice needed to teach this content. In addition, the number of relationships of the components which make up the occupation of homemaking require this amount of time for the program. A minimum of 45 hours in each component is required to allow indepth skill development in each component. A variety of electives is required to enable students to select the component(s) which best meet individual needs. The home and individual/family resource management program and this family life and parenting program are specialized concentrated programs designed to meet concerns specified in Public Law 94-482. Through simulation and classroom instruction, the goals of these programs can be accomplished in 140 hours. The time options provide local districts and centers the flexibility to develop local programs to fit the school schedule. The long-term community-based experience in a cooperative program is not available in homemaking programs because labor laws do not apply to the occupation of homemaking and measurable standards are not available for the evaluation of on-the-job training. Community-based experiences of fewer than 40 hours in an agency or business that serves families may be included as a part of an approved program.

Time frames and program components in the industrial areas have been recommended by state advisory committees and local teacher input groups. The programs in construction occupations planning and management, construction occupations mechanical trades, construction occupations masonry trades, tonstruction occupations and finishing, mechanical drafting occupations, and service station occupations lend themselves to be taught in shorter time blocks than other industrial programs. For this reason schools have the option of teaching these programs during a 120 hour summer school program or of scheduling them for a minimum of 140 hours during the school year. The 20 hour difference is due to the fact that summer school segments are offered in longer time blocks, so less time is devoted to clean-up. When offering these programs during the regular school year, scheduling is at the discretion of the school, providing minimum time requirements are met. Although the previously mentioned programs may be offered for shorter time periods, all schools have the option of offering them for 280 hours or more.

Because programs in auto mechanics, communication/media technology, electricity/electronics, graphic arts, mechanical drafting, recreational vehicle repair, service station, small engine repair, and welding occupations encompass a broad scope of components in developing entry level

skills, local districts and centers are given the option of offering these programs for 280 hours within two school years and implementing these programs in any combination of ways ranging from 220 hours in one semester to 280 hours in 4 semesters. Auto body repair, construction, and machine shop require extensive tool and materials preparation time prior to class and clean-up time as part of class; therefore, program advisory committees recommend that these programs not be offered in less than 100-minute time blocks.

The subsection on marketing and distribution is necessary to describe a variety of program options while being more explicit in defining the distributive education programs a local district or center can develop to address specific community needs. The components listed for distributive education programs are based on what is presently being done in school districts and what nationally is being accomplished in these programs. The components listed were also validated by a study done by Dr. Lucie Crawford and used in the instructional system developed by the interstate distributive education curriculum consortium.

The "other" category provides the local districts and centers the opportunity to plan and implement a program for which components have not been identified in these rules. The implementation statements describe the options available to a district or center in offering marketing and distribution. The "in-school" option allows districts and centers in small communities with a limited job market the opportunity of offering a distributive education program if they choose by providing the hands-on experience in the school through a simulation method. The community-based option allows districts and centers additional flexibility while permitting students to acquire actual work experience in a business setting. This is a school-community instructional method which permits students the opportunity to realize the value of their learning immediately.

The subsection on service occupations is needed to describe a variety of program parameters which allow the district or center to develop vocational programs consistent with community needs. The components listed for the child care/guidance and education occupations program reflect occupational needs as identified by consulting with early childhood education staff members in the department of public welfare and day care providers. The components listed for the community service occupations program reflect occupational needs in serving the public. The components listed for the fashion/apparel/textile occupations program reflect occupational needs in production and service. Employees in Minnesota outerwear firms, knitwear, dry cleaning establishments, and alterations shops have identified priority areas. The components listed for the food occupational program reflect occupational needs as identified by consulting with restaurant owners/managers, hospital, nursing home and school food service workers, catering firm owners and food purveyors. Components listed for the grooming services occupations programs reflect occupational needs as identified by consulting with cosmetologists, morticians, and employees in pet grooming firms. Components listed for the housing occupations programs reflect occupational needs as identified by consulting with land-use planners, executive housekeepers, contract cleaners, cleaning product manufacturers, and interior designers. The components listed for the tourism occupations program reflect occupational needs as identified by resort owners and managers and Minnesota Department of Economic Development, Tourism Division publications.

The "other" category provides the local district and center the opportunity to plan and implement a program for which components have not been identified in these rules. The implementation statements describe the options available to local districts and centers. The first alternative allows for a one-semester program for districts and centers that wish to schedule in this method. The concentrated time block of 220 hours is equivalent to 280 hours because less setup and cleanup time is needed. 280 hours may be spread over two years because the exploratory nature of the program requires less concentrated laboratory time. In the third alternative, fewer components and the scope of the program make it possible to complete the program in 140 hours. In the next alternative, the extensive scope and adequate time for skill development through the laboratory method can be provided in a minimum of 280 hours. The employment related community-based education option allows for additional flexibility in meeting local needs. Prior or concurrent classroom instruction provides an opportunity for students to develop skills that can be further enhanced through supervised on the job experiences.

Subsection E on minimum student-staff ratio is required by state law, Minnesota Statute §124.573. Districts and centers have the flexibility of carrying out this rule during periods of declining enrollment by combining grade levels, sharing students among neighboring districts, and offering programs less frequently than on an annual basis. The State Board for Vocational Education has had a policy since April, 1973, that only sections with at least ten students are eligible for vocational categorical aid. This policy was established to assure that the combination of foundation aid, local tax revenue and vocational categorical aid did not result in willingness to continue low-enrollment offerings without regard for financial efficiency. Districts and centers may offer sections with fewer than ten students if they choose to do so with foundation aid and local tax revenue. The present policy which is perpetuated in these rules, appears to be a reasonable way to encourage continuous evaluation of program efficiency by the local board. The direct result will be more efficient utilization of state and federal vocational funds. An indirect benefit will be more efficient utilization of foundation aid and local tax revenue which will result in available local funds to maintain the quality and variety of the total K-12 program.

The reason that exceptions may be granted is to make it possible for a district or center to phase out an inefficient program without depriving enrolled students of the opportunity to complete the program. In addition, it will be possible for a district or center to add a program which is unfamiliar to students without being financially penalized during the start-up year. Both types of exceptions prevent financial penalty to a school system while they are in the change process.

Subsection F supports Minnesota Statute §124.573 which states that these rules shall not be construed to prevent a student from enrolling in secondary vocational education courses on an exploratory basis for less than a full school year.

Subsection G is needed to give local districts and centers the option of providing community-based learning experiences within an approved vocational program. This opportunity is provided because many students are able to effectively learn to apply occupational knowledge and skills, which they have already learned, in a real job setting. The realism of the actual employment setting assures relevance to the occupation in which the student is involved. Both paid and unpaid experiences are included in the rules because the district or center has the option of placing students in an occupation where minimum wage laws are met, on experiences of self-employment, or on unpaid experiences as described in the nonwage agreement between the Minnesota Department of Labor and Industry and the Division of Vocational-Technical Education. This rule also provides the opportunity for districts and centers to offer single vocational area community-based experiences. This is the most desirable alternative to select for the many large districts and centers in communities with optimum job markets.

Another alternative available to a district or center is multiple-area community-based experiences. Those districts or centers with a smaller number of students or fewer available employment stations may find the multiple-area option more practical. When a group of students has been identified as handicapped or disadvantaged, the local district or center board may choose to provide them with vocational community-based programs which develop employability skills. These rules provide for three options to provide vocational community-based experiences for handicapped or disadvantaged students. The rules provide for adequate coordination time for instructor-coordinator so the school representative, employer and student can interact. The rules identify a minimum length of time for a student learner to be on the job each day in order to experience the realities of the occupation. The identified time block will help the students make the transition from the controlled learning environment of school to a work environment. Employees usually spend longer periods of uninterrupted work time than school classroom periods. Most employers establish breaks at approximately two-hour intervals.

Not until all students have been placed can the instructor-coordinator concentrate more on instructional needs and less on student placement needs. In many communities, it is reasonable to expect the instructor-coordinator to identify some job stations during the beginning days of school. The rationale for requiring at least 50% of the jobs to be secured before school begins is that many students who enroll in this type of yrogram need the on-the-job experiences immediately to stay interested in school. If the instructor-coordinator has not secured at least 50% of the jobs by the time school starts, the time utilization during the first part of the program is inefficient and unproductive for the students. The earlier the coordination begins, the more likely students are to receive maximum benefit from both their on-the-job training and in-school related instruction.

Training agreements and training plans are specified in rules to assure accountability through written records of the individualized education for each student. Occupational relations may be provided on either a

daily basis or twice-weekly basis, according to the rules, in order to make it practical for either a single school or a group of schools to provide a vocational community-based experience. In-school vocational education needs to be provided for students placed on community-based experiences to improve the probability that more learning will take place than would be likely if the student were employed on the same job without being supervised and coordinated by the school. The statement relating to age certificates is consistent with Minnesota Department of Labor and Industry rules.

The section on special needs community-based education is included to identify the types of vocational experiences which are designed specifically for handicapped and disadvantaged students. This implements 45 C.F.R. §104.801. Districts and centers may choose to offer specialized vocational opportunities in (1) work experience for handicapped (2) work experience for disadvantaged or (3) work experience-career exploration. This type of experience is designed to lead to employment or enrollment in further occupational education. In addition, this program frequently serves to motivate students to continue their high school education rather than leave before receiving a diploma.

The section on special needs community-based education is consistent with Federal vocational regulations in sections 45 C.F.R. §104.312, 104.313, 104.801 and 104.802 which qualify the State Board for Vocational Education for federal funds for these programs. The rule indicating that a committee student identification process be used is necessary to facilitate the selection of those disadvantaged students whose needs can best be met by this educational experience. The statement relating to identification of students for the work experience for handicapped is consistent with the special education law and rules relating to identification of handicapped students. The recordkeeping statement is included in rules to enable local districts and centers, as well as the State of Minnesota to withstand Federal program audit in relation to handicapped and disadvantaged.

The part on work experience-career exploration is needed to provide districts and centers with the option of offering disadvantaged and handicapped junior high students a vocational experience designed to motivate them to develop a positive attitude toward education and the world of work. This rule is designed to provide this opportunity in a manner consistent with rules of the Child Labor Division of the Department of Labor. Work experience-career exploration was started as an experimental program in 1969 when the United States Department of Labor adopted Child Labor Regulations No. 3, Part 570.35a allowing students ages 14 and 15 be placed in the community on a school-supervised work experience which is a part of the students' school day. The State Board for Vocational Education adopted a policy that only handicapped and disadvantaged students would be allowed in the program on November 5, 1973. The section on work experience for handicapped is needed because the Vocational-Technical Division has been delegated the responsibility for approval of all employment-related community-based experiences in Edu 44. Programs designed specifically for handicapped students must be considered a part of this responsibility.

The maximum number of students is established in rule to insure adequate time for the instructor-coordinator to effectively serve handicapped students. This section clarifies that there are two approaches for providing vocational work experiences for handicapped students. The last statement is needed to alert districts and centers that they may choose either a differentiated staffing pattern for serving the vocational and nonvocational needs of handicapped students or a traditional approach where one instructor has responsibility for both vocational education and nonvocational areas of special education instruction and services. Districts and centers may choose to operate a program by either of the above approaches and effectively meet the needs of handicapped students who can profit from a vocational experience. These rules are consistent with special education rules.

§1.00821 Administrative Services

This section establishes parameters for utilizing vocational aid for secondary vocational administration. This rule is consistent with Minnesota Statute §124.573 which relates to administrative staff.

Subsection A is needed to differentiate between vocational administration and that administration necessary to operate the secondary educational programs.

Subsection B is necessary so that districts and centers provide both general education services and vocational education services to students. The philosophy underlying this rule is that secondary students should be provided with a comprehensive education, and that schools should not be designed to separate students desiring vocational education from those students who do not choose vocational programs.

Subsections C and D are needed to assure efficiency in utilization of state and federal vocational funds for vocational administration staff. Experience in operating secondary vocational programs in Minnesota has shown that availability of licensed vocational administration staff relates to variety of programs offered, efficiency of programs, and effectiveness of programs. The vocational administrator serves as a change agent for development of vocational education, upgrading and updating of curriculum and occupational equipment and as a catalyst for vocational staff development. The ratio of one vocational administrator to provide leadership for twenty secondary vocational teaching and support service staff is both efficient and cost effective, based on past experience in both large-district and multi-district operations.

Subsection E allows for exceptions to be made for the next three years while districts and centers adjust the number of administrators or number of instructional staff or tailor their local budget to cover expenditures for vocational administration which is not eligible under the rules. This rule is necessary because of the number of districts and centers which are in the developmental stage of providing a variety of secondary vocational programs. Any district, center or potential center that chooses to develop approved programs involving at least ten instructional staff could do so within three years without being deprived of vocational aid for vocational administration employed to

develop the program. Three years is also a reasonable length of time for each district and center board to address the question of whether they are too small to efficiently operate their vocational programs with the amount of vocational administration time they have chosen. The available opportunities of establishing a vocational center, merging vocational centers, or sharing vocational administration between districts or centers also make three years reasonable.

§1.00831 Support Services

This rule is needed to make it financially feasible for districts and centers to provide related services which facilitate the effective operation of secondary vocational education.

Subsection A is necessary to describe the purpose of providing support services for special needs students. Vocational administration is responsible for coordination among each vocational support service, nonvocational support services and vocational instructional programs. Maximun ratios are needed for each type of position to encourage distribution of state funds on an equitable basis.

These rules establish student-staff ratios which are designed to meet the support service needs of students, regardless of individual disadvantage or handicap. The student-staff ratio is consistent with recognized professional standards both in neighboring states and nationally. The ratios are based on field experience from fifteen experimental special needs service projects and are consistent with special education rules that pertain to student-staff ratios at a similar level of service. The rationale for reduced ratios compared with other secondary vocational rules as a desirable component of special instruction and supportive services has been a recognized professional standard in Minnesota at least since 1957 when Special Education became mandatory. Current practice varifies that the proposed "support service" manager student-staff ratio is needed to allow time for indirect service to students, assessment, consultation and indirect service to vocational instructors, monitoring or follow-up of students and coordinating services with other support service personnel. The proposed ratio is consistent with Special Education rule Edu. 122 C 4, which allows school districts to assign case management and follow-up duties to a single special educator. The proposed student-staff ratio of the "technical tutor" is necessary to allow sufficient time for direct student assistance on a one-to-one basis or in small groups. This position is assigned to a specific vocational section of ten or more students when there is a high incidence of students with special needs enrolled. This person provides direct service in vocational skill development and related instruction under the direction of a vocational instructor.

The needs of students with hearing and vision problems vary depending on the severity of the vision and hearing disorder, therefore, the amount of time required by the student will dictate the amount of time

that the interpreter or orientation and mobility specialist must provide in order for the student to benefit from the vocational program. The decision regarding the amount of time required for this service must be made on an individual-student basis at the local level. These positions are included in the secondary vocational rules to indicate that these services are recognized as necessary for visually and hearing handicapped students to succeed in vocational programs.

Vocational evaluation is a support service designed to assist the handicapped or disadvantaged student select an appropriate vocational program of interest. It further assists in identifying a student's assets which relate to the probability of success in the chosen occupational field. In addition this service identifies possible liabilities which may effect their ability to succeed in the occupation. As a result, support services necessary to complete a vocational program leading to that occupation can be prescribed. The ratio is based on recommendations of a nationally recognized teacher training program for vocational evaluators.

Subsection B is needed because when placement services are provided, vocational administration is necessary to facilitate coordination among placement specialist services, other student personnel services and vocational instructional staff. This rule provides a minimum ratio of placement specialists to vocational instructional staff to encourage distribution of state funds on an equitable basis. Evaluation of four years of pilot projects involving placement specialists shows that this is a reasonable ratio for effectiveness of the program. Because placement specialists can provide services to students on a less-than-daily basis, districts and centers are given the opportunity to share placement specialist services. Placement services have been piloted in Minnesota for four years, and have been found to expand the occupational placement services that were previously available. It is important for rules to provide that schools may offer these services so that students leaving high school can be assisted to find both appropriate employment and post-secondary preparation for an occupation.

§1.00831 Support Services

Districts and centers may choose to utilize a support service teacher or aide in a child care and guidance occupational program in order to operate a child care laboratory as a learning experience for secondary vocational students. This is a practical option for districts and centers where sufficient employment stations are not available in the community to provide community-based experiences. A minimum student-staff ratio is included in rules so that only relatively efficient programs are eligible for this support service. The ratios of the instructional support service aide or preschool teacher to children is consistent with Department of Public Welfare rules and recommendations relating to licensing of care and education of preschool children. Experience with preschool teachers and aides in child care and guidance occupational programs has shown the ratios identified in the rules to be both effective and financially feasible.

§1.0084 Vocational Aid

This rule is needed to clarify the items for which vocational aid is available. It is consistent with Minnesota Statute §124.573 which identifies 50 percent aid eligibility for salaries, travel and equipment along with the responsibility to prorate aid if the appropriation is insufficient.

Subsection A identifies categories for aid eligibility for salaries. Maximums for extended employment, preparation time, and substitute staff are included in rules to assure efficient use of state funds while respecting locally negotiated contracts for staff. It is reasonable to limit vocational aid eligibility to salaries for those staff who are serving in approved programs because Minnesota Statute §124.573 specifies that aid is available only for "essential licensed staff." Those vocationally licensed staff employed by districts and centers who are not assigned to an approved program are not essential to operate the program. Experience has shown that one day of extended employment per hour of vocational instruction each day can be effectively used for working with a vocational advisory committee, advising vocational student organization leaders who are involved outside the school day, and other activities essential for the operation of the program.

Instructor-coordinators need several weeks in some communities to identify on-the-job training stations, match students with available stations, facilitate home-school-job scheduling for each student, establish training agreements and training plans for each student and for responsibilities of all vocational instructional staff as listed above. Many districts and centers choose to have all enrolled students placed on the job the first day of school for optimum education and scheduling ease. The rules limit the eligible amount of extended employment time for both vocational instructors and instructor-coordinators to increase the probability that staff will be assigned only tasks which are essential to the program during the time when vocational aid is received.

Preparation time is eligible for salary aid because it is essential to prepare for instructional time. The time limitations are included to allow a reasonable amount of preparation time in a cost-effective manner. Many school boards have negotiated with teachers for approximately the amount of preparation time eligible for vocational aid, so this policy has been in effect for several years. Districts and centers may provide more preparation time to staff than is eligible for vocational aid if they wish. The time limitations relate to "essential" time to get the job done.

When substitute staff are being paid at the same time as a regular staff member, the district or center may choose whether the salary of the substitute or the regular staff member shall be eligible for aid. The rationale for this policy is that the state vocational aid is a categorical program aid rather than a general maintenance aid.

Subsection B is needed to describe instructional travel as described in Minnesota Statute §124.573. Travel to school sites and community-based training stations are included because educational experiences involved in these cases are an integral part of a vocational program. The statement that student transportation is not eligible is needed to alert districts and cent5rs that expenditures for transporting students need to be from sources other than vocational aid.

Subsection C is needed to establish in rule that only occupational equipment is eligible for the fifty percent funding identified in Minnesota Statute §124.573. It is understood that the intent of the law, by the size of the appropriation, is to limit the equipment eligibility to those items that are needed in addition to standard classroom and student storage equipment needed for any secondary education program. The rationale for this policy is that schools provide general educational equipment for all programs with foundation aid and local tax revenue. Preapproval is needed to assure that eligible equipment is necessary for the approved vocational program.

The first item in Subsection D is necessary to clarify how the law relates to programs or services which are eligible for more than one type of categorical aid and to eliminate duplicate payments for any one item. The second statement removes the financial incentive for districts and centers to misuse studenz labor when students are involved in producing services or products. This policy is consistent with Minnesota Department of Labor and Industry laws and rules which establish parameters for competition between agencies where labor is a by-product and employers who are required to pay minimum wages. The last statement alerts districts and centers that vocational aid is prorated when ineligible students are served in approved programs. Simultaneously this rule allows district and center boards to serve adults and students who are too young to be eligible for aid in the same section with students eligible for aid if it is their desire to do so.

§1.0085 Vocational Aid Application Procedure

This rule is needed to alert local administrators to the time schedule and process for submitting forms for aid. February 1 is a reasonable date to allow the department to process program budgets in adequate time to inform districts and centers of approval or disapproval and of the estimated aid rate by April 30 so approved staff and equipment can be obtained or maintained. The rationale for April 30 is to let the districts and centers know whether proration below 50% will be necessary in either the salary-travel funding category or the equipment category and, if so, what rate of aid can be anticipated. This will give the local boards a month in which to determine if any planned programs need to be closed and staff dismissed by the deadline of June 1 established in state law, Minnesota Statute §124.573. April 30 notice of rate of aid will also give districts and centers time to reconsider planned equipment expenditures if they find themselves in a financial crunch. An appeal process is included to assure fair treatment for all districts and centers.

An amendment procedure is included so that districts and centers can communicate adjusted program budget plans to the state after submitting original plans during January. Fiscal changes resulting in at least ten percent of the estimated expenditure need to be communicated to the State Board so that statewide information will be available on a continuous basis. Infor-

mation on relative availability of funds will be used to make decisions regarding new programs and new equipment requests submitted on amendments. A ten percent variance is usually substantial enough to reflect causes other than inflation, but small enough not to have the effect of excessive proration of available state and federal funds resulting in unplanned deficits at the local level.

When any one program budget is changed by twenty percent or more, the planned expenditure items need to be reevaluated in relation to the approved program being operated by the district or center as well as for fiscal implications. By following the procedure in the rules, the State Board for Vocational Education can adjust the payments to be made on the basis of approved plans to coincide with the estimated receipts by the district or center. Such estimated amounts will be partially paid on the schedule identified in Minnesota Statute §124.573. The clause indicating that amendments will be considered for new programs needed to allow the State Board for Vocational Education to act in a fiscally accountable manner in relation to the state legislative and federal congressional appropriations.

The rationale for the second half of the same sentence is to allow for proration of available funds, if necessary, to cover changes in expenditures resulting from newly negotiated staff contracts, unexpected staff changes and inflation. The annual report is required so that the last payment to the district or center can be a correction payment resulting in payment of "actual expenditures" for approved program budgets as indicated in Minnesota Statute §124.573.

§1.0086 Student Eligibility

This rule is needed to clarify that Minnesota students in grades 10, 11 and 12 or equivalent are eligible to be served in secondary vocational education. Since April, 1973, the State Board for Vocational Education has had a policy that vocational aid is not available for ninth grade students when they are allowed in an approved secondary vocational program designed for grades ten through twelve. Since then the State Board budget request to the Legislature has been established on the basis of this policy. The state appropriation was made for this biennium, as for the last one, to support the Board policy on which the budget was requested. Districts and centers are provided the flexibility to serve adults, younger students and nonresidents of Minnesota with other educational funds as long as appropriate proration of state vocational aid takes place.

EDU 62 Secondary vocational education is being repealed because it will be replaced by these new rules. In light of the provisions contained in the rules, EDU 62 serves no purpose.

STATEMENT OF NEED AND REASONABLENESS FOR
PROPOSED CHAPTER SIX: POST-SECONDARY
VOCATIONAL-TECHNICAL EDUCATION

§1.0100 Application.

The deleted sentence has been deleted to reflect a change in the statute. Application approval is now vested in the Legislature.

§1.0101 Basis for Approval.

The deleted statement has been moved to the general section of the rules as it encompasses all levels of vocational education. (See §1.0079)

§1.0102 Program Approval.

[A.] This statement has been moved to the general section of the rules. (See §1.0071 B and C)

[A.1.] This statement has been moved to the general section of the rules and has been recast to conform with the language in the vocational amendments of 1976. (See §1.0075, 1-4)

[B.] This statement has been rewritten and is now numbered §1.0102. A.

A.2. This is a non-substantive change in language.

A.[3.] This statement is no longer necessary as the intent of the statement is covered by appropriate state and federal laws.

A.[4.] This statement has been moved to §1.0104 f 7 and restated in different language with no substantive changes.

3. Local board has been substituted for program advisory committee as the local board is solely vested with this authority. The program advisory committee makes recommendations only. Addition of the word the is a technical change to improve the verbiage of the statement with no change in meaning. Substitution of commissioner of for [division of vocational-technical] education was made because pursuant to Minnesota Statute §121.16 the commissioner may have authority delegated to him by the State Board. There is no similar authority to delegate authority to an entity such as the division of vocational-technical education.

All subsequent substitutions of this phraseology are made for this reason.

[C.] This statement has been completely rewritten and is now placed in the general rules §1.0071 A. No substantive change in the intent has been made.

B.4. Substitution of commissioner of education has been made in accordance with the rationale as A.3. above.

[E.] This statement has been rewritten making the director of the area vocational-technical institute responsible for the evaluation and is renumbered §1.0102 K.

[F.] C. The intent of this statement is to ensure that approved programs do not change without review of the impact of such changes. Only major changes would be subject to review by the commissioner of education so that the local district could make minor changes for purposes of program classification. Major changes include but are not necessarily limited to:

1. program length,
2. title of the program,
3. program objectives,
4. special innovation and or special options,
5. any items which would affect calculation of Average Daily Memberships for foundation aid payments,
6. changes in program costs.

The word re-directions is a substitution for [modifications] which is a non-substantive language change.

Commissioner is substituted in accordance with A.3. above.

[G.] D. Commissioner is substituted in accordance with A.3. above.

[H.] E. This statemenz was changed in the interest of clarification. The word "effectiveness" has been removed and the new language inserted to better explain what was meant by cost effectiveness.

[I.] F. Substitution of Instructional for [Regular] and shall for will are non-substantive language changes for clarification of meaning change by deletion to commissioner of education in accordance with A.3. above.

[J.] G. [2] This statement has been amplified and is now numbered 3.

2. This statement was inserted to limit the length of the instructional day for any given student. Experience has demonstrated that eight to nine hours of class is the maximum consistent with effective learning.

[3.] This statement has been moved and additional language inserted for clarification of foundation aid payments. The new number is 5.

3. This is an expanded restatement of old number [2.] above. This statement also provides for discretionary authority on the part of the local district, subject to the approval process, on the admission of part-time students to a given program. This was done so that a program which is not suited to part-time instruction would not be required to be restructured at great expense to accommodate a part-time student. In essence, this provision is to protect the local district from being compelled to view the expense of creating a discrete program for an individual part-time student.

4. This statement is reasonable in light of the fact that on5 hour is a common time block for classroom instruction and any attendance of less than one hour per day would be educationally nonproductive.

5. This is the expanded statement of old [3.] above.

6. This statement provides an interpretation of M.S. §124.562, Subd. 2, as applies to part-time students. It sets forth the requirements for aid eligibility for part-time students which is the same as is applied to full-time students which is found in §1.0104 f 8. The days referred to are calendar days of instruction, not prorated instructional days. If this were not included in this manner, a student who goes to school for one hour per day could miss 75 calendar instructional days before being terminated from eligibility for foundation aid. (1/6: 15 = 75)

[K.] H. The word annual is inserted to clarify student placement and does not constitute a substantive change. [Exceptional] has been replaced by special needs so as to conform to current federal definitions. This is a change in terminology with no change in meaning.

The deleted language which defines an [exceptional] special needs student has been rewritten and placed in the general section of the rules §1.0070 f, 1 and 2. Substitution of commissioner of has been made in accordance with A.3. above.

[N.] This statement has been deleted as it is no longer required. Accounting records and the reporting system must now be maintained in accordance with current statutes governing the UFARS operations and §1.0071 E of the general rules.

K. This statement is renumbered and is a verbatim replacement of the old [E] above except for the substitution of commissioner in accordance with A.3. above.

L. Federal regulations, 45 C.F.R. §104.402 requires the Department of Education to make periodic evaluations of programs in order to receive federal aid. This rule assists the Department in fulfilling that requirement. By reviewing 11 area vocational-technical institutes each year, each institute will be reviewed at least once within the five year period reflected in Section 104.402.

§1.0103 Administrative and Support Service Requirements.

Substitution of Administrative and support for [Ancillary] is a non-substantive change in terminology. Local board of education has been substituted for district as this is a more precise definition of the governing authority. The local board may delegate authority to its staff as it deems proper.

A. Substitution of licensed for [qualified] is a change of terminology in conformance with §1.0074 of the general rules. [Certification requirements of] was deleted as the language is redundant.

1. This change is necessary to clarify the responsibility, lodging it with a specific position rather than the institution.

2. Substitution of commissioner has been made in accordance with §1.0102 A.3. above.

3. Addition of the word written specifies the format of the notification so that adequate records of such notification may be retained.

B. This is a non-substantive change in language to update the rules to current verbiage. Student is the preferred usage as pupil has connotations of elementary/secondary education. All such substit3tions made hereafter of student for [pupil] will be made for this reason.

B.1. Student substituted in accordance with B above. [Certification] was removed as a redundancy.

2. Student substituted in accordance with B above.

3. Student substituted in accordance with B above.

[d.] This function has been removed from this grouping and made a separate function. Due to the increasing complexity of student financial aids and the number of recipients, it was deemed necessary to except this position from the previous ratio and mandate this as a separate function in each institution. The position has been moved to 4. below.

[f.] This statement was deleted as it is required by the UFARS code and responsibility is so designated.

4. This statement has been rewritten and renumbered. See old [d.] above.

[4.] 5. Student substituted in accordance with B. above. Commissioner substituted in accordance with §1.0102 A.3. above.

[C.] The statements regarding maintenance of buildings and grounds have been removed as they are now no longer required to be in the rules. The new statute governing construction in AVTI's provides for maintenance functions. See §1.0106 below.

C. This statement is a rewriting of the language in D below. The statement was changed as it is not possible to define the term "adequate" in the absence of a viable formula. It is not desirable to establish a formula because such a formula would have to be unnecessarily intricate to meet the needs of the AVTI's which vary considerably in enrollment and programs. It is presumed that each AVTI director will employ such secretarial and clerical staff as is required to support the various functions of the institute within the institutional budget.

D. This statement establishes in the rules, the requirement that the business manager of the local district shall be responsible for fiscal and statistical records in compliance with applicable statutes. It is necessary that a person adequately trained in fiscal matters be charged with this responsibility so that all funds are properly accounted for.

These duties may be delegated to the business manager of the area vocational-technical institute where such a person is employed.

§1.0104 Foundation Aid.

A. This statement is required to clarify and bring the rules into conformance with the statute. The language of the old rule was vague and could be construed to mean that foundation aid payments would be made to the individual student when the statute limited vocational programs to the district operating the area vocational-technical institute. Reference to M.S. §124.562 was deleted so that in the event that the statute should be renumbered, a subsequent rule change would not be required.

B. The term [for the prior year] was deleted as it is not applicable to the new budgeting system. The new budgeting system, which is current funding, requires that enrollment estimates be made also in light of enrollments in the current year. For example, enrollment estimates for 1978-1979 will be made primarily from enrollment in 1977-78 as the prior year report would be older data. This process takes place during December of the academic year preceding the year for which estimates are made.

C. The substitution of is authorized by the department in lieu of [by the State Aids, Statistics, and Research Section] is required so that potential organizational changes within the department which might change the name or duties of section would not require a revision of these rules.

D. The change in date is made to make the rules consistent with the UFARS code.

E. This statement has been inserted to define the minimum requirements for an instructional day to be eligible for foundation aid payments. The intent is to insure that students receive adequate instruction from licensed staff during any period claimed as instructional for foundation aid payments and for which students would be required to pay tuition.

Snow days are those days where classes are cancelled due to impassable roads and therefore, no instruction is offered to or received by students.

[E.] F. 1. Substitution of Deductible fees for [Fees deductible] is an improvement in the grammar of the sentence. Deletion of [under M.S. §124.562] was made to eliminate an unnecessary reference to a statute which if renumbered would require a change in the rules for that reason above. The statement about the processing fee clarifies the fact that the processing fee is distinct and is designated to recover a portion of the costs of processing multiple applications made by prospective students and this is not to be deducted from foundation aid. At the time that this processing fee is paid, the payee is not yet a student as payment is required prior to acceptance into the program.

2. Addition of in advance is necessary to specify that tuition will be paid prior to attending classes and also refers to number 4. below. Deletion of [pro-rata] is an improvement in the grammar of the sentence only.

Addition of official is needed to define that date from which tuition refunds will be calculated. Official is defined in number 8. below.

This statement is consistent with the intent of the law and is needed to protect both the student and the institution by specifying the refund policy for advance tuition payments.

[3.] This statement has been deleted as it is now redundant. It is adequately covered in number 2. above and number 4. below.

3. This statement is needed to bring tuition payment for instructional days of other than six hours into conformance with statute. Thus, when the instructional day is less than six hours the student shall pay the prorated portion of $2 compared to six hours. Conversely where the instructional day exceeds six hours, the student shall pay tuition on a proration of $2 per six hours.

[4.] This statement was deleted as it was rewritten as a part of number 8. below. Also, commencing July 1, 1978, all students will pay tuition. This statement inferred that some did not pay tuition and therefore is no longer accurate.

4. This statement defines the basic time frames for collection of tuition for all students at the post-secondary AVTI's. It determines the basic timing of tuition collection periods and the maximum length of a tuition collection period. This statement also permits the AVTI to require payment of tuition prior to the first instructional day, but limits the date when tuition may be considered as due and payable. The statement also authorizes the student to elect to pay tuition in advance of scheduled payment dates. Students are required to pay their tuition in advance of the first day of classes so that the institution is protected in only having students filling limited class stations who will be permitted to remain and not mandatorily removed pursuant to f. 8. below. The fifteen class day limit was created to protect the student against being required to prepay tuition at an unreasonable date prior to attendance. Without this provision, it is conceivable that a student could be required to pay tuition for the entire year prior to the first day of attendance. This statement provides for a delay in payment of tuition under two circumstances, application for a tuition subsidy or when an outside agency such as CETA or DVR guarantees payment of tuition for that student. In the fourth sentence, the language which reads "to the higher education coordinating board" should be deleted from this statement. This language is in conflict with HECB Rules 5 MCAR §2.1002 F and 5 MCAR §2.1007 A, B and C which require application to be made to the financial aids officer at the AVTI and not to the higher education coordinating board. The words "the initial" should be inserted before the word application and the words "in any given year" immediately following subsidy. The intent of this language change is to clarify procedures and to prevent abuse of the program where a student could continually reapply for a tuition subsidy and claim deferment of tuition.

5. This statement is required to define the amount of any penalty for late payment of tuition and the accounting procedures utilized for treatment of funds derived from the assessment of late payment penalties. The statement also defines the time period for which late payment penalties may be charged to the student. The penalty for late payment of tuition was established as a means to motivate students to pay tuition on or before the due date. This practice is common to other state systems of post-secondary education.

6. This statement defines the method for calculating the amount of deduction from foundation aid payments for tuition that the AVTI is responsible to collect. One ADM equals one student X 6 hours per day X 175 instructional days. In terms of dollars this is $350 which is subtracted from the foundation aid payment currently set at $2,120 for 1977-1978. See M.S. §124.562, Subd. 1 and 2. The last sentence is needed to define the times when a student may apply for a tuition subsidy in conjunction with HECB Rule 5 MCAR §2.1003 J.

7. Students participating in an internship which is an integral part of the curriculum as approved by the state department of education are considered as enrolled students and generate ADM's for foundation aid payments in accordance with A. above. As such they are required to pay tuition as provided by law. This statement also requires that when the hours of internship exceed six per day, supervision by qualified personnel must be provided by the AVTI to ensure that instructional goals are being met. The six hour day is a provision of M.S. §124.562, Subd. 2, and an internship of eight hours per day would generate 1 1/3 of a daily ADM factor. In light of these facts, the institution is obligated to provide qualified supervisors for the total time period of the internship.

8. This statement requires that all AVTI's must have a formal attendance policy which is uniformly enforced so that students are not treated in an arbitrary manner. The statement also defines the date upon which a student shall be considered as withdrawn for purposes of tuition refunds and ADM calculations for foundation aid. Fifteen continuous days of absence is established in Minnesota Statutes §124.562, Subd. 2.

9. This statement is needed to modify number 8. above so that students enrolled in programs that operate without the traditional break during the summer months may be permitted to take a short vacation of limited duration.

§1.0105 B. The change in dollar amount from [$2,000] to $4,000 is required by inflation. This change recognizes the effects of inflation upon the costs of capital equipment. Expenditures for items of capital equipment which are priced in excess of $4,000 will require the prior approval of the commissioner of education. Substitution of commissioner was done in accordance with §1.0102 A.3. above.

D. This change in dollar amount is done for the reasons in B. above.

[E.] This statement is redundant. It is the intent of the Legislature to now require review of all remodeling of buildings and grounds and thus elimination of this provision in the rules.

§1.0106 Construction.

A. The first sentence recognizes that often construction is paid for through revenues generated by bonding. The district will, therefore, only make an out of pocket expenditure at the time that the bond indebtedness is paid. Therefore, this sentence precludes a district from having aid payments made before those payments are actually needed.

The second sentence recognizes that the State Plan limits how the state may expend federal money. Therefore, to overcome the State Plan permission of the U.S. Commissioner of Education is required.

B. The purpose of this subsection is to state that aid earmarked for construction of vocational facilities may only be expended for that purpose. To do otherwise would allow a misuse of funds which have been appropriated for a particular purpose.

C. The purpose of this subsection is to prevent double funding in the payment of aid for construction.

§1.0107 Categorical Aid.

[A. and B.] The material deleted in [A. and B.] has been restated below with the same meaning. All underlined text in the restatement is contained in the deleted statement. The authority for categorical aid to "high cost programs" is found in Minn. Stat. §124.563, Subd. 1 (Supp. 1977).

F. This statement explicitly lists high equipment costs as an eligible factor in the distribution of categorical aid. Previous practice had been to include items of this nature under the general heading of high cost programs. In essence, when equipment costs for purchase of new equipment for expansion or replacement of out modeled or worn out equipment for a program cannot be met through capital expenditure aid, that unmet portion of the costs can be met through categorical aid funds when available.

G. High operation costs are those costs directly attributed to the provision of instruction but not including the cost of equipment. Such operating costs include:

1. High material and supply costs per student. For instance, steel and welding rod for welding students.

2. High instructional salaries. Due to the instructor's position upon the district salary scale, a given program may have above average costs per student per instructional salaries.

H. This statement recognizes the fact that per student instructional costs can be abnormally high because of constraints imposed by other regulatory agencies. An example of this is the allied health fields where licensure requirements impose a maximum student to staff ratio of 10 to 1. The program is then enjoined against increasing the ratio to achieve a more economical student instructional cost.

§1.0108 Deletion of the reference to [M.S. §124.564] was made so that a renumbering of the statute would not require a consequent revision of the rules.

Substitution of commissioner of for [division of vocational-technical] education made in accordance with §1.0102 A. above.

§1.0109 The word [entrance] was deleted as a redundancy. The next statement was deleted as these protections are clearly stated in various state and federal statutes which deal with compliance regulations regarding non-discriminatory treatment of individuals. Also see §1.00791 in the general rules.

[A.] This statement was deleted as it is now a part of the new statement A. below.

[B.] Deleted as per [A.] above.

[C.] This statement was deleted as it is completely incorporated in the general rules §1.00791 on student eligibility.

The statement on non-high school graduates less than 18 years of age was deleted as it has been restated with one modification below in A.

A. This inclusion is a restatement of old [A.6.] and the deletion above. The addition of the clause when possible was made so as to not preclude securing students who are less than 18 years of age and non-graduates of high school and where reasonable attempt to involve parents/guardians and secondary school personnel fail.

The use of age 16 as a minimum age for attending a post-secondary area vocational-technical institute is in conformance with the state statute governing compulsory attendance in elementary-secondary schools. See M.S. §120.10.

The use of 18 years of age in this subsection and B. below is in accordance with the legal age of majority in the state of Minnesota.

B. The addition of she is made to remove any possible misinterpretation based upon the gender of the applicant so as to conform with other laws and Title IX.

3a. These substitutions are language changes without alteration of the intent of the statement.

§1.01101 (a) A. The addition of professional and when the organization is approved by the state board was made for clarification of the statement. As an integral part of a program offering, certain expenses associated with the student organization are eligible for state funding. In this context it is imperative that such student organizations be professional, i.e., having a direct relationship to the curriculum and further than this relationship be formally approved by the state board.

STATEMENT OF NEED AND REASONABLENESS FOR PROPOSED
CHAPTER SIX-A: RULES FOR ADULT VOCATIONAL EDUCATION

INTRODUCTION

Minnesota Statute §124.572 charges the State Board for Vocational Education with the responsibility for promulgating rules for approval and operation of adult vocational education programs. This law makes it possible for districts and centers to offer adult vocational education by combining local revenues and student fees with vocational categorical aid. The result for individuals is the opportunity to continue vocational education for the purpose of training, retraining and upgrading, while employed. Communities in the State of Minnesota have the opportunity to provide education which can result in encouraging local economic development and decreasing adult unemployment.

§1.0111 Scope

Minnesota Statute §124.572, Subd. 2, authorizes the state to pay to any district or cooperative center 75 percent of the salaries paid to essential licensed personnel and 50 percent of the costs of necessary travel between instructional sites by teachers in adult vocational education programs. This section explains to the districts and vocational centers that in order to be eligible for such aid, their programs must be in compliance with the criteria set forth in these rules. This is necessary to assure that public funds will be expended in an efficient and socially beneficial manner.

§1.0112 Instructional Program Approval

Subsection A is required by federal regulation 45 C.F.R. §104.111, which mandates the establishment of local advisory councils. Local school personnel are prevented from being voting members of the advisory committee in order to avoid a conflict of interests.

Subsection B is needed to assure that the licensure requirements of Minnesota Statute §124.572, Subd. 2, are met. The 500 hour limit on part-time adult instructors is consistent with the need for part-time teachers. These instructors work full-time in industry, and cannot be expected to teach more than 500 hours per year. In addition, 500 hours is approximately half of a full-time teaching load, based on a six hour school day.

Subsection C acknowledges that administrative services are an important part of the school program. Administrators are needed to provide leadership and organization for the instructional staff.

Subsection D is needed to clarify what constitutes a part-time program. Ten enrollees has been the minimum enrollment approved in the State Plan for Vocational Education for many years. These state plans were subject to public hearings every year, and the ten enrollee figure has withstood the test of public scrutiny. Past experience has shown that programs which average less than ten enrollees are not financially efficient.

Subsection E clarifies what constitutes a full-time program by setting forth the criteria which they must meet. The criteria are reasonable for the following reasons:

1. To assure quality education programs, it is not educationally sound to deliver full-time programs with less than a half-time instructor, because persons working less than half-time on full-time programs tend to put their prime responsibility and interests on their major work situation.

2. The six year enrollment limit is required by Minnesota Statute §124.572, Subd. 9. Research provided to the 1977 Legislature by the agriculture instructors recommended that three cooperators equal one full-time equivalent (FTE) student. The minimum enrollment for full-time programs has been established at 14 students. On this basis, minimum enrollment for adult farm management shall be 14 x 3, or 42 cooperators. Experience has shown that programs operating with less than 42 cooperators are not financially efficient. In order to be an effective cooperator, it is necessary to participate both in the instructional part of the program and the analysis. The eighty percent figure was determined to be a minimum number to be analyzed by the instructors who teach farm management to insure full effectiveness of the program. The exceptions are needed for two reasons. First, no student should be unnecessarily penalized by having a program terminated once he has already completed a part of that program. Secondly, in some areas of the state, due to the geographic size of the district, a variance may actually increase instructional quality and efficiency.

3. Small business management instructors are by necessity required to work with many different types of businesses. For this reason, members of the advisory committee, who are all involved in the small business community, recommended that the minimum enrollment for this program be thirty students. The three year curriculum was developed by the University of Minnesota and adopted by the small business management advisory committee. In order to be an effective participant in this program, it is necessary to partake of both the instructional sessions and the analysis of business accounts. The eighty percent figure was determined to be a minimum number to be analyzed by the instructors who teach small business management to insure full effectiveness of the program. The exceptions are needed for two reasons. First, no student should be unnecessarily penalized by having a program terminated once he has already completed a part of that program. Secondly, in some areas of the state, due to the geographic size of the district, a variance may actually increase instructional quality and efficiency.

4. Full-time programs require substantial funding. Budget limitations dictate that it is not financially sound to provide these programs for less than 14 persons. This fact also makes it necessary to eliminate low enrollment programs to insure adequate funding for high enrollment programs.

Subsection F clarifies the status of programs that fall below the required minimum enrollment. One year notice is sufficient for the district to plan necessary teacher cuts if the program does not improve during the probationary period.

Subsection G is necessary because federal regulations (45 C.F.R. 191 §104.402) require the Department of Education to evaluate programs in order to be entitled to federal funds. Local evaluations are, therefore, necessary in order that the Department of Education may complete its evaluation process.

§1.0113 Administrative Services

Separate budgeting and accounting is requried by Minnesota Statute §124.572, Subd. 7. This requires a separate delivery system for adult vocational programs to provide leadership and accountability for the programs. In addition, it is the policy of the State Department of Education not to accept the authorization of agreements and plans unless the person sending in such requests is authorized by the local board of education to make such requests. The ratios of administrative staff to enrollees set forth in subsection B. re required by Minnesota Statute §124.572, Subd. 7. Current administrative practices indicate that the figures which constitute the ratios are cost effective and administratively feasible. The provision for an exception to the rule was needed to give districts that have begun administrative services within the past two years time to bring their programs up to minimum requirements. Three years was considered a reasonable time in which to accomplish this task.

§1.0114 Vocational Aid Criteria

The submission of an annual program budget is necessary for sound fiscal management. The deadline of January 1 was chosen because most of the adult programs are delivered out of AVTI's, and the post-secondary budgets are due on that date. This will allow post-secondary and adult program budget reviews to be conducted concurrently.

Subsection B, which specifies that adult vocational education revenue be spent only on its authorized purpose, is required by Minnesota Statute §124.572, Subd. 2. It also assures that public funds are expended in a fiscally responsible manner.

The opportunity to amend budgets allowed in subsection C is needed to provide flexibility in programming at the local level. Often times school districts either extend short courses by a few hours or cut them short because of unforeseen circumstances. Industry needs are often met on such short notice that budgeting for such programs is impossible. Therefore, a limited leeway in expenditures from the approved budget is necessary. This leeway also permits minor corrections, thereby cutting red tape and saving time.

The Commissioner of Education's approval for budget changes between occupational program areas is needed to assure financial accountability. The State Board for Vocational Education also has the authority to approve budgets but to have them review change requests would add unnecessary delay to the process.

Budget adjustment data is required to be submitted by February 15 in order to give the adult vocational education division updated fiscal data in enough time so that changes can be effected in the March 31 payment, which is required by Minnesota Statute §124.572, Subd. 8. Similarly, the August 15 deadline for submission of final budget data is designed to give the division time to adjust the final clean up distribution on October 31, which is required in the same statute.

Subsection F complies with Minnesota Statute §124.572, Subd. 2, regarding the percentages of aid which will be paid. The reference to "specialists, guest lecturers and resource personnel" is needed to give notice to the local administrators that such people are no longer eligible for aid payments unless they are vocationally licensed. This calls attention to a change from past procedures. It is necessary because the state law only allows aid to be expended on licensed personnel.

§1.0115 Tuition and Attributable Costs

Minnesota Statute §124.572, Subd. 4, allows local board to charge tuition for participation in adult vocational education programs. It also allows differential tuition rates to be charged non-residents of a district. Subdivision 9 of the same statute specifies that enrollees in adult farm management who have been in the program longer than six years shall be charged a tuition rate equal to the full cost of the program attributable to that individual. The formula specified in the rule is a method of accurately determining the exact costs per hour which the enrollee shall be charged for each program. The attributable costs are the direct costs of instructional salary and travel between instructional sites. These costs are charged on the same basis as the amount of aid that is paid to the district.

§1.0116 Student Eligibility

Minnesota Statute §120.10 requires that individuals must attend a public or private school which meets compulsory attendance requirements until they are 16 years of age. Since by its definition adult vocational education is for persons who have completed or left high school, the age 16 eligibility requirement alligns the rules with the mandatory attendance policy.

EDU 69 Adult vocational education is being repealed because it will be replaced by these new rules. In light of the provisions contained in the rules, EDU 69 serves no purpose.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE GEORGE BECK
HEARING EXAMINER
OFFICE OF HEARING EXAMINER

In the matter of the proposed adoption of rules of the Board of Education (State Board for Vocational Education) governing the content, approval and funding of vocational education programs.

FINDING OF FACT AND ORDER ADOPTING RECOMMENDATION OF HEARING EXAMINER AND RULES

The above-entitled matter came on for hearing on January 10, 11, and 14, 1978, at St. Paul, Minnesota, before George Beck, Hearing Examiner appointed by the Chief Hearing Examiner after proper notice required by Minnesota Statute 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 reviewed all testimony, having considered all the evidence adduced, having considered the Report of the Hearing Examiner, and upon all of the testimony and proceedings herein, and applicable statutory standards or criteria, having withheld action on the proposed Rules for the required period of time after receipt of the Hearing Examiner's Findings and having confirmed the need for the above captioned Rules, we find that except as qualified below the findings of fact of the Hearing Examiner accurately reflect the facts in the record.

NOW THEREFORE BE IT RESOLVED that the State Board of Education (State Board for Vocational Education) hereby adopts and incorporates herein the Rules as proposed and amended during the hearing process and the Report of the Hearing Examiner dated February 17, 1978, with the following exceptions and additions:

1. Pursuant to the suggestion in Finding 66 the following definition of "internship" has been added to §1.0070:

> "Internship - A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station."

2. In response to the Hearing Examiner's Finding 95 that §1.00811 G. is unreasonable since it is too inflexible and restrictive, that section is amended to read:

> "The student shall be on the job a minimum of one hour per day, averaging no less than 10 hours per week during the school session."

It is necessary to require a minimum amount of time during the school day to provide an opportunity for the teacher-coordinator to have a supervisory period during the time the teacher-coordinator is on contract. This reduction in requirement from two to one hours will provide greater flexibility for school districts, students and teacher-coordinators.

3. In response to the Hearing Examiner's determination in Finding 107 that the ratio in §1.00821 C. of one vocational administrator per 20 vocational staff was not shown to be reasonable in regard to its effect upon school districts and centers particularly in rural areas, the ratio is hereby amended to one vocational administrator per fifteen vocational staff. As amended §1.00821 C. will read:

> "A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 15 vocational instructional staff in approved programs or one half-time administrator per eight vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent."

In addition the proration figures in §1.00821 D. will be amended accordingly. As amended the section will read:

> "No proration occurs between 0 and 8 and 16 and 20; however, when instructional staff in approved programs exceed 20, a local education agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 20 staff to one full-time equivalent administrator"

These changes will make the rule more reasonable by allowing smaller districts and centers to qualify for administrative aid as a result of the lower ratio and provide more flexibility within the Rules and necessitate less requests for exemptions to the Rules.

4. The Minnesota Association of Secondary Vocational Administrators (MASVA) suggested amendment to §1.00831 A. found in Finding 108 is accepted. The phrase "for support service personnel" shall be inserted between the words "vocational aid" and "when a minimum" in the first paragraph of the section. This amendment will clarify the interpretation of the Rule as the Hearing Examiner pointed out. As amended §1.00831 A. will read:

> "Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one

half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:"

5. Section 1.0084 is amended by adding the phrase "based on actual expenditures" at the end of the first paragraph of the Rule. This amendment, as was mentioned in Finding 116, was suggested by MASVA and others. It is needed because in light of the language of Minnesota Statute 124.573 subd. 2, it appears that the Legislature intended that final payments be based on actual expenditures rather than the estimated budget. As amended §1.0084 will read:

"Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Payment of aids for such categories shall not exceed 100 percent of the estimated budget based on actual expenditures."

6. In response to Finding 130 which states that §1.0084 D.1. as proposed is not reasonable since it changes the status quo in regard to co-funding without explicit legislative authority, there is pending legislation which addresses the relationship between vocational and special education programs and their funding procedures. This legislation will clarify the Legislature's intent as to the source and amount of aid available for these programs.

In the event that the pending legislation is not passed, the Rule as proposed should still be adopted. The potential for an audit exception exists where aid would be paid to the maximum allowed in both statutory provisions, as opposed to the payment as stated under the proposed Rules. The apprehension regarding the audit exceptions is predicated on legislative aide interpretations that have had significant impact on the legislative process in the past.

7. The Hearing Examiner's suggestion in Finding 148 that the Board consider comments made about §1.0106 has been noted; however, pending legislation will soon supersede this section. In the event the pending legislation is not passed, the Rule as proposed should still be passed because it is designed to comply with federal rules governing eligibility for aid for expenditures for approved construction projects.

8. In response to Finding 156, §1.0112 E.1. is amended to read:

"Shall employ a minimum of a 40 percent time instructor."

A minimum must be set at a level high enough that school districts will make a significant commitment of staff to the program of adult farm management and low enough to provide sufficient flexibility. This commitment is necessary so that the enrollee in the program, who under these Rules is eligible for a full six-year program, will in fact have staff available to carry out the program objectives. The Rule, as amended, provides both the commitment and the flexibility.

9. At the Hearing §1.0074 B.2. was amended, but the amendment failed to mention the one-year permit or renewal and the three-year adult supplementary license. This omission was an inadvertent oversight. Provisions for renewal of these types of licenses are currently in the State Plan for Vocational-Technical Education. The section is therefore amended to read:

"Renewal of the two-year license, the one-year permit or renewal, and the three-year adult supplementary license shall be in accordance with the State Plan for Vocational-Technical Education and shall be submitted to the commissioner of education for approval. Renewal of licenses issued for a maximum of five years shall require upgrading activities as set forth in the State Plan for Vocational-Technical Education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education. If the content is disapproved, approval may be sought from the commissioner of education."

10. In order to allow districts which have less than five vocational teachers and which are geographically isolated so they cannot cooperate with another district to utilize their existing relicensure committee and to make the vocational Rules the same as the Rules being promulgated by the Board of Teaching, §1.0074 B.5. is amended by adding the following segment:

"d. Vocational teachers may be subject to the local continuing education/relicensure committee as currently established, when such teachers teach in a district which employs less than five vocational teachers or which is geographically isolated so it cannot feasibly cooperate with another district."

Having considered all other comments and suggestions, no other changes in the Rules are recommended at this time.

THEREFORE, IT IS ORDERED that these Rules, identified as 5MCAR §1.0070-§1.0117 are adopted this thirteenth day of March, 1978, pursuant to authority vested in us by Minnesota Statute 121.11, subd. 12 and Minnesota Laws 1977 chapter 447, art. V.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION
(State Board for Vocational Education)

Henry G. Tweten, President
State Board of Education

Exhibit No. 17
File No. EDU-78-CCA-013
HDB Date 1/10/78

STATE OF MINNESOTA
BOARD OF EDUCATION

RECEIVED
DEC 13 1977
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF: The proposed adoption of rules of the state board of education (state board for vocational education) governing experimental programs for elementary and middle schools; and rules for preschool health and developmental screening; and rules for content, approval and funding of vocational education programs.

AFFIDAVIT OF RECEIPT OF SECRETARY OF STATE'S LIST

Lois Steinhaus, being duly sworn on oath deposes and says:

1) That she is an employee of the Department of Education of the State of Minnesota.

2) That on the 28th day of November, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412.

3) That on the 28th day of November, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Lois Steinhaus

Subscribed and sworn to before me
this 28th day of November
1977

Luana Vadnais

Notary Public

Kansay County, Minnesota
My Commission expires June 15, 1981

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. expires June 15, 1981

Board Exhibit No. 9
File No. EDU-78-002-0B
HMB Date 1/10/78

RECEIVED
DEC 13 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
BOARD OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education (state board for vocational education) governing experimental programs for elementary and middle schools; rules for preschool health and developmental screening; and rules for content, approval and funding of vocational education programs.

CERTIFICATE OF DELIVERY
SECRETARY OF STATE LIST

I hereby certify that the attached 9 (486 labels) sheets constitute the complete list of persons, associations, and other interested groups who as of 8 o'clock ~~AM~~, this ~~28th~~ day of NOVEMBER, 1977, have requested pursuant to Minn. Stat. § 15.0412, subd. 4, (1976), 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.

SECRETARY OF STATE

Joan Anderson Growe

By Cheri L. Mattson

Board Exhibit No. 5
File No. EDU-78-002-6-B
HAB Date 1/10/78

RECEIVED
DEC 13 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
BOARD OF EDUCATION

IN THE MATTER OF: The proposed adoption of rules of the state board of education (state board for vocational education) governing experimental programs for elementary and middle schools; rules for preschool health and developmental screening; and rules for content, approval and funding of vocational education programs.

AFFIDAVIT OF MAILING

Harold Klecker, being first duly sworn, deposes and says:

That on the 1 day of December, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and a copy of the proposed rules 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 the attached Certificate of the Secretary of State.

Harold E. Klecker

Subscribed and sworn to before me
this 1 day of December,
1977.

Luana Vadnais

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

1. Cooperative center - Two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the state board for vocational education.

2. Vocational center - Two or more senior high schools in a single district that share secondary vocational programs that meet rules relating to vocational centers and have been approved by the state board for vocational education.

F. Classroom instruction - An in-school instructional method involving discussion, lecture, and other forms of communication.

G. Competencies - Skills, knowledge, or attitudes necessary for functioning in a specific occupation.

H. Component - A unit of instruction that contributes to the accomplishment of the program objectives.

I. Employment related community-based education (coop experience) - Instruction enabling students to prepare for their tentative career objectives or develop general employability skills through the coordination of vocationally related in-school instruction and supervised part-time on-the-job training.

J. Entrepreneurship - A school supervised business venture undertaken to teach the free enterprise system, including the functions of organizing and managing the factors of production or a distribution of goods or services.

K. Entry level skills - Those basic occupational competencies which enable a person to enter initial employment.

L. Essential licensed personnel - Staff assigned to approved vocational education programs who meet criteria for vocational education licensure set forth by the Minnesota state board for vocational education and who have been issued a license.

M. Exploratory work experience - A school supervised program designed to provide students with paid or unpaid on-the-job work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

N. Extended employment - Paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, laboratory organizations, etc.

O. Extended time student - A student who is in attendance more than six hours but less than nine hours per day.

P. Full-time adult vocational enrollee - A person who is enrolled in a program of adult vocational education in which instruction is available on a daily basis throughout the school year.

Q. Instructional site - A facility or location where students have an opportunity to achieve educational goals and individual program objectives.

R. Internship - A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station.

S. Laboratory instruction - An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.

T. Local education agency - A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.

U. Necessary equipment - Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS), and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

V. Nonexpendable personal property - Tangible personal property having a useful life of more than one year and an acquisition cost of $300.00 or more, per unit.

W. Occupation - Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.

X. Occupational relations - Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.

Y. Post-secondary part-time student - Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.

Z. Post-secondary vocational education - Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.

AA. Pre-vocational education - Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.

BB. Secondary vocational course - One or more components of a secondary vocational instructional program.

CC. Secondary vocational education - Programs for grades 10-12 that meet the requirements of §1.00811 B. 1., 2., 3., and work experience/career exploration programs.

DD. Simulation - An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.

EE. Student full-time equivalent (FTE) - A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.

FF. Student-staff ratio - The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.

GG. Students with special needs - Students who are handicapped or disadvantaged.

1. Students identified as handicapped are defined in Minnesota Statute § 120.03 and cannot succeed in regular vocational programs.

2. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student of his/her parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.

HH. Support service - Noninstructional activities, services and functions carried out to aid and improve the quality of vocational education programs.

II. Teacher full-time equivalent - A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

JJ. Third party appraisal - Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.

KK. Training agreement - An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.

LL. Training plan - A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the

training station after a careful analysis of the student's career objective and the learning opportunities available at the training station.

MM. Training station - That site at which a student acquires actual work experience.

NN. Vocational administrator - A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.

OO. Vocational aid - Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.

PP. Vocational education - Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.

QQ. Vocational instructional program - An educational activity or a series of instructional components designed to meet the program objectives for the period of instruction.

RR. Vocational program advisory committee - A group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.

SS. Vocational student organization - Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

§1.0071 Standards for program approval. Written application for the approval of vocational programs by local education agencies shall be made to the commissioner of education. The commissioner's approval to establish vocational programs shall be conditioned on meeting the following minimum standards:

A. All programs shall be assigned vocationally licensed instructional staff as specified in the state plan for vocational-technical education.

B. Sufficient and suitable facilities including laboratories, shops, classrooms, equipment, supplies and adequate storage for the course to be offered shall be provided.

C. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively shall be maintained.

D. Programs shall comply with federal and/or state civil rights laws, labor laws and wage and hour statutes where applicable.

E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all such records shall be available to the department of education.

F. A student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. A person with special needs shall be defined as handicapped or disadvantaged to be eligible for enrollment in special needs vocational programs. Special needs vocational programs shall be eligible for aid assistance.

G. The authorized local administrator shall be responsible for coordinating vocational education programs with comprehensive employment training act prime sponsors.

H. Programs shall also meet appropriate level (secondary, post-secondary or adult) criteria designated by these rules.

§1.0072 Opportunity to appeal.

A. Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for vocational education and are entitled to a hearing date at a regular or special board meeting.

B. The state board for vocational education will notify the districts or centers of the time and place of the hearing in writing.

C. Upon completion of the hearing, the decision of the state board for vocational education and the reasons for the decision will be made in writing

and transmitted to the local education agency. The decision of the state board for vocational education shall be the final state action.

§1.0073 Evaluation by state board for vocational education. The division of vocational-technical education will evaluate, in quantitative terms, the effectiveness of each formally organized program or project supported by federal, state and local funds. The local education agency shall supply, upon request, the data necessary to make the evaluations. These evaluations shall be in terms of:

A. Planning and operational processes, such as:

1. Quality and availability of instructional offerings;

2. Guidance, counseling and placement and follow-up services;

3. Capacity and condition of facilities and equipment;

4. Employer participation in cooperative programs of vocational education;

5. Teacher/pupil ratios; and

6. Teacher qualifications.

B. Results of student achievement as measured, for example, by:

1. Standard occupational proficiency measures;

2. Criterion referenced tests; and

3. Other examinations of student's skills, knowledge, attitudes and readiness for entering employment successfully.

C. Results of student employment success as measured, for example, by:

1. Rates of employment and unemployment;

2. Wage rates;

3. Duration of employment; and

4. Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.

D. Other results as measured by services to special populations, such as:

1. Women;

2. Members of minority groups;

3. Handicapped persons; and

4. Disadvantaged persons.

§1.0074 Procedure for licensure of staff.

A. Licensed personnel shall meet the licensure requirements of the state plan for vocational-technical education.

1. Licenses become valid on the date of approval by the state board for vocational education. For a local education agency to be eligible for aid, staff shall be vocationally licensed prior to payment for services rendered. All licenses shall bear the date of issue and shall expire the specified number of years from July 1 nearest such date.

2. For those persons meeting stated requirements in both education and occupational experience, an initial entry license shall be issued for a period of two years. Maximum subsequent licensure shall be for five years.

3. A permit or license may be issued according to the vocational teacher education sequence to individuals not holding a vocational education degree when state plan requirements have been met.

4. To be considered, complaints or requests for corrections on licenses shall be made to the commissioner of education within ninety days of issuance.

B. Renewal of license.

1. Renewal applications shall not be accepted prior to January 1 of the year of expiration, with the renewal period commencing on the expiration date.

2. Renewal of the two year license, the one year permit or renewal, and the three year adult supplementary license shall be in accordance with the State Plan for Vocational-Technical Education and shall be submitted to the commissioner of education for approval. Renewal of licenses issued for a maximum of five years shall require upgrading activities as set forth in the state plan for vocational-technical education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education. If the content is disapproved, approval may be sought from the commissioner of education.

3. Individuals on the teacher education sequence as set forth in the state plan may request renewals of one year until total qualifications are achieved, at which time a regular five year license may be approved.

4. Reactivation of lapsed licenses (expired two or more fiscal years) requires satisfaction of appropriate current state plan for vocational-technical education requirements. Vocational teacher education sequence requirements stated in terms of clock hours may also be met with equivalent college courses with twelve clock hours equal to one quarter credit.

5. Vocational staff shall be subject to the continuing education structure as outlined in the Minnesota State Plan for Vocational-Technical Education. Such licensure, except for authorized local administrators as defined in §1.0070 B., shall be recommended by the local vocational relicensure committee. Vocational staff employed in school districts or state board approved vocational or cooperative centers currently employing a combination of individuals with standard and vocational licenses shall select one of the options listed below.

The selection of alternatives shall be made by a vote of these staff members currently using vocational licensure, and such election shall originally be supervised by the chairperson of the local continuing education committee established under Minnesota Statute 125.187, subd. 4.

a. Vocational staff may select the existing local relicensure committee, except that five vocationally-licensed vocational staff members currently practicing full-time on a valid vocational license, as elected in secret ballot by the district or state board approved vocational or cooperative center vocationally licensed staff, shall be the teaching faculty members of the committee whenever issues of vocational licensure arise.

b. A separate local vocational relicensure committee may be formed by the election of five vocationally licensed staff currently practicing full-time on a valid vocational license. The committee will be elected by the staff who are currently using vocational licensure in the district or state approved vocational or cooperative center. The committee shall also have one representative from administration and one from the residents of the district or center. The administrator is to be elected by the licensed administrators of the district or center. The resident shall be designated by the local school board, but may not be an employee of the district or center. School board members are not con-sidered to be employees of the district. This option shall be limited to those school districts or state board approved vocational or cooperative centers utilizing twenty-five (25) or more vocational licensees.

c. Vocational staff in two or more districts or state board approved vocational or cooperative centers situated in close proximity may operate under

the provisions of either option (a) or (b) with regard to the composition of the local vocational committee and method of identification of committee members.

In the event that a local relicensure committee cannot be established before July 1, 1978, relicensure may be recommended by the local vocational administrator until December 31, 1978.

d. Vocational teachers may be subject to the local continuing education/relicensure committee as currently established, when such teachers teach in a district which employs less than five vocational teachers or which is geographically isolated so it cannot feasibly cooperate with another district.

C. A limited permit for a maximum of 30 days may be approved through the commissioner of education in order to meet an emergency need for a short-term instructor/substitute. An emergency need is defined as:

1. A medical emergency of an instructor, or

2. Hiring on such short notice that it is impossible to gather and submit credentials for approval of licensing prior to the starting date.

D. Individuals may petition the commissioner of education for an examination as approved in the state plan. In such cases the commissioner of education shall appoint an examining committee. The committee shall include at least three members who are recognized as representative of and knowledgeable about the position and/or occupation for which the license is to be issued. In the case of local personnel, one member must be a vocational educator and one person in a position of similar employment as that of the applicant. A fourth member shall be a lay member, if available. In addition to an interview, the committee may

require a written examination or a performance examination or both and shall submit its recommendation in writing to the commissioner of education.

E. No unsuccessful candidates for licensure or relicensure by the committee review route shall be allowed to be reexamined until one year has elapsed since previous examination. A candidate questioning an adverse recommendation from a committee shall have a maximum of 30 days from the date of notice to submit a written review of the areas over which there is disagreement with the committee's recommendation to the commissioner of education which shall be reviewed by the state board for vocational education.

F. When emerging occupations or innovative experimental or exemplary programs create new instructional positions which are not governed by the licensing criteria in the state plan for vocational-technical education, the commissioner of education may recommend the issuance of a license for the instructional staff of that program.

§1.0075 Local advisory committee.

A. Establishment of local advisory committee.

1. Each eligible recipient (local education agency or post-secondary educational institution) which receives federal assistance shall establish a local advisory committee on vocational education.

2. The local advisory committee may be established for schools, the community or the region in which the eligible recipient is located.

3. The local advisory committee shall be composed of representatives of the general public including representatives of directly related business, industry and labor.

4. Representatives from several program committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph 3, may join together to form a general local advisory committee.

B. Duties of local advisory committee.

1. The local advisory committee shall advise the eligible recipient on the current job needs and the relevance of programs (courses) being offered by the local education agency or post-secondary educational institution in meeting current job needs.

2. The local advisory committee shall assist the eligible recipient in developing its application to the state board for vocational education.

§1.0076 Center approval. State board for vocational education approval is necessary if a vocational center is to be eligible for secondary or adult vocational aid or other aid available to approved vocational centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the state board for vocational education when the following criteria have been met:

A. Vocational programs shall be shared by one of the following methods:

1. Two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota state statutes, OR

2. Intermediate school districts established by the legislature to serve two or more independent school districts, OR

3. A school district sharing secondary vocational education among two or more senior high schools.

B. A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

§1.0077 Local applications for aid.

A. To be eligible for aids, the local education agency shall submit the following to the commissioner of education:

1. Assurances of compliances, signed by the authorized local administrator and the local state board representative.

2. Local labor market information on employee demand which is supplemental to data available from the state.

3. An approved evaluation document which reports secondary and post-secondary program output by completion and by entry into an occupation.

4. Information concerning enrollments.

a. Enrollments and costs of current programs in the fiscal year indicating the expansion of present programs and new program plans.

b. Enrollments and costs for services to special needs programs.

B. Any income derived from the sale of products or services derived from the operation of a vocational program shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

C. When instructional and support services and facilities are funded by other sources, except adult vocational tuition, the funded amount shall be included in the budget and shall reduce the state's obligation in the request for aids.

§1.0078 Allotment availability of federal funds.

A. When federal funds are not available to all applicants, the state board for vocational education shall use the following criteria in determining the allocation of federal funds:

1. Priority shall be determined based upon economic, social and demographic factors relating to need for programs among target groups and areas of the state.

2. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families.

3. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low income families and those with English as a second language.

4. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.

B. Local education agencies and teacher education institutions shall submit annual reports in accordance with these rules indicating expenditures and enrollments for which aid is requested. The commissioner of education may require other statistical and descriptive reports as required for federal reporting.

C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education for approval by the state board for vocational education.

D. In apportioning funds among local education agencies, the state board for vocational education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the non-federal share of the cost of such programs.

§1.0079 Property management standards.

A. A uniform property management system shall be utilized by the districts and centers to:

1. Maintain individual item control for continuing verification on nonexpendable personal property in which the state board for vocational education has provided state and/or federal funds.

2. Maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing and program cost computing.

B. Standards and procedures governing ownership, use and disposition of nonexpendable personal property purchased whole or in part with state funds and in which there are no federal funds are set forth below:

1. Title will not be taken by the state board for vocational education, but shall be vested in the local education agency subject to the following restrictions on use and disposition of the property:

a. Nonexpendable personal property with an acquisition cost of less than $500 and used four years or more: the local education agency may divert the property to any approved vocational program, vocational administration or support service or sell the property and retain the proceeds for vocational education programs.

b. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the state board for vocational education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The state board for vocational education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

c. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 120 days, the local education agency may dispose of the property at their discretion.

2. A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current utilization, and continued need for the property.

3. Property records shall be retained for three years after final disposition of the property.

4. The commissioner of education or his authorized representative shall have access to any pertinent property records for the purpose of making examinations.

C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

§1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

§1.00792 These rules shall become effective on July 1, 1978.

§1.00801 Scope.

A. To be eligible for aid, local education agencies shall meet the rules in this chapter.

B. Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid.

C. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission.

D. Approved programs and administrative services shall be supervised by the authorized local administrator. When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.

E. The local education agency shall resubmit each approved program for evaluation by the state board for vocational education at least once every five years.

§1.00811 Instructional program approval. The commissioner of education shall approve programs on the following basis:

A. Approval shall be on the basis of a complete program as defined in Section D.

B. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

1. In-depth exploration of occupations to assist in the career planning process, and

2. Development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and

3. Development of occupational competencies necessary to enter an occupation.

C. Each program shall have a vocational advisory committee to advise the instructor(s), the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

D. Program components and time standards. All program components must be addressed in order to qualify for approval, however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. Daily time requirements may be converted to weekly equivalents.

1. Agriculture/agribusiness and natural resources occupations.

a. Programs. Instruction in safety, leadership, communications, personal development, decision making, job seeking skills, good work attitudes and habits shall be an integral part of an approved program.

(1) Agricultural mechanics occupations. Learning experiences concerned with the application of mechanical competencies to agriculture. Program components include: agricultural power; hydraulics; welding; machinery maintenance; electrification; mechanics shop; material handling; buildings and conveniences; soil and water management, irrigation; livestock and crop production; farm and business management and entrepreneurship as related to mechanics.

(2) Agricultural products, processing and marketing occupations. Learning experiences concerned with the application of processing and marketing principles, agricultural products. Program components include: evaluation, processing and marketing of dairy, livestock, poultry products, cereal grains and specialty crops; agricultural business management and entrepreneurship; agricultural mechanics principles.

(3) Agricultural supplies and service occupations. Learning experiences concerned with the provision of consumable supplies and services used in agriculture. Program components include: animal and crop production; soils and soil fertility; animal nutrition and health; chemicals, fertilizers and pesticides; mechanics shop; agribusiness organization; management; entrepreneurship; marketing; power; machinery.

(4) Forestry occupations. Learning experiences concerned with the growing, managing, protecting, harvesting, utilizing and marketing of trees. Program components include: tree production, harvesting, management, protection, measurement and marketing; operation and maintenance of forestry equipment; agribusiness management; intensive laboratory occupational experience.

(5) Horticultural occupations. Learning experiences concerned with the culture of plants used for ornamental, aesthetic and food purposes. Program components include: greenhouse and nursery management; turf, fruit and vegetable production; floral production; landscape design; construction; equipment operation, repair and maintenance; garden center materials; plant and soil sciences; agribusiness management; entrepreneurship.

(6) Natural resources occupations. Learning experiences concerned with the principles and processes involved in the preservation and/or improvement of natural resources such as air, forests, soil, water, fish and wildlife. Program components include: water; air; quantity analysis resources; fish; wildlife; animal waste; soil and water management; pollution control; guiding and park management; resort and recreation operation; mechanics shop; entrepreneurship.

(7) Production agriculture occupations. Learning experiences concerned with the principles and processes involved in the economic use of land, labor, capital and management. Program components include: crop, livestock and poultry production; power, hydraulics, welding machinery maintenance and electrification; building and conveniences; mechanics shop; materials handling; irrigation, soil and soil fertility and soil and water management; marketing; finance, recordkeeping, entrepreneurship and farm management.

(8) Other agriculture/agribusiness, natural resources occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. When offering a vocational agriculture/agribusiness, natural resources program, the following considerations apply.

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following experience application options by the 1980-81 school year.

(a) Forestry occupations program shall include an intensive supervised laboratory experience of at least 280 hours, or

(b) Production agriculture occupations programs shall have a coop placement in a production agriculture operation either wage paying or entrepreneurship.

(c) All other programs in agriculture/agribusiness shall have an intensive supervised laboratory experience or a coop placement in a related agricultural business or industry either wage paying or entrepreneurship. An agriculture instructor-coordinator may supervise students in any vocational agriculture/agribusiness and natural resources occupations program.

(3) Various program components which meet approval criteria may be combined to develop a program to meet the needs of the local educational agency, including placement in a coop experience.

(4) Each program shall include one of the following options:

(a) The program shall consist of a minimum of 140 hours for the regular school year, with classes available to students in grades 10, 11, 12. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(b) The program shall consist of a minimum of two 140 hour classes and one 280 hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(c) The program shall consist of a minimum of two 280 hour classes for one regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience; internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(d) Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3- 280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program. Summer components such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in §1.00811 G.) or

(e) Any expansion of currently approved programs must meet agriculture/agribusiness and natural resources options b, 2a, b and/or c in the year for which approval is sought, or

(f) New program requests shall comply with an agriculture/agribusiness and natural resources option b, 4a, b, and c by the third year of operation.

2. Business and office occupations. Instruction in human relations, leadership and organizational competencies, public relations, personal development, self-concept, work attitudes and job seeking skills shall be an integral part of instruction in each program.

a. Programs.

(1) General office typist occupations. Learning experiences concerned with the performance of a variety of office duties, including maintenance of the system and generation of reports. Program components include: typewritten communications; records filing and management; record-keeping (numerical data); machine transcription; office functions including supplies control, telephone techniques, mail handling, reprographics services, machine maintenance and operation.

(2) Secretarial occupations. Learning experiences concerned with coordination of office responsibilities, generation of communication and facilitation of office functions. Program components include: all in general office typist plus: business composition; meeting and travel arrangements; transcription from shorthand notes or machine (shorthand optional); word processing concepts; clerical accounting.

(3) Accounting/data processing occupations. Learning experiences concerned with systematizing information about financial transactions and quantitative records in a traditional or automated setting. Program components include: accounting for receivables, payables; payroll; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; machine operation; business mathematics; records management; programming fundamentals; computer applications.

(4) Banking and finance occupations. Learning experiences concerned with banking or financial institutions services, the handling of money and negotiable instruments. Program components include: accounting for receivables; payables; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; business mathematics; teller functions; finance and credit; decision making; data entry; records management.

(5) Supervisory/management occupations. Learning experiences concerned with managerial skills in planning, organizing, supervising, coordinating, determining work procedures and assigning duties. Program components include: accounting for receivables, payables, billing/invoicing, inventory, purchasing; cash receipts and disbursements; communications; electronic computing; management principles; business ownership; business law; economics; public enterprise systems; personnel management.

(6) Other business and office occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational business and office program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus one of the following application experience options:

(a) In school: model office - a minimum of 100 minutes per day for one school year. (Primarily for use with general office typist and secretarial occupations; see model office brochure for details.)

(b) In school: intensified laboratory - a minimum of 100 minutes per day for one semester; plus related instruction to comprise a minimum of 280 hours in one fiscal year.

(c) Employment related community-based education: See community-based rules in §1.00811 G. A business and office instructor-coordinator can supervise students in any vocational business and office occupations program.

3. Health and environmental occupations.

a. Programs. Instruction in safety, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Environmental occupations. Learning experiences concerned with identification, prevention and control of environmental hazards, environmental aspects of populations and society, natural resources, health and physical implications, technology involved in protecting and restoring the quality of modern environment, and exploring careers in environmental areas. Program components include: environmental services; industrial hygiene related to environmental hazards and toxicants; safety, minimizing accident hazards and promoting safe work habits in plants, mines, industrial, agricultural areas; interpretation and enforcement of environmental laws; environmental technology aspects including performing tests and making samples; option of treatment equipment; societal responsibilities concerned with energy; providing and maintaining safe water, foods, air.

(2) Health care occupations. Learning experiences concerned with health concepts related to the providers and consumers of health care, preventative health care, and the utilization of materials, instruments and equipment in the health care area. Program components include: health occupations orientation; preparation of health consumer records; laboratory procedures concerned with tests to provide data; performance of routine clinical laboratory procedures; direct care services; procedures designed to introduce concepts related to rehabilitation of people with physical or mental emotional disabilities; communications between health providers and consumers of health services; applied anatomy and physiology.

(3) Other health and environmental occupations. Programs not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational health and scientific occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following application experience options:

(a) In school: the program shall be offered for a minimum of 280 hours within one fiscal year.

(b) Employment related community-based education: see community-based rules in §1.00811 G. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

4. Homemaking occupations.

a. Programs. Instruction in health and safety, multiple roles of both sexes, use of energy in the home and by families, development of self-concept, human relations, and leadership skills shall be an integral part of an approved program.

(1) Consumer-homemaking occupations. Learning experiences concerned with the work in one's own home environment including relating to family members and managing resources. Program components shall include: child development and parenting; individual and family life; home and family resource management and consumerism; consumer (individual and family) housing; consumer (individual and family) foods and nutrition; consumer (individual and family) clothing and textiles.

(2) Home and individual/family resource management occupations. Learning experiences concerned with the work in one's own home environment with emphasis on multiple roles of family members, managing resources, purchasing, using products and services. Program components shall include: family financial, time, energy, and human talent management; consumer buying; community resources; multiple roles of family members; housekeeping management skills; family decision making and goal setting.

(3) Individual/family life and parenting occupations. Learning experiences concerned with the work in one's own home environment with the emphasis on relationships, communication among family members; human growth and development and parenting. Program components shall include: relationships; marriage; family financial management and consumerism; human sexuality; alternate life styles, family throughout the life cycle; pregnancy and birth; growth and development; parent-child relationships; community services; family decision making and goal setting.

(4) Other homemaking occupations. Programs not otherwise defined which meet the vocational programs criteria may be approved.

b. Implementation. When offering a vocational homemaking occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall use to deliver homemaking occupations programs:

(a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate courses. Each of the components shall constitute a minimum of 40 hours of instruction, or

(b) For a home and individual/family resource management or individual/family life and parenting program,

(i) simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year, or

(ii) simulation and classroom methods shall be a single course for a minimum of 140 hours within one fiscal year.

5. Industrial occupations.

a. Programs. Instruction in safety, tool usage, self-concept, work attitudes and habits, leadership skills, and job-seeking skills shall be an integral part of all instruction.

(1) Auto body repair occupations. Learning experiences concerned with the repair of automotive bodies, fenders, and frames. Program components include: metal straightening by hammering or machine; smoothing areas by filing, grinding, or sanding; concealment of imperfections; replacement of body components including trim; arc and gas welding; refinishing; glass replacement service; new and used vehicle preparation.

(2) Auto mechanics occupations. Learning experiences concerned with the inspection, diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts; fuel and emission systems; cooling and heating systems; technical manuals.

(3) Communication/media technology occupations. Learning experiences concerned with the production and use of electronics and other media materials and equipment. Program components include audio-visual equipment and related production techniques; black/white photography; audio production, including equipment and recording; television equipment; television studio production; production distribution.

(4) Construction occupations - general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed as a learning experience in this program, it shall not exceed 1,200 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

(5) Construction occupations planning and management. Learning experiences concerned with all business, planning and preparation essential to begin erection of a project. Program components include: real estate financing, appraising and insurance; small business management, sole proprietor-

ship, limited partnership, corporate management; land surveying; civil technology; landscaping; heavy equipment operation; environmental enrichment; architectural drafting; construction drafting; codes and ordinances; soil testing and permits; equipment and materials; energy conservation factors.

(6) Carpentry occupations and finishing trades. Learning experiences concerned with rough carpentry and residential interior finishing. Program components include: material and fastening devices; form work; scaffolds, ladders and riggings; framing principles, roof framing, stair framing; exterior finish; insulation and dry wall; floor covering; paper hanging, painting and decorating. No residential unit shall be built in this program.

(7) Construction occupations mechanical trades. Learning experiences concerned with the trade areas dealing with heating, lighting, air exchange, and water. Program components include: air conditioning and heating; ventilation; sheet metal; construction electricity; plumbing; pipe fitting; mechanical blueprint reading.

(8) Construction occupations masonry trades. Learning experiences concerned with concrete and masonry areas. Program components include: brick laying; block laying; stone masonry; cement finishing; concrete technology.

(9) Electricity/electronics occupations. Learning experiences concerned with the design, construction, maintenance, and repair of electronic equipment. Program components include: basic electricity; residential/

commercial wiring; motor controls; AC-DC electronics; digital electronics; industrial electronics; active devices (tubes and semiconductors); communications.

(10) Graphic arts occupations. Learning experiences concerned with the design, preparation, printing, and assembly of printed materials. Program components include: Layout and design; copy preparation; line photography; halftone photography; continuous tone photography; cold type composition; stripping; plate making; offset presswork; printing inks; paper; bindery; screen printing; letterpress.

(11) Machine shop occupations. Learning experiences concerned with metal properties, machining, and heat treating. Program components include: bench work; grinding principles; blueprint reading; set up and rigidity; machining principles; use of machinery handbook; cutting tools; feed speeds; drill press; horizontal cut of saw; lathe; horizontal and verticle milling; surface and cylindrical grinding; basic metalurgy, alloys, annealing, hardening, drawing, case hardening and foundry.

(12) Mechanical drafting occupations. Learning experiences concerned with visual communications skills to convey ideas and specifications necessary to manufacture or reproduce mechanical items. Program components include: equipment/instrument usage; sketching; geometric figures; multiview drawing; dimensioning; auxiliary views; pictorial drawing; sectional views; detail and assembly views.

(13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and marine engines. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; principles of power transmission; technical manuals.

(14) Service station occupations. Learning experiences concerned with the inspection service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service; brake system service; diagnostic testing equipment; technical manuals.

(15) Small engine repair occupations. Learning experiences concerned with maintaining and repairing small engines used on portable power equipment. Program components include: 2 cycle fundamentals; 4 cycle fundamentals; rotary engine fundamentals; carburation; ignition; cooling; lubrication; diagnostic testing equipment and tools; welding; machine tooling; parts; technical manuals.

(16) Welding occupations. Learning experiences concerned with the fusion or separation of metals for fabrication or repair purposes. Program components include: blue-print reading; rough grinding; electrode selection; identification of metals; arc welding (flat, horizontal, vertical down, and vertical up); oxyacetylene cutting; oxyacetylene welding; brazing and fabrication.

(17) Other industrial occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational industrial occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall choose when offering a vocational industrial education program:

(a) Summer program of 120 hours for programs 5, 6, 7, 8, 12, 14 and 16.

(b) 140 hours within one school year for programs 5, 6, 7, 8, 12, 14 and 16.

(c) 220 hours within one semester for all programs.

(d) 280 hours within one school year for all programs.

(e) 280 hours within two school years for programs 2, 3, 9, 10, 12, 13, 14, 15 and 16.

(f) Programs 13 and 15 can be combined to meet the 280 hour minimum requirement.

(3) Employment related community-based education: see community-based rules in §1.00811 G. An industrial instructor-coordinator can supervise students in any vocational industrial occupations program.

6. Marketing and distribution occupations.

a. Programs. Instruction in marketing and distribution approved programs shall be composed of the following components as related to the occupational area: advertising, communications, display, human relations, mathematics, merchandising, operations/management, product/service technology, selling, and job-researching skills, work attitudes and behavior.

(1) General merchandise retailing occupations. Learning experiences concerned with various marketing functions and tasks performed by retail employees and management in retail stores.

(2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries. For example: advertising and display services; apparel and accessories marketing; automotive, recreational, and agricultural vehicles and accessories marketing; finance and credit services; floristry, farm, and garden supplies marketing; food marketing; food services marketing; hardware and building materials marketing; home furnishings marketing; hotel, motel, and lodging services; industrial and institutional marketing; insurance; personal services marketing; petroleum marketing; recreational marketing; real estate marketing; transportation and travel marketing; business services marketing; business ownership.

(3) Other marketing and distribution occupations. Instructional programs involving learning experiences which emphasize marketing functions and tasks performed by employees, including management personnel, not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational marketing and distribution program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus a minimum of one of the following application experience options:

(a) In school: a minimum of 280 hours of simulated occupational experience in a one or two year period.

(b) Employment related community based education: see regular cooperative rules. A marketing and distribution instructor-coordinator can supervise students in any vocational marketing and distribution program.

(c) Other options: must meet all program approval criteria in §1.00811 B.

7. Service occupations.

a. Programs. Instruction in safety, decisions in the use of energy, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Child care/guidance and education occupations. Learning experiences concerned with human development in personal care institutions and agencies. Program components include: growth and development; interpersonal relationships of children and care-givers; supervision and guidance; health; nutrition and feeding; day care; nursery school; family day care; management/ organization, guidance skills; care of persons with exceptional needs; implications of health and welfare agencies on child care services.

(2) Community service occupations. Learning experiences concerned with social and economic services, resource management, rural, urban and community development, public safety, corrections and judicial services, and public transportation operation/management. Program components include: community and public services; service to people as individuals; preserving, managing and restoring natural and artificial environments within the public domain; chart and map preparation; land use studies; preparation of community relations materials; planning of water, sewer line, and transportation layouts; schools/playgrounds; protection of human rights; health, safety and welfare; property rights; exploration of community service careers.

(3) Fashion/apparel/textile occupations. Learning experiences concerned with use of equipment, textile design and production, methods of construction necessary for the production, maintenance, and alterations of

clothing and/or industrial household goods. Program components include: clothing production; textiles; alterations; fashion design; selection and coordination; laundry; dry cleaning; accessories; tailoring; management skills.

(4) Food occupations. Learning experiences concerned with planning, preparing, and serving food on a quantity basis. Program components include: sanitation; commercial foods; institutional foods; food procurement; meal planning and nutrition; inter-personal relationships; front and back house operations; management skills.

(5) Grooming services occupations. Learning experiences concerned with services in the areas of personal appearance, skin and hair care. Program components include: Introduction to barbering; introduction to cosmetology; domestic animal grooming; introduction to death-related occupations; inter-personal relationships; management skills.

(6) Housing occupations. Learning experiences concerned with services in the areas of design, care and management of single family and multiple dwellings, commercial and institutional buildings. Program components include: housekeeping/management skills; cleaning/sanitation skills; inter-personal relationships; housing services; interior design/decorating; building/apartment management; city planning/zoning; health and safety in building design and maintenance; elements and principles of design; housing and environment; careers in the housing industry.

(7) Tourism occupations. Learning experiences designed to provide instruction involving the operation of lodging facilities and travel services. Program components include: Planning and providing travel conveniences, recreation activities and leisure time activities; introduction to planning and

operating a tourism enterprise; management skills; hospitality and service; tourism enterprise; conventions; interpersonal relationships; careers in the tourism industry.

(8) Other service occupations not otherwise defined which meet the vocational program criteria in §1.00811 G., may be approved.

b. Implementation. When offering vocational service occupations programs, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include a minimum of one of the following application experience options:

(a) In school: For all programs in service occupations except grooming services and community service occupations, a minimum of 220 hours in laboratory or simulation and classroom instruction shall be offered within one semester.

(b) In school: For tourism occupations programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within two school years.

(c) In school: For grooming services, simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year.

(d) In school: For child care/guidance and education occupations programs, fashion/apparel/textile occupations programs, food occupations programs, housing occupations programs and community service programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within one school year.

(e) Employment related community-based education: See regular cooperative rules. A hospitality/recreation personal service instructor-coordinator can supervise students in any vocational service occupations program. This program shall include prior or concurrent classroom instruction in the occupational area.

E. To be eligible for aid, the minimum student-instructor staff ratio for each program shall be ten students to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students per section. An exception to the minimum student/staff ratio may be granted by the commissioner of education for a maximum of one year to permit students to complete a sequential program, or during the first year of a new program.

F. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

G. Community-based education. When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the rules for the community-based education option of a program as stated below:

1. Single vocational area coop - regular coop.

a. The authorized local administrator shall assign coordination time for the instructor-coordinator in blocks of time large enough for efficiency, such that the staff can contact the employer during hours when the student is working. Preparation time for the instructor-coordinator shall be assigned separately from coordination time.

b. Training stations shall be available to at least half of the coop students prior to the commencement of the program.

c. The student shall be on the job a minimum of one hour per day, averaging no less than 10 hours per week during the school session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two hour day.

d. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer and instructor-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program.

e. The coop experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required.

f. The coop experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students.

g. Age certificates shall be submitted to the Minnesota state department of labor and industry.

2. Multiple vocational area coop - diversified occupations/interrelated coop.

a. §1.00811 G. 1 rules shall be met.

b. Diversified occupations/interrelated coop shall serve students from more than one vocational program area.

c. A student shall possess, or acquire concurrently, skill competencies related to his/her stated career objective(s) as stated in the component section of the vocational program area which relates to that stated objective.

3. Special needs coop - community-based education designed specifically to develop employability competencies for special needs students.

a. All programs shall meet the following criteria:

(1) §1.00811 G. 1 rules shall be met.

(2) Students selected for these programs shall meet the definition of handicapped or disadvantaged. A committee consisting of teachers involved in general and vocational education, counselors and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in the state board of education rules and shall be limited to students who cannot succeed in regular vocational programs.

(3) Proof that all students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

b. Work experience career exploration.

(1) §1.00811 G. 3a rules shall be met.

(2) Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year.

(3) The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations.

(4) The training agreement, not including the training plan, shall be submitted to the commissioner of education upon placement of the student.

(5) Employment certificates shall be submitted to the Minnesota department of labor and industry.

c. Work experience disadvantaged.

§1.00811 G. 3a rules shall be met.

d. Work experience handicapped.

(1) §1.00811 G. 3a rules shall be met.

(2) The maximum number of students enrolled in the work experience handicapped coop shall be 23 students when the instructor-coordinator is responsible only for the vocational area of instruction. When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the state board of education rules.

(3) The training agreement and training plan shall be in accordance with the special education individual educational plan in the state board of education rules Edu 120 A. 3.

(4) The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.

§1.00821 Administrative services.

A. Vocational administrative services shall be designed to assist students to meet vocational objectives.

B. When a local education agency provides vocational administrative services, students in vocational programs shall be provided administrative services which are available to all students in the district(s) in addition to the vocational administrative services.

C. A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 15 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent. Administrative time involved in general education is not eligible for vocational aid.

D. No proration occurs between 0 and 8 and 16 and 20, however, when instructional staff in approved programs exceeds 20, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 20 staff to one full-time equivalent administrator.

E. Vocational centers eligible for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service may apply to the commissioner of education for an exception to the rule. An exception will be granted on the basis of the following criteria:

1. During the first fiscal year following state board of education approval; or

2. In those instances where the demography of the area served by the center cannot reasonably support 10 vocational instructional staff.

§1.00831 Support services.

A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

1. One full-time equivalent support service manager to 60 full-time equivalent students.

2. One full-time equivalent technical tutor to ten full-time equivalent students.

3. One full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate.

4. One full-time equivalent interpreter to one full-time equivalent student or more as appropriate.

5. One full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation programs.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full-time.

B. A minimum of one half-time authorized local administrator shall exist prior to implementation of a placement program. A district or center shall be eligible for aid for licensed vocational placement specialist personnel at the minimum ratio of one full-time equivalent placement specialist per 20 vocational instructional staff or one-half time equivalent placement specialist per ten vocational instructional staff. Two or more districts or centers may combine the number of instructional staff to be eligible when the services are provided under the direction of one vocational administrator acting on behalf of the group of boards. Proration is not allowable.

C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility is required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, the children, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

§1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place

for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Final payment of aids for such categories shall be based on actual expenditures.

A. Salaries. A local education agency shall be eligible for aid at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs.

1. A district or center shall be eligible for vocational aid for extended employment at a maximum rate of:

FTE instructor	6 days
FTE instructor-coordinator	4 weeks

2. A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:

Maximum Vocational Preparation Time

Eligible for Aid

Average daily length of vocational assignment in instructional contact hours	Maximum preparation time in hours per day
Vocational instructional contact 1.0 hours or less	0.0 hours

Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0	.5 hours
Vocational instructional contact hours greater than 3.0	1.0 hours

3. A district or center shall be eligible for vocational aid for substitute staff holding vocational licensure appropriate for responsibility when aid is not being requested for salary for regular staff for the same time as the substitute.

B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites, and for the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. Student transportation is not eligible for vocational aid.

C. Equipment. A local education agency shall be eligible for aid at a rate up to 50 percent for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

D. Aid limitations.

1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. Work Experience - Handicapped (§1.00811 G.3.d.) is not eligible for vocational categorical aid.

2. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures not eligible for vocational aid which are directly related to the products or services sold. If the revenue from sale of products or services exceeds the costs to produce those products or services in any fiscal year, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

3. When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.

§1.0085 Vocational aid application procedure. The authorized local administrator shall be responsible for submitting annual program budget, program budget amendments and annual report.

A. To be eligible for vocational aid, annual program budget shall be submitted by February 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disap-

proval in writing by April 30. Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.

1. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education.

2. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

3. An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. Such hearings shall be scheduled between February 1 and May 15 and shall discuss the rationale for program and planned revenue and expenditures.

a. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for their review.

b. The results of the review shall be transmitted to the local board of education in writing.

B. Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when:

1. The total requested budget varies plus or minus more than ten percent from the approved program budget, or

2. The change in budget between programs, administrative or support services exceeds 20 percent.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

C. Annual report. Districts and centers shall maintain records of revenue and disbursements for programs, administrative and support services for which vocational aid is requested in accordance with the uniform financial accounting and reporting system. Final report data shall be submitted to the commissioner of education by August 15 of each year.

§1.0086 Student eligibility.

A. A student who is eligible to attend a Minnesota senior secondary public school is eligible to enroll in the vocational programs of the school. A student enrolled in a work experience/career exploration (WE/CEP) program is excepted from this student eligibility requirement.

B. Students from other states or provinces may be served. When nonresidents of Minnesota are provided approved instructional programs, administrative and support services in Minnesota districts or centers, aid requests shall be prorated to reflect only the percentage of Minnesota students being served.

§1.0087 These rules shall become effective on July 1, 1978.

Chapter Six

Post-Secondary Vocational-Technical Education

§1.0100 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).

§1.0101 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. Assignments of publication or production rights shall be determined cooperatively between the area vocational-techncial institute district and the state of Minnesota.

§1.0102 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. Appropriate work stations for each student shall be provided 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 shall 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 in writing. All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner of education, except when the internship program is regulated by the accrediting agencies related to that program.

B. 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

C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.

D. The commissioner of education shall review and approve program title, length, and curriculum modifications.

E. The cost of the program shall be related to the benefits to students and business and industry.

F. Instructional programs shall have an enrollment of ten or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs shall 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 commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten-student criteria in order to receive subsequent approval.

G. 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 six-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. An extended time student shall have a maximum attendance of nine hours per day or 45 hours per week.

3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the descretion of the local district subject to the program approval process with the state board for vocational education.

4. A part-time student shall have a minimum attendance of five hours per week with a minimum of one hour in any one day.

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

6. Part-time students shall be dropped from aid eligibility records when they have been absent all scheduled days of attendance in a 15 day period of full time operation.

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.

I. 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.

J. 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.

K. Each director of an 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 commissioner of education.

L. Evaluation visits shall be made by the commissioner of education at the rate of 11 area vocational-technical institutes per year, or more, for the purposes of conducting on-site evaluations of the existing programs in each institute. A cycle of program evaluations by experts from business and industry will be completed every three years. Self-evaluations shall be submitted by the institutes to the commissioner of education in the intervening years.

§1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota state plan for vocational-technical education.

1. The director of an AVTI 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 commissioner of 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 written 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 aide	=	.7
1 - clerical aide	=	.3
1 - student aide	=	.3

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the state plan for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

4. Student financial aid administrator shall be provided and not included in the ratio set forth in B. 2. above.

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the commissioner or education.

C. Secretarial and clerical staff shall be employed.

D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

§1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid 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 is authorized by the department.

D. Final adjustment data shall be submitted by August 15 of each year.

E. Only days in which school is open and students are under the supervision and guidance of teachers and for educational purposes are eligible for foundation aid. Snow days are not to be counted.

F. Tuition and fees.

1. Deductible fees 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. Students shall have their tuition prorated for less than or more than the regular instructional schedule.

4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon initial application for tuition subsidy in any given year or guaranteed receipt from an agency.

5. A late penalty may be charged not to exceed $10.00 per period established pursuant to F. 4 of this rule. Penalty payments shall be deducted from foundation aid. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's 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 funds. Tuition loss due to deferrment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

7. Students on internships shall pay tuition for the time period claimed for foundation aid. Daily hours shall not exceed six unless the students are fully supervised under personnel provided by the institute.

8. Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.

9. Students in continuous enrollment programs may be maintained on the roll for a vacation or a personal leave not to exceed 15 consecutive school days.

§1.0105 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, purchases at a cost in excess of $4,000.00 must be preapproved by the commissioner of 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 $4,000.00 and not included in the budget review shall be included in B. for approval.

§1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the state plan, the state board may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

C. When area vocational-technical institute construction becomes eligible for federal financial participation under acts other than 20 U.S.C. §1262, eligible aid will be prorated.

§1.0107 Categorical aid.

The distribution of categorical aid shall be made on 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.

§1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

§1.0109 Student eligibility.

A. The student shall be at least 16 years of age and shall have completed or terminated secondary education. Non-high school graduates less than 18 years of age shall, when possible, involve their secondary school administrators and/or counselors and parents or guardian in the application process.

B. 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/she 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/she is living with his/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.

§1.01101 Student organizations.

A. Student professional organizations shall be an integral part of all program offerings when the organization is approved by the state board.

B. Costs related to state board for vocational education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

§1.01102 These rules shall become effective on July 1, 1978.

§1.0111 Scope. These rules govern the operation of adult vocational-technical programs offered by the public schools of Minnesota. A school district or cooperative center desiring to offer adult vocational-technical programs for which state aids are to be received shall be in compliance with these rules.

§1.0112 Instructional program approval. The following requirements shall apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. An overall adult vocational-technical advisory committee or program advisory committees for each occupational area shall be maintained which shall meet one or more times a year. Nothing shall prevent a district or center from having both. Local school personnel shall not be members of advisory committees within the district or center except as ex-officio nonvoting members.

B. Instructional staff shall hold a valid adult vocational-technical license in the area for which aid is claimed. Adult instructors serving over 500 clock hours on an annual basis shall meet full-time licensure requirements.

C. Administrative services shall be provided to administer the adult vocational-technical program needs.

D. Part-time programs shall have an enrollment of ten or more enrollees per program. When more than one program section is in operation, enrollment shall average ten or more enrollees.

E. Programs with full-time adult enrollees shall meet the following criteria:

1. Shall employ a minimum of a forty percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators who have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. Programs not meeting the minimum enrollment prior to July 1, 1982, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

3. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. Programs not meeting the minimum enrollment prior to July 1, 1981, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

4. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

F. When an existing program does not meet the minimum enrollment, the program shall be placed on probation for one year.

G. The local district or center shall conduct an annual evaluation as prescribed by the commissioner of education. Programs subject to review by national or state accrediting bodies shall, 30 days prior to that review, provide the date of the review to the department of education and have on file copies of all information supplied to the review body.

§1.0113 Administrative services. The district shall:

A. Designate one authorized local administrator as being in charge of adult vocational-technical programs for the district.

B. Be eligible for aid for the salary of one FTE adult vocational licensed administrative staff when either of the following ratios are met. The same ratios shall be applied for calculation of additional administrative staff.

1. The district enrolls two thousand or more adults annually in approved vocational programs. Adults enrolled in more than one program may be counted in each program in which they are enrolled.

2. The district, through the adult vocational administrator, provides supervision to all full-time adult instructors and maintains 2500 instructional hours of part-time adult vocational education. Adult programs with full-time adult enrollees shall earn 200 instructional hours toward this requirement.

3. Districts not meeting the minimum ratios in Items 1 and 2 above may request an exception from the commissioner of education on an annual basis until July 1, 1982. An exception will be granted when instructional quality and efficiency would be improved by the exception.

§1.0114 Vocational aid criteria. The school district shall:

A. Annually submit an adult vocational-technical program budget for the following fiscal year by January 1.

B. Expend adult vocational education revenue solely for the purpose of adult vocational education programs.

C. File an amended budget for over expenditures exceeding ten percent and under expenditures exceeding five percent of the total budget when such changes affect the state obligation for aids. To be eligible for aid for the over expenditures, the amended budget must be approved by the commissioner of education.

D. Obtain approval from the commissioner of education for changes in budget allocation between occupational program areas.

E. Submit budget adjustment data for the current fiscal year to the commissioner of education by February 15. Final budget data shall be submitted by August 15 following each completed fiscal year.

F. Be eligible to be paid aids for:

1. Seventy-five percent of salaries paid to essential licensed personnel. Costs derived from engaging the services of specialists, guest lecturers and resource personnel as a part of an approved program are eligible for aid if licensure requirements are met.

2. Fifty percent of necessary travel costs of essential licensed personnel between instructional sites.

3. That portion of time of essential licensed personnel allocated to adult vocational programs.

§1.0115 Tuition and attributable costs:

A. The school district or center shall determine tuition and fees except where cited below.

B. Differential tuition rates may be charged for nonresidents versus residents of a district.

C. Attributable costs for individuals enrolled in a full-time adult farm management education program for more than six years, or a small business management education program for more than three years, shall be charged on an hourly basis. The hourly charge shall be determined by dividing the total direct cost of the program by the hourly assignment of the instructor. A full-time instructor load shall constitute 1200 contact hours. Record analysis fees are in addition to attributable costs.

D. Direct cost shall be determined by the sum of costs for instructional staff salary and travel between instructional sites.

§1.0116 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

§1.0117 These rules shall become effective on July 1, 1978.

APPROVED AS TO FORM AND LEGALITY

MAY 11 1978 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Wilde

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 12 1978
Joan Anderson Growe
Secretary of State
4:10 pm

Rules as Adopted

Chapter Four-A: General Rules for

Vocational-Technical Education

(all new material)

§1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

A. Adult vocational education - Vocational education for persons who have completed or left high school which prepares them to enter, re-enter, or to progress in paid or unpaid employment.

B. Authorized local administrator - The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary and/or adult level for a district, center or AVTI. The superintendent may act as the authorized local administrator in the absence of a vocational administrator.

C. Bona fide sale - The competitive sale of unneeded property which results in the highest possible investment return.

D. Career education - The process of helping individuals acquire and use those attitudes, skills and knowledge needed to develop and manage a reasoned, socially purposeful, and personally-valued life pattern in relation to work of whatever kind.

E. Center - A vocational or cooperative center.

1. Cooperative center - Two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the state board for vocational education.

2. Vocational center - Two or more senior high schools in a single district that share secondary vocational programs that meet rules relating to vocational centers and have been approved by the state board for vocational education.

F. Classroom instruction - An in-school instructional method involving discussion, lecture, and other forms of communication.

G. Competencies - Skills, knowledge, or attitudes necessary for functioning in a specific occupation.

H. Component - A unit of instruction that contributes to the accomplishment of the program objectives.

I. Employment related community-based education (coop experience) - Instruction enabling students to prepare for their tentative career objectives or develop general employability skills through the coordination of vocationally related in-school instruction and supervised part-time on-the-job training.

J. Entrepreneurship - A school supervised business venture undertaken to teach the free enterprise system, including the functions of organizing and managing the factors of production or a distribution of goods or services.

K. Entry level skills - Those basic occupational competencies which enable a person to enter initial employment.

L. Essential licensed personnel - Staff assigned to approved vocational education programs who meet criteria for vocational education licensure set forth by the Minnesota state board for vocational education and who have been issued a license.

M. Exploratory work experience - A school supervised program designed to provide students with paid or unpaid on-the-job work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

N. Extended employment - Paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, laboratory organizations, etc.

O. Extended time student - A student who is in attendance more than six hours but less than nine hours per day.

P. Full-time adult vocational enrollee - A person who is enrolled in a program of adult vocational education in which instruction is available on a daily basis throughout the school year.

Q. Instructional site - A facility or location where students have an opportunity to achieve educational goals and individual program objectives.

R. Internship - A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station.

S. Laboratory instruction - An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.

T. Local education agency - A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.

U. Necessary equipment - Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS), and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

V. Nonexpendable personal property - Tangible personal property having a useful life of more than one year and an acquisition cost of $300.00 or more, per unit.

W. Occupation - Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.

X. Occupational relations - Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.

Y. Post-secondary part-time student - Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.

Z. Post-secondary vocational education - Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.

A_1. Pre-vocational education - Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.

B_1. Secondary vocational course - One or more components of a secondary vocational instructional program.

C_1. Secondary vocational education - Programs for grades 10-12 that meet the requirements of §1.00811 B. 1., 2., 3., and work experience/career exploration programs.

D_1. Simulation - An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.

E_1. Student full-time equivalent (FTE) - A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.

F_1. Student-staff ratio - The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.

G_1. Students with special needs - Students who are handicapped or disadvantaged.

2. Students identified as handicapped are defined in Minnesota Statute § 120.03 and cannot succeed in regular vocational programs.

3. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student of his/her parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.

H_1. Support service - Noninstructional activities, services and functions carried out to aid and improve the quality of vocational education programs.

I_1. Teacher full-time equivalent - A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

J_1. Third party appraisal - Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.

K_1. Training agreement - An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.

L_1. Training plan - A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the training station after a careful analysis of the student's career objective and the learning opportunities available at the training station.

M_1. Training station - That site at which a student acquires actual work experience.

N_1. Vocational administrator - A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.

O_1. Vocational aid - Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.

P_1. Vocational education - Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.

Q_1. Vocational instructional program - An educational activity or a series of instructional components designed to meet the program objectives for the period of instruction.

R_1. Vocational program advisory committee - A group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.

S_1. Vocational student organization - Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

§1.0071 Standards for program approval. Written application for the approval of vocational programs by local education agencies shall be made to the commissioner of education. The commissioner's approval to establish vocational programs shall be conditioned on meeting the following minimum standards:

A. All programs shall be assigned vocationally licensed instructional staff as specified in the state plan for vocational-technical education.

B. Sufficient and suitable facilities including laboratories, shops, classrooms, equipment, supplies and adequate storage for the course to be offered shall be provided.

C. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively shall be maintained.

D. Programs shall comply with federal and/or state civil rights laws, labor laws and wage and hour statutes where applicable.

E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all such records shall be available to the department of education.

F. A student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. A person with special needs shall be defined as handicapped or disadvantaged to be eligible for enrollment in special needs vocational programs. Special needs vocational programs shall be eligible for aid assistance.

G. The authorized local administrator shall be responsible for coordinating vocational education programs with comprehensive employment training act prime sponsors.

H. Programs shall also meet appropriate level (secondary, post-secondary or adult) criteria designated by these rules.

§1.0072 Opportunity to appeal.

A. Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for vocational education and are entitled to a hearing date at a regular or special board meeting.

B. The state board for vocational education will notify the districts or centers of the time and place of the hearing in writing.

C. Upon completion of the hearing, the decision of the state board for vocational education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the state board for vocational education shall be the final state action.

§1.0073 Evaluation by state board for vocational education. The division of vocational-technical education will evaluate, in quantitative terms, the effectiveness of each formally organized program or project supported by federal, state and local funds. The local education agency shall supply, upon request, the data necessary to make the evaluations. These evaluations shall be in terms of:

A. Planning and operational processes, such as:

1. Quality and availability of instructional offerings;

2. Guidance, counseling and placement and follow-up services;

3. Capacity and condition of facilities and equipment;

4. Employer participation in cooperative programs of vocational education;

5. Teacher/pupil ratios; and

6. Teacher qualifications.

B. Results of student achievement as measured, for example, by:

1. Standard occupational proficiency measures;

2. Criterion referenced tests; and

3. Other examinations of student's skills, knowledge, attitudes and readiness for entering employment successfully.

C. Results of student employment success as measured, for example, by:

1. Rates of employment and unemployment;

2. Wage rates;

3. Duration of employment; and

4. Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.

D. Other results as measured by services to special populations, such as:

1. Women;

2. Members of minority groups;

3. Handicapped persons; and

4. Disadvantaged persons.

§1.0074 Procedure for licensure of staff.

A. Licensed personnel shall meet the licensure requirements of the state plan for vocational-technical education.

1. Licenses become valid on the date of approval by the state board for vocational education. For a local education agency to be eligible for aid, staff shall be vocationally licensed prior to payment for services rendered. All licenses shall bear the date of issue and shall expire the specified number of years from July 1 nearest such date.

2. For those persons meeting stated requirements in both education and occupational experience, an initial entry license shall be issued for a period of two years. Maximum subsequent licensure shall be for five years.

3. A permit or license may be issued according to the vocational teacher education sequence to individuals not holding a vocational education degree when state plan requirements have been met.

4. To be considered, complaints or requests for corrections on licenses shall be made to the commissioner of education within ninety days of issuance.

B. Renewal of license.

1. Renewal applications shall not be accepted prior to January 1 of the year of expiration, with the renewal period commencing on the expiration date.

2. Renewal of the two year license, the one year permit or renewal, and the three year adult supplementary license shall be in accordance with the State Plan for Vocational-Technical Education and shall be submitted to the commissioner of education for approval. Renewal of ~~the two year entry license or~~ licenses issued for a maximum of five years shall require upgrading activities as set forth in the state plan for vocational-technical education with the content pre-approved by the local vocational license committee and subsequently approved by the commissioner of education. If the content is disapproved, approval may be sought from the commissioner of education.

3. Individuals on the teacher education sequence as set forth in the state plan may request renewals of one year until total qualifications are achieved, at which time a regular five year license may be approved.

4. Reactivation of lapsed licenses (expired two or more fiscal years) requires satisfaction of appropriate current state plan for vocational-technical education requirements. Vocational teacher education sequence requirements stated in terms of clock hours may also be met with equivalent college courses with twelve clock hours equal to one quarter credit.

5. Vocational staff shall be subject to the continuing education structure as outlined in the Minnesota State Plan for Vocational-Technical Education. Such licensure, except for authorized local administrators as defined in §1.0070 B., shall be recommended by the local vocational relicensure committee. Vocational staff employed in school districts or state board approved vocational or cooperative centers currently employing a combination of individuals with standard and vocational licenses shall select one of the options listed below. The selection of alternatives shall be made by a vote of these staff members currently using vocational licensure, and such election shall originally be supervised by the chairperson of the local continuing education committee established under Minnesota Statute 125.187, subd. 4.

a. Vocational staff may select the existing local relicensure committee, except that five vocationally-licensed vocational staff members currently practicing full-time on a valid vocational license, as elected in secret ballot by the district or state board approved vocational or cooperative center vocationally licensed staff, shall be the teaching faculty members of the committee whenever issues of vocational licensure arise.

b. A separate local vocational relicensure committee may be formed by the election of five vocationally licensed staff currently practicing full-time on a valid vocational license. The committee will be elected by the staff who are currently using vocational licensure in the district, or state approved vocational or cooperative center. The committee shall also have one representative from administration and one from the residents of the district or center. The administrator is to be elected by the licensed administrators of the district or center. The resident shall be designated by the local school board, but may not be an employee of the district or center. School board members are not considered to be employees of the district. This option shall be limited to those school districts or state board approved vocational or cooperative centers utilizing twenty-five (25) or more vocational licensees.

c. Vocational staff in two or more districts or state board approved vocational or cooperative centers situated in close proximity may operate under the provisions of either option (a) or (b) with regard to the composition of the local vocational committee and method of identification of committee members.

In the event that a local relicensure committee cannot be established before July 1, 1978, relicensure may be recommended by the local vocational administrator until December 31, 1978.

d. Vocational teachers may be subject to the local continuing education/relicensure committee as currently established, when such teachers teach in a district which employs less than five vocational teachers or which is geographically isolated so it cannot feasibly cooperate with another district.

C. A limited permit for a maximum of 30 days may be approved through the commissioner of education in order to meet an emergency need for a short-term instructor/substitute. An emergency need is defined as:

1. A medical emergency of an instructor, or

2. Hiring on such short notice that it is impossible to gather and submit credentials for approval of licensing prior to the starting date.

D. Individuals may petition the commissioner of education for an examination as approved in the state plan. In such cases the commissioner of education shall appoint an examining committee. The committee shall include at least three members who are recognized as representative of and knowledgeable about the position and/or occupation for which the license is to be issued. In the case of local personnel, one member must be a vocational educator and one person in a position of similar employment as that of the applicant. A fourth member shall be a lay member, if available. In addition to an interview, the committee may require a written examination or a performance examination or both and shall submit its recommendation in writing to the commissioner of education.

E. No unsuccessful candidates for licensure or relicensure by the committee review route shall be allowed to be reexamined until one year has elapsed since previous examination. A candidate questioning an adverse recommendation from a committee shall have a maximum of 30 days from the date of notice to submit a written review of the areas over which there is disagreement with the committee's recommendation to the commissioner of education which shall be reviewed by the state board for vocational education.

F. When emerging occupations or innovative experimental or exemplary programs create new instructional positions which are not governed by the licensing criteria in the state plan for vocational-technical education, the commissioner of education may recommend the issuance of a license for the instructional staff of that program.

§1.0075 Local advisory committee.

A. Establishment of local advisory committee.

1. Each eligible recipient (local education agency or post-secondary educational institution) which receives federal assistance shall establish a local advisory committee on vocational education.

2. The local advisory committee may be established for ~~program areas,~~ schools, the community or the region in which the eligible recipient is located.

3. The local advisory committee shall be composed of representatives of the general public including ~~at least a representative of business, industry and labor.~~ representatives of directly related business, industry and labor.

4. Representatives from several ~~craft~~ program committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph 3, may join together to form a general local advisory committee.

B. Duties of local advisory committee.

1. The local advisory committee shall advise the eligible recipient on the current job needs and the relevance of programs (courses) being offered by the local education agency or post-secondary educational institution in meeting current job needs.

2. The local advisory committee shall assist the eligible recipient in developing its application to the state board for vocational education.

§1.0076 Center approval. State board for vocational education approval is necessary if a vocational center is to be eligible for secondary or adult vocational aid or other aid available to approved vocational centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the state board for vocational education when the following criteria have been met:

A. Vocational programs shall be shared by one of the following methods:

1. Two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota state statutes, OR

2. Intermediate school districts established by the legislature to serve two or more independent school districts, OR

3. A school district sharing secondary vocational education among two or more senior high schools.

B. A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

§1.0077 Local applications for aid.

A. To be eligible for aids, the local education agency shall submit the following to the commissioner of education:

1. Assurances of compliances, signed by the authorized local administrator and the local state board representative.

2. Local labor market information on employee demand which is supplemental to data available from the state.

3. An approved evaluation document which reports secondary and post-secondary program output by completion and by entry into an occupation.

4. Information concerning enrollments.

a. Enrollments and costs of current programs in the fiscal year indicating the expansion of present programs and new program plans.

b. Enrollments and costs for services to special needs programs.

B. Any income derived from the sale of products or services derived from the operation of a vocational program shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

C. When instructional and support services and facilities are funded by other sources, except adult vocational tuition, the funded amount shall be included in the budget and shall reduce the state's obligation in the request for aids.

§1.0078 Allotment availability of federal funds.

A. When federal funds are not available to all applicants, the state board for vocational education shall consider the following criteria in determining the allocation of federal funds:

1. Priority shall be determined based upon economic, social and demographic factors relating to need for programs among target groups and areas of the state.

2. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families.

3. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low income families and those with English as a second language.

4. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.

B. Local education agencies and teacher education institutions shall submit annual reports in accordance with these rules indicating expenditures and enrollments for which aid is requested. The commissioner of education may require other statistical and descriptive reports as required for federal reporting.

C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education ~~and approved~~ for approval by the state board for vocational education.

D. In apportioning funds among local education agencies, the state board for vocational education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the non-federal share of the cost of such programs.

§1.0079 Property management standards.

A. A uniform property management system shall be utilized by the districts and centers to:

1. Maintain individual item control for continuing verification on non-expendable personal property in which the state board for vocational education has provided state and/or federal funds.

2. Maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing and program cost computing.

B. Standards and procedures governing ownership, use and disposition of nonexpendable personal property purchased whole or in part with state funds and in which there are no federal funds are set forth below:

1. Title will not be taken by the state board for vocational education, but shall be vested in the local education agency subject to the following restrictions on use and disposition of the property:

a. Nonexpendable personal property with an acquisition cost of less than $500 and used four years or more: the local education agency may divert the property to any approved vocational program, vocational administration or support service or sell the property and retain the proceeds for vocational education programs.

b. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the state board for vocational education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The state board for vocational education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

c. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within ~~90~~ 120 days, the local education agency may dispose of the property at their discretion.

2. A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current utilization, and continued need for the property.

3. Property records shall be retained for three years after final disposition of the property.

4. The commissioner of education or his authorized representative shall have access to any pertinent property records for the purpose of making examinations.

C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate ~~code of~~ federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

§1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, ~~residency~~ or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

§1.00792 These rules shall become effective on July 1, 1978.

Chapter Five-A: Secondary Vocational Education

(all new material)

§1.00801 Scope.

A. To be eligible for aid, local education agencies shall meet the rules in this chapter.

B. Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid.

C. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission.

D. Approved programs and administrative services shall be supervised by the authorized local administrator. When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.

E. The local education agency shall resubmit each approved program for evaluation by the state board for vocational education at least once every five years.

§1.00811 Instructional program approval. The commissioner of education shall approve programs on the following basis:

A. Approval shall be on the basis of a complete program as defined in Section D.

B. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

1. In-depth exploration of occupations to assist in the career planning process, and

2. Development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and

3. Development of occupational competencies necessary to enter an occupation.

C. Each program shall have a vocational advisory committee to advise the instructor(s), the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

D. Program components and time standards. All program components must be addressed in order to qualify for approval, however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. Daily time requirements may be converted to weekly equivalents.

1. Agriculture/agribusiness and natural resources occupations.

a. Programs. Instruction in safety, leadership, communications, personal development, decision making, job seeking skills, good work attitudes and habits shall be an integral part of an approved program.

(1) Agricultural mechanics occupations. Learning experiences concerned with the application of mechanical competencies to agriculture. Program components include: agricultural power; hydraulics; welding; machinery maintenance; electrification; mechanics shop; material handling; buildings and conveniences; soil and water management, irrigation; livestock and crop production; farm and business management and entrepreneurship as related to mechanics.

(2) Agricultural products, processing and marketing occupations. Learning experiences concerned with the application of processing and marketing principles, agricultural products. Program components include: evaluation, processing and marketing of dairy, livestock, poultry products, cereal grains and specialty crops; agricultural business management and entrepreneurship; agricultural mechanics principles.

(3) Agricultural supplies and service occupations. Learning experiences concerned with the provision of consumable supplies and services used in agriculture. Program components include: animal and crop production; soils and soil fertility; animal nutrition and health; chemicals, fertilizers and pesticides; mechanics shop; agribusiness organization; management; entrepreneurship; marketing; power; machinery.

(4) Forestry occupations. Learning experiences concerned with the growing, managing, protecting, harvesting, utilizing and marketing of trees. Program components include: tree production, harvesting, management, protection, measurement and marketing; operation and maintenance of forestry equipment; agribusiness management; intensive laboratory occupational experience.

(5) Horticultural occupations. Learning experiences concerned with the culture of plants used for ornamental, aesthetic and food purposes. Program components include: greenhouse and nursery management; turf, fruit and vegetable production; floral production; landscape design; construction; equipment operation, repair and maintenance; garden center materials; plant and soil sciences; agribusiness management; entrepreneurship.

(6) Natural resources occupations. Learning experiences concerned with the principles and processes involved in the preservation and/or improvement of natural resources such as air, forests, soil, water, fish and wildlife. Program components include: water; air; quantity analysis resources; fish; wildlife; animal waste; soil and water management; pollution control; guiding and park management; resort and recreation operation; mechanics shop; entrepreneurship.

(7) Production agriculture occupations. Learning experiences concerned with the principles and processes involved in the economic use of land, labor, capital and management. Program components include: crop, livestock and poultry production; power, hydraulics, welding machinery maintenance and electrification; building and conveniences; mechanics shop; materials handling; irrigation, soil and soil fertility and soil and water management; marketing; finance, recordkeeping, entrepreneurship and farm management.

(8) Other agriculture/agribusiness, natural resources occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. When offering a vocational agriculture/agribusiness, natural resources program, the following considerations apply.

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following experience application options by the 1980-81 school year.

(a) Forestry occupations program shall include an intensive supervised laboratory experience of at least 280 hours, or

(b) Production agriculture occupations programs shall have a coop placement in a production agriculture operation either wage paying or entrepreneurship.

(c) All other programs in agriculture/agribusiness shall have an intensive supervised laboratory experience or a coop placement in a related agricultural business or industry either wage paying or entrepreneurship. An agriculture instructor-coordinator may supervise students in any vocational agriculture/agribusiness and natural resources occupations program.

(3) Various program components which meet approval criteria may be combined to develop a program to meet the needs of the local educational agency, including placement in a coop experience.

(4) Each program shall include one of the following options:

(a) The program shall consist of a minimum of 140 hours for the regular school year, with classes available to students in grades 10, 11, 12. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(b) The program shall consist of a minimum of two 140 hour classes ~~per day,~~ and one 280 hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(c) The program shall consist of a minimum of two 280 hour classes for one regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience; internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or

(d) Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3- 280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program. ~~including a cooperative placement program for the summer school offering. Other s~~Summer components ~~in addition to a supervised cooperative placement program,~~ such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in §1.00811 G.) or

(e) Any expansion of currently approved programs must meet agriculture/agribusiness and natural resources options b, ~~3a,~~ 2a, b and/or c in the year for which approval is sought, or

(f) New program requests shall comply with an agriculture/agribusiness and natural resources option b ~~5a,~~ 4a, b, and c by the third year of operation.

2. Business and office occupations. Instruction in human relations, leadership and organizational competencies, public relations, personal development, self-concept, work attitudes and job seeking skills shall be an integral part of instruction in each program.

a. Programs.

(1) General office typist occupations. Learning experiences concerned with the performance of a variety of office duties, including maintenance of the system and generation of reports. Program components include: typewritten communications; records filing and management; record-keeping (numerical data); machine transcription; office functions including supplies control, telephone techniques, mail handling, reprographics services, machine maintenance and operation.

(2) Secretarial occupations. Learning experiences concerned with coordination of office responsibilities, generation of communication and facilitation of office functions. Program components include: all in general office typist plus: business composition; meeting and travel arrangements; transcription from shorthand notes or machine (shorthand optional); word processing concepts; clerical accounting.

(3) Accounting/data processing occupations. Learning experiences concerned with systematizing information about financial transactions and quantitative records in a traditional or automated setting. Program components include: accounting for receivables, payables; payroll; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; machine operation; business mathematics; records management; programming fundamentals; computer applications.

(4) Banking and finance occupations. Learning experiences concerned with banking or financial institutions services, the handling of money and negotiable instruments. Program components include: accounting for receivables; payables; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; business mathematics; teller functions; finance and credit; decision making; data entry; records management.

(5) Supervisory/management occupations. Learning experiences concerned with managerial skills in planning, organizing, supervising, coordinating, determining work procedures and assigning duties. Program components include: accounting for receivables, payables, billing/invoicing, inventory, purchasing; cash receipts and disbursements; communications; electronic computing; management principles; business ownership; business law; economics; public enterprise systems; personnel management.

(6) Other business and office occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational business and office program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus one of the following application experience options:

(a) In school: model office - a minimum of 100 minutes per day for one school year. (Primarily for use with general office typist and secretarial occupations; see model office brochure for details.)

(b) In school: intensified laboratory - a minimum of 100 minutes per day for one semester; plus related instruction to comprise a minimum of 280 hours in one fiscal year.

(c) Employment related community-based education: See community-based rules in §1.00811 G. A business and office instructor-coordinator can supervise students in any vocational business and office occupations program.

3. Health and environmental occupations.

a. Programs. Instruction in safety, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Environmental occupations. Learning experiences concerned with identification, prevention and control of environmental hazards, environmental aspects of populations and society, natural resources, health and physical implications, technology involved in protecting and restoring the quality of modern environment, and exploring careers in environmental areas. Program components include: environmental services; industrial hygiene related to environmental hazards and toxicants; safety, minimizing accident hazards and promoting safe work habits in plants, mines, industrial, agricultural areas; interpretation and enforcement of environmental laws; environmental technology aspects including performing tests and making samples; option of treatment equipment; societal responsibilities concerned with energy; providing and maintaining safe water, foods, air.

(2) Health care occupations. Learning experiences concerned with health concepts related to the providers and consumers of health care, preventative health care, and the utilization of materials, instruments and equipment in the health care area. Program components include: health occupations orientation; preparation of health consumer records; laboratory procedures concerned with tests to provide data; performance of routine clinical laboratory procedures; direct care services; procedures designed to introduce concepts related to rehabilitation of people with physical or mental emotional disabilities; communications between health providers and consumers of health services; applied anatomy and physiology.

(3) Other health and environmental occupations. Programs not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational health and scientific occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include one of the following application experience options:

(a) In school: the program shall be offered for a minimum of 280 hours within one fiscal year.

(b) Employment related community-based education: see community-based rules in §1.00811 G. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

4. Homemaking occupations.

a. Programs. Instruction in health and safety, multiple roles of both sexes, use of energy in the home and by families, development of self-concept, human relations, and leadership skills shall be an integral part of an approved program.

(1) Consumer-homemaking occupations. Learning experiences concerned with the work in one's own home environment including relating to family members and managing resources. Program components shall include: child development and parenting; individual and family life; home and family resource management and consumerism; consumer (individual and family) housing; consumer (individual and family) foods and nutrition; consumer (individual and family) clothing and textiles.

(2) Home and individual/family resource management occuaptions. Learning experiences concerned with the work in one's own home environment with emphasis on multiple roles of family members, managing resources, purchasing, using products and services. Program components shall include: family financial, time, energy, and human talent management; consumer buying; community resources; multiple roles of family members; housekeeping management skills; family decision making and goal setting.

(3) Individual/family life and parenting occupations. Learning experiences concerned with the work in one's own home environment with the emphasis on relationships, communication among family members; human growth and development and parenting. Program components shall include: relationships; marriage; family financial management and consumerism; human sexuality; alternate life styles, families throughout the life cycle; pregnancy and birth; growth and development; parent-child relationships; community services; family decision making and goal setting.

(4) Other homemaking occupations. Programs not otherwise defined which meet the vocational programs criteria may be approved.

b. Implementation. When offering a vocational homemaking occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall use to deliver homemaking occupations programs:

(a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate courses. Each of the components shall constitute a minimum of 45 40 hours of instruction, or

(b) For a home and individual/family resource management or individual/family life and parenting program,

(i) simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year, or

(ii) simulation and classroom methods shall be a single course for a minimum of 140 hours within one fiscal year.

5. Industrial occupations.

a. Programs. Instruction in safety, tool usage, self-concept, work attitudes and habits, leadership skills, and job-seeking skills shall be an integral part of all instruction.

(1) Auto body repair occupations. Learning experiences concerned with the repair of automotive bodies, fenders, and frames. Program components include: metal straightening by hammering or machine; smoothing areas by filing, grinding, or sanding; concealment of imperfections; replacement of body components including trim; arc and gas welding; refinishing; glass replacement service; new and used vehicle preparation.

(2) Auto mechanics occupations. Learning experiences concerned with the inspection, diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts~~.~~; fuel and emission systems; cooling and heating systems; technical manuals.

(3) Communication/media technology occupations. Learning experiences concerned with the production and use of electronics and other media materials and equipment. Program components include audio-visual equipment and related production techniques; black/white photography; audio production, including equipment and recording; television equipment; television studio production; production distribution.

(4) Construction occupations - general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed as a learning experience in this program, it shall not exceed ~~1,000~~ 1,200 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

(5) Construction occupations planning and management. Learning experiences concerned with all business, planning and preparation essential to begin erection of a project. Program components include: real estate financing, appraising and insurance; small business management, sole proprietorship, limited partnership, corporate management; land surveying; civil technology; landscaping; heavy equipment operation; environmental enrichment; architectural drafting; construction drafting; codes and ordinances; soil testing and permits; equipment and materials; energy conservation factors.

(6) Carpentry occupations and finishing trades. Learning experiences concerned with rough carpentry and residential interior finishing. Program components include: material and fastening devices; form work; scaffolds, ladders and riggings; framing principles, roof framing, stair framing; exterior finish; insulation and dry wall; floor covering; paper hanging, painting and decorating. No residential unit shall be built in this program.

(7) Construction occupations mechanical trades. Learning experiences concerned with the trade areas dealing with heating, lighting, air exchange, and water. Program components include: air conditioning and heating; ventilation; sheet metal; construction electricity; plumbing; pipe fitting; mechanical blueprint reading.

(8) Construction occupations masonry trades. Learning experiences concerned with concrete and masonry areas. Program components include: brick laying; block laying; stone masonry; cement finishing; concrete technology.

(9) Electricity/electronics occupations. Learning experiences concerned with the design, construction, maintenance, and repair of electronic equipment. Program components include: basic electricity; residential/commercial wiring; motor controls; AC-DC electronics; digital electronics; industrial electronics; active devices (tubes and semiconductors); communications.

(10) Graphic arts occupations. Learning experiences concerned with the design, preparation, printing, and assembly of printed materials. Program components include: Layout and design; copy preparation; line photography; halftone photography; continuous tone photography; cold type composition; stripping; plate making; offset presswork; printing inks; paper; bindery; screen printing; letterpress.

(11) Machine shop occupations. Learning experiences concerned with metal properties, machining, and heat treating. Program components include: bench work; grinding principles; blueprint reading; set up and rigidity; machining principles; use of machinery handbook; cutting tools; feed speeds; drill press; horizontal cut of saw; lathe; horizontal and verticle milling; surface and cylindrical grinding; basic metalurgy, alloys, annealing, hardening, drawing, case hardening and foundry.

(12) Mechanical drafting occupations. Learning experiences concerned with visual communications skills to convey ideas and specifications necessary to manufacture or reproduce mechanical items. Program components include: equipment/instrument usage; sketching; geometric figures; multiview drawing; dimensioning; auxiliary views; pictorial drawing; sectional views; detail and assembly views.

(13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and ~~outboard motors,~~ marine engines. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; principles of power transmission; technical manuals.

(14) Service station occupations. Learning experiences concerned with the inspection service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service~~,~~; brake system service; diagnostic testing equipment; technical manuals.

(15) Small engine repair occupations. Learning experiences concerned with maintaining and repairing small engines used on portable power equipment. Program components include: 2 cycle fundamentals; 4 cycle fundamentals; rotary engine fundamentals; carburation; ignition; cooling; lubrication; diagnostic testing equipment and tools; welding; machine tooling; parts; technical manuals.

(16) Welding occupations. Learning experiences concerned with the fusion or separation of metals for fabrication or repair purposes. Program components include: blue-print reading; rough grinding; electrode selection; identification of metals; arc welding (flat, horizontal, vertical down, and vertical up); oxyacetylene cutting; oxyacetylene welding; brazing and fabrication.

(17) Other industrial occupations. Programs not otherwise defined which meet the vocational program criteria in §1.00811 B., may be approved.

b. Implementation. In offering a vocational industrial occupations program, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The following are in-school options which a district or center shall choose when offering a vocational industrial education program:

(a) Summer program of 120 hours for programs 5, 6, 7, 8, 12, ~~and~~ 14~~,~~ and 16.

(b) 140 hours within one school year for programs 5, 6, 7, 8, 12, ~~and~~ 14~~,~~ and 16.

(c) 220 hours within one semester for all programs.

(d) 280 hours within one school year for all programs.

(e) 280 hours within two school years for programs 2, 3, 9, 10, 12, 13, 14, 15 and 16.

(f) Programs 13 and 15 can be combined to meet the 280 hour minimum requirement.

(3) Employment related community-based education: see community-based rules in §1.00811 G. An industrial instructor-coordinator can supervise students in any vocational industrial occupations program.

6. Marketing and distribution occupations.

a. Programs. Instruction in marketing and distribution approved programs shall be composed of the following components as related to the occupational area: advertising, communications, display, human relations, mathematics, merchandising, operations/management, product/service technology, selling, and job-researching skills, work attitudes and behavior.

(1) General merchandise retailing occupations. Learning experiences concerned with various marketing functions and tasks performed by retail employees and management in retail stores.

(2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries. For example: advertising and display services; apparel and accessories marketing; automotive, recreational, and agricultural vehicles and accessories marketing; finance and credit services; floristry, farm, and garden supplies marketing; food marketing; food services marketing; hardware and building materials marketing; home furnishings marketing; hotel, motel, and lodging services; industrial and institutional marketing; insurance; personal services marketing; petroleum marketing; recreational marketing; real estate marketing; transportation and travel marketing; business services marketing; business ownership.

(3) Other marketing and distribution occupations. Instructional programs involving learning experiences which emphasize marketing functions and tasks performed by employees, including management personnel, not otherwise defined which meet the vocational program criteria may be approved.

b. Implementation. In offering a vocational marketing and distribution program, the following considerations apply:

(1) Component emphasis shall be consistent with the program objectives.

(2) The program shall include prior or concurrent classroom instruction in the occupational area plus a minimum of one of the following application experience options:

(a) In school: a minimum of 280 hours of simulated occupational experience in a one or two year period.

(b) Employment related community based education: see regular cooperative rules. A marketing and distribution instructor-coordinator can supervise students in any vocational marketing and distribution program.

(c) Other options: must meet all program approval criteria in §1.00811 B.

7. Service occupations.

a. Programs. Instruction in safety, decisions in the use of energy, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.

(1) Child care/guidance and education occupations. Learning experiences concerned with human development in personal care institutions and agencies. Program components include: growth and development; interpersonal relationships of children and care-givers; supervision and guidance; health; nutrition and feeding; day care; nursery school; family day care; management/ organization, guidance skills; care of persons with exceptional needs; implications of health and welfare agencies on child care services.

(2) Community service occupations. Learning experiences concerned with social and economic services, resource management, rural, urban and community development, public safety, corrections and judicial services, and public transportation operation/management. Program components include: community and public services; service to people as individuals; preserving, managing and restoring natural and artificial environments within the public domain; chart and map preparation; land use studies; preparation of community relations materials; planning of water, sewer line, and transportation layouts; schools/playgrounds; protection of human rights; health, safety and welfare; property rights; exploration of community service careers.

(3) Fashion/apparel/textile occupations. Learning experiences concerned with use of equipment, textile design and production, methods of construction necessary for the production, maintenance, and alterations of clothing and/or industrial household goods. Program components include: clothing production; textiles; alterations; fashion design; selection and coordination; laundry; dry cleaning; accessories; tailoring; management skills.

(4) Food occupations. Learning experiences concerned with planning, preparing, and serving food on a quantity basis. Program components include: sanitation; commercial foods; institutional foods; food procurement; meal planning and nutrition; inter-personal relationships; front and back house operations; management skills.

(5) Grooming services occupations. Learning experiences concerned with services in the areas of personal appearance, skin and hair care. Program components include: Introduction to barbering; introduction to cosmetology; domestic animal grooming; introduction to death-related occupations; interpersonal relationships; management skills.

(6) Housing occupations. Learning experiences concerned with services in the areas of design, care and management of single family and multiple dwellings, commercial and institutional buildings. Program components include: housekeeping/management skills; cleaning/sanitation skills; interpersonal relationships; housing services; interior design/decorating; building/apartment management; city planning/zoning; health and safety in building design and maintenance; elements and principles of design; housing and environment; careers in the housing industry.

(7) Tourism occupations. Learning experiences designed to provide instruction involving the operation of lodging facilities and travel services. Program components include: Planning and providing travel conveniences, recreation activities and leisure time activities; introduction to planning and operating a tourism enterprise; management skills; hospitality and service; tourism enterprise; conventions; interpersonal relationships; careers in the tourism industry.

(8) Other service occupations not otherwise defined which meet the vocational program criteria in §1.00811 G., may be approved.

b. Implementation. When offering vocational service occupations programs, the following considerations apply:

(1) Component emphasis shall be consistent with program objectives.

(2) The program shall include a minimum of one of the following application experience options:

(a) In school: For all programs in service occupations except grooming services and community service occupations, a minimum of 220 hours in laboratory or simulation and classroom instruction shall be offered within one semester.

(b) In school: For tourism occupations programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within two school years.

(c) In school: For grooming services, simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year.

(d) In school: For child care/guidance and education occupations programs, fashion/apparel/textile occupations programs, food occupations programs, housing occupations programs and community service programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within one school year.

(e) Employment related community-based education: See regular cooperative rules. A hospitality/recreation personal service instructor-coordinator can supervise students in any vocational service occupations program. This program shall include prior or concurrent classroom instruction in the occupational area.

E. To be eligible for aid, the minimum student-instructor staff ratio for each program shall be ten students to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students per section. An exception to the minimum student/staff ratio may be granted by the commissioner of education for a maximum of one year to permit students to complete a sequential program, or during the first year of a new program.

F. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

G. Community-based education. When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the rules for the community-based education option of a program as stated below:

1. Single vocational area coop - regular coop.

a. The authorized local administrator shall assign coordination time for the instructor-coordinator in blocks of time large enough for efficiency, such that the staff can contact the employer during hours when the student is working. Preparation time for the instructor-coordinator shall be assigned separately from coordination time.

b. A district or center shall provide coordination time for the instructor-coordinator at a minimum of 25 minutes per week per student on supervised employment.

c. Training stations shall be available to at least half of the coop students prior to the commencement of the program.

d. The student shall be on the job ~~an average of at least two hours per day that school is in session.~~ a minimum of one hour per day, averaging no less than 10 hours per week during the school session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two hour day.

e. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer and instructor-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program.

f. The coop experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required.

g. The coop experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students.

h. Age certificates shall be submitted to the Minnesota state department of labor and industry.

2. Multiple vocational area coop - diversified occupations/interrelated coop.

a. §1.00811 G. 1 rules shall be met.

b. Diversified occupations/interrelated coop shall serve students from more than one vocational program area.

c. A student shall possess, or acquire concurrently, skill competencies related to his/her stated career objective(s) as stated in the component section of the vocational program area which relates to that stated objective.

3. Special needs coop - community-based education designed specifically to develop employability competencies for special needs students.

a. All programs shall meet the following criteria:

(1) §1.00811 G. 1 rules shall be met.

(2) Students selected for these programs shall meet the definition of handicapped or disadvantaged. A committee consisting of teachers involved in general and vocational education, counselors and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in the state board of education rules and shall be limited to students who cannot succeed in regular vocational programs.

(3) Proof that all students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

b. Work experience career exploration.

(1) §1.00811 G. 3a rules shall be met.

(2) Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year.

(3) The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations.

(4) The training agreement, not including the training plan, shall be submitted to the commissioner of education upon placement of the student.

(5) Employment certificates shall be submitted to the Minnesota department of labor and industry.

c. Work experience disadvantaged.

§1.00811 G. 3a rules shall be met.

d. Work experience handicapped.

(1) §1.00811 G. 3a rules shall be met.

(2) The maximum number of students enrolled in the work experience handicapped coop shall be 23 students when the instructor-coordinator is responsible only for the vocational area of instruction. When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the state board of education rules.

(3) The training agreement and training plan shall be in accordance with the special education individual educational plan in the state board of education rules Edu 120 A. 3.

(4) The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.

§1.00821 Administrative services.

A. Vocational administrative services shall be designed to assist students to meet vocational objectives.

B. When a local education agency provides vocational administrative services, students in vocational programs shall be provided administrative services which are available to all students in the district(s) in addition to the vocational administrative services.

C. A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per ~~20~~ 15 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent. Administrative time involved in general education is not eligible for vocational aid.

D. No proration occurs between 0 and ~~9~~ 8 and ~~21~~ 16 and ~~30,~~ 20, however, when instructional staff in approved programs exceeds ~~30,~~ 20, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of ~~30~~ 20 staff to one full-time equivalent administrator.

E. ~~Local education agencies eligible as of July 1, 1978, for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service prior to July 1, 1981, may apply to the commissioner of education for an exception to the rule. An exception will be granted when instructional quality and efficiency would be improved by the exception. Administrative time involved in general education is not eligible for vocational aid.~~

Vocational centers eligible for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service may apply to the commissioner of education for an exception to the rule. An exception will be granted on the basis of the following criteria:

1. During the first fiscal year following state board of education approval;

2. In those instances where the demography of the area served by the center cannot reasonably support 10 vocational instructional staff.

§1.00831 Support services.

A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

1. One full-time equivalent support service manager to 60 full-time equivalent students.

2. One full-time equivalent technical tutor to ten full-time equivalent students.

3. One full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate.

4. One full-time equivalent interpreter to one full-time equivalent student or more as appropriate.

~~5.--One-full-time-equivalent-training-specialist-in-modified-vocational course-to-ten-full-time-equivalent-students.~~

~~6.~~ 5. One full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation programs.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full-time.

B. A minimum of one half-time authorized local administrator shall exist prior to implementation of a placement program. A district or center shall be eligible for aid for licensed vocational placement specialist personnel at the minimum ratio of one full-time equivalent placement specialist per 20 vocational instructional staff or one-half time equivalent placement specialist per ten vocational instructional staff. Two or more districts or centers may combine the number of instructional staff to be eligible when the services are provided under the direction of one vocational administrator acting on behalf of the group of boards. Proration is not allowable.

C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility ~~if~~ is required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, the children, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

§1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place

for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Final Ppayment of aids for such categories shall ~~not exceed 100 percent of the estimated budget.~~ be based on actual expenditures.

A. Salaries. A local education agency shall be eligible for aid at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs.

1. A district or center shall be eligible for vocational aid for extended employment at a maximum rate of:

FTE instructor	6 days
FTE instructor-coordinator	4 weeks

2. A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:

Maximum Vocational Preparation Time Eligible for Aid

Average daily length of vocational assignment in instructional contact hours	Maximum preparation time in hours per day
Vocational instructional contact 1.0 hours or less	0.0 hours
Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0	.5 hours
Vocational instructional contact hours greater than 3.0	1.0 hours

3. A district or center shall be eligible for vocational aid for substitute staff holding vocational licensure appropriate for responsibility when aid is not being requested for salary for regular staff for the same time as the substitute.

B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites. Student transportation is not eligible for vocational aid.

C. Equipment. A local education agency shall be eligible for aid at a rate up to 50 percent for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

D. Aid limitations.

1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. Work Experience - Handicapped (§1.00811 G.3.d.) is not eligible for vocational categorical aid.

2. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures not eligible for vocational aid which are directly related to the products or services sold. If the revenue from sale of products or services exceeds the costs to produce those products or services in any fiscal year, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

3. When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.

§1.0085 Vocational aid application procedure. The authorized local administrator shall be responsible for submitting annual program budget, program budget amendments and annual report.

A. To be eligible for vocational aid, annual program budget shall be submitted by February 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by April 30. Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.

1. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education.

2. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

3. An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. Such hearings shall be scheduled between February 1 and May 15 and shall discuss the rationale for program and planned revenue and expenditures.

a. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for their review.

b. The results of the review shall be transmitted to the local board of education in writing.

B. Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when:

1. The total requested budget varies plus or minus more than ten percent from the approved program budget, or

2. The change in budget between programs, administrative or support services exceeds 20 percent.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

C. Annual report. Districts and centers shall maintain records of revenue and disbursements for programs, administrative and support services for which vocational aid is requested in accordance with the uniform financial accounting and reporting system. Final report data shall be submitted to the commissioner of education by August 15 of each year.

§1.0086 Student eligibility.

A. A student who is eligible to attend a Minnesota senior secondary public school is eligible to enroll in the vocational programs of the school. A student enrolled in a work experience/career exploration (WE/CEP) program is excepted from this student eligibility requirement.

B. Students from other states or provinces may be served. When nonresidents of Minnesota are provided approved instructional programs, administrative and support services in Minnesota districts or centers, aid requests shall be prorated to reflect only the percentage of Minnesota students being served.

§1.0087 These rules shall become effective on July 1, 1978.

Chapter Six
Post-Secondary Vocational-Technical Education

§1.0100 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).

§1.0101 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. Assignments of publication or production rights shall be determined cooperatively between the area vocational-techncial institute district and the state of Minnesota.

§1.0102 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. Appropriate work stations for each student shall be provided 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 shall 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 in writing. All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner ~~for vocational-technical~~ of education, except when the internship program is regulated by the accrediting agencies related to that program.

B. 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 commissioner of education.

C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.

D. The commissioner of education shall review and approve program title, length, and curriculum modifications.

E. The cost of the program shall be related to the benefits ~~of~~ to students and business and industry.

F. Instructional programs shall have an enrollment of ten or more students per program. When more than one program section is in operation an average may be used. All vocational-technical programs shall 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 commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten-student criteria in order to receive subsequent approval.

G. 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 six-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. An extended time student shall have a maximum attendance of nine hours per day or 45 hours per week.

3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the descretion of the local district subject to the program approval process with the state board for vocational education.

4. A part-time student shall have a minimum attendance of five hours per week with a minimum of one hour in any one day.

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

6. Part-time students shall be dropped from aid eligibility records when they have been absent all scheduled days of attendance in a 15 day period of full time operation.

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.

I. 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.

J. 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.

K. Each director of an 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 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 commissioner of education.

L. Evaluation visits shall be made by the commissioner of education at the rate of 11 area vocational-technical institutes per year, or more, for the purposes of conducting on-site evaluations of the existing programs in each institute. A cycle of program evaluations by experts from business and industry will be completed every three years. Self-evaluations shall be submitted by the institutes to the commissioner of education in the intervening years.

§1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota state plan for vocational-technical education.

1. The director of an AVTI 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 commissioner of 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 written 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 aide	=	.7
1 - clerical aide	=	.3
1 - student aide	=	.3

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the state plan for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

4. Student financial aid assistance administrator shall be provided and not included in the ratio set forth in B. 2. above.

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the commissioner of education.

C. Secretarial and clerical staff shall be employed.

D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

§1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid 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

D. Final adjustment data shall be submitted by August 15 of each year.

E. Only days in which school is open and students are under the supervision and guidance of teachers and for educational purposes are eligible for foundation aid. Snow days are not to be counted.

F. Tuition and fees.

1. Deductible fees 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. Students shall have their tuition prorated for less than or more than the regular instructional schedule.

4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon initial application for tuition subsidy in any given year ~~to the higher education coordinating board~~ or guaranteed receipt from an agency.

5. A late penalty may be charged not to exceed $10.00 per period established pursuant to F. 4 of this rule. Penalty payments shall be deducted from foundation aid. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's 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 funds. Tuition loss due to deferrment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

7. Students on internships shall pay tuition for the time period claimed for foundation aid. Daily hours shall not exceed six unless the students are fully supervised under personnel provided by the institute.

8. Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.

9. Students in continuous enrollment programs may be maintained on the roll for a vacation of a personal leave not to exceed 15 consecutive school days.

§1.0105 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, purchases at a cost in excess of $4,000.00 must be preapproved by the commissioner of 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 $4,000.00 and not included in the budget review shall be included in B. for approval.

§1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the state plan, the state board may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

C. When area vocational-technical institute construction becomes eligible for federal financial participation under acts other than 20 U.S.C. §1262, eligible aid will be prorated.

§1.0107 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.

§1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

§1.0109 Student eligibility.

A. The student shall be at least 16 years of age and shall have completed or terminated secondary education. Non-high school graduates less than 18 years of age shall, when possible, involve their secondary school administrators and/or counselors and parents or guardian in the application process.

B. 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/she 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/she is living with his/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.

§1.01101 Student organizations.

A. Student professional organizations shall be an integral part of all program offerings when the organization is approved by the state board.

B. Costs related to state board for vocational education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

§1.0110 These rules shall become effective on July 1, 1978.

Chapter Six-A: Adult Vocational-Technical Education

(all new material)

§1.0111 Scope. These rules govern the operation of adult vocational-technical programs offered by the public schools of Minnesota. A school district or cooperative center desiring to offer adult vocational-technical programs for which state aids are to be received shall be in compliance with these rules.

§1.0112 Instructional program approval. The following requirements shall apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. An overall adult vocational-technical advisory committee or program advisory committees for each occupational area shall be maintained which shall meet one or more times a year. Nothing shall prevent a district or center from having both. Local school personnel shall not be members of advisory committees within the district or center except as ex-officio nonvoting members.

B. Instructional staff shall hold a valid adult vocational-technical license in the area for which aid is claimed. Adult instructors serving over 500 clock hours on an annual basis shall meet full-time licensure requirements.

C. Administrative services shall be provided to administer the adult vocational-technical program needs.

D. Part-time programs shall have an enrollment of ten or more enrollees per program. When more than one program section is in operation, enrollment shall average ten or more enrollees.

E. Programs with full-time adult enrollees shall meet the following criteria:

1. Shall employ a minimum of a ~~one-half-time~~ forty percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators who have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. Programs not meeting the minimum enrollment prior to July 1, 1982, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

3. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. Programs not meeting the minimum enrollment prior to July 1, 1981, may apply to the commissioner of education for an exception to this rule which may be granted if:

a. An exception would allow enrolled cooperators to complete their program of education, or,

b. The instructional quality and efficiency would be improved by the exception.

4. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

F. When an existing program does not meet the minimum enrollment, the program shall be placed on probation for one year.

G. The local district or center shall conduct an annual evaluation as prescribed by the commissioner of education. Programs subject to review by national or state accrediting bodies shall, 30 days prior to that review, provide the date of the review to the department of education and have on file copies of all information supplied to the review body.

§1.0113 Administrative services. The district shall:

A. Designate one authorized local administrator as being in charge of adult vocational-technical programs for the district.

B. Be eligible for aid for the salary of one FTE adult vocational licensed administrative staff when either of the following ratios are met. The same ratios shall be applied for calculation of additional administrative staff.

1. The district enrolls two thousand or more adults annually in approved vocational programs. Adults enrolled in more than one program may be counted in each program in which they are enrolled.

2. The district, through the adult vocational administrator, provides supervision to all full-time adult instructors and maintains 2500 instructional hours of part-time adult vocational education. Adult programs with full-time adult enrollees shall earn 200 instructional hours toward this requirement.

3. Districts not meeting the minimum ratios in Items 1 and 2 above may request an exception from the commissioner of education on an annual basis until July 1, 1982. An exception will be granted when instructional quality and efficiency would be improved by the exception.

§1.0114 Vocational aid criteria. The school district shall:

A. Annually submit an adult vocational-technical program budget for the following fiscal year by January 1.

B. Expend adult vocational education revenue solely for the purpose of adult vocational education programs.

C. File an amended budget for over expenditures exceeding ten percent and under expenditures exceeding five percent of the total budget when such changes affect the state obligation for aids. To be eligible for aid for the over expenditures, the amended budget must be approved by the commissioner of education.

D. Obtain approval from the commissioner of education for changes in budget allocation between occupational program areas.

E. Submit budget adjustment data for the current fiscal year to the commissioner of education by February 15. Final budget data shall be submitted by August 15 following each completed fiscal year.

F. Be eligible to be paid aids for:

1. Seventy-five percent of salaries paid to essential licensed personnel. Costs derived from engaging the services of specialists, guest lecturers and resource personnel as a part of an approved program are eligible for aid if licensure requirements are met.

2. Fifty percent of necessary travel costs of essential licensed personnel between instructional sites.

3. That portion of time of essential licensed personnel allocated to adult vocational programs.

§1.0115 Tuition and attributable costs:

A. The school district or center shall determine tuition and fees except where cited below.

B. Differential tuition rates may be charged for nonresidents versus residents of a district.

C. Attributable costs for individuals enrolled in a full-time adult farm management education program for more than six years, or a small business management education program for more than three years, shall be charged on an hourly basis. The hourly charge shall be determined by dividing the total direct cost of the program by the hourly assignment of the instructor. A full-time instructor load shall constitute 1200 contact hours. Record analysis fees are in addition to attributable costs.

D. Direct cost shall be determined by the sum of costs for instructional staff salary and travel between instructional sites.

§1.0116 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

§1.0117 These rules shall become effective on July 1, 1978.

IN THE MATTER OF: The proposed adoption of rules of the state board of education (state board for vocational education) governing the content, approval and funding of vocational education programs.

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, 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
Assistant Attorney General

Dated: March 16, 1978

Exhibit No. 5
File No. 1-1161-78-5011
Date 1/10/78

RECEIVED
DEC 13 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
BOARD OF EDUCATION
(State Board for Vocational Education)

IN THE MATTER OF: The proposed adoption of rules of the state board of education (state board for vocational education) governing the content, approval and funding of vocational education programs.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above - captioned rules be held in the State Office Building Auditorium, Room 83, St. Paul, Minnesota on Tuesday and Wednesday, January 10 and 11, 1978, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

STATE OF MINNESOTA
Board of Education
(State Board for Vocational Education)

Howard B. Casmey
Secretary

Date: 11/8/77