

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File #549

OUR file materials

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 10/15/79 Temporary Rule X

Resubmitted and Received _____ Bob Kaplan - 6-9595

DUE DATE 10/22/79 Carol Hallxenson / 6-4432

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 10/22/79 Date Sent Back to Agency 10/22/79
Followed up by SDE

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1. Rules as Adopted _____
2. Rules as Proposed _____
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing _____
5. Notice of Hearing _____
   (i) Sufficiency _____
6. Secretary of State's List _____
7. Certificate of Acquisition of Secretary of State's List _____
8. Affidavit of Mailing _____
   (i) At least 30 days prior to hearing _____
9. Statement of Need and Evidence _____
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact _____
12. Certificate of Board's Resolution Adopting Rules, where applicable _____
13. Order Adopting _____
14. Report of Chief Hearing Examiner _____
    (i) Finding of No Substantial Change _____
    (ii) Permission to Incorporate by Reference, where applicable _____
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

OUR FILE NO. 549

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : HOWARD B. CASMEY
Commissioner of Education
Attn: LOIS STEINHAUS

DATE: October 22, 1979

FROM : JOANNE E. HINDERAKER JEH
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Post-Secondary Vocational-Technical and Adult Vocational-Technical Education

The above-referenced temporary rules, as adopted by the Board of Education, have been approved by this office.

It is recommended that these rules and the order adopting rules be filed by your office with the Secretary of State's Office. Pursuant to Minn. Stat. § 15.0412 subd. 5, the Board of Education must insure that notice of this office's approval of these rules shall be published in the State Register as soon as practicable and that the adopted rules shall be published in the manner provided in Minn. Stat. § 15.0412 subd. 4.

JEH:mb

Enclosure

cc: Duane Harves
Marshall Whitlock
Melvin Goldberg

PRINTED ON RECYCLED PAPER

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 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.

AVTIs shall notify the commissioner in writing of the intent to begin a part-time offering of a program at least 30 days prior to commencing instruction in the program.

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.

Adjustments to estimated average daily membership shall be reported be each AVTI to the division of vocational-technical education by the first of September, December, March and June.

C. Changes in estimates as authorized by Minn. Stat. § 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.

2. No tuition shall be charged to handicapped/disadvantaged students for the additional hours of instruction received beyond the approved program length as established by Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, Art. V, § 10.

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition of $128 per 60 school day quarter shall be prorated at $2.13 per day or 35¢ per hour for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individualized instruction.

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 deferment 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.

G. Upon prior approval of the commissioner, a district may add additional hours for membership not to exceed ten percent of the approved hours of the program for disadvantaged or handicapped students. Handicapped students are those who are mentally retarded, hard of hearing, deaf, speech impaired, visually impaired, orthopedically

impaired, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational educational program without special education assistance or who require a modified vocational education program. Disadvantaged students are those who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 F. 3. For such students the fifteen day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, Art. V, § 20 shall commence with the date of scheduled entry.

5 MCAR § 1.01051 Contingency fund

A. Scope.

1. The contingency fund shall be utilized to promote new or expanding industry in Minnesota which creates ten or more new jobs in any given six month period. The employees sought to be trained must be in one general work classification, such as production workers, office personnel or management.

2. For post-secondary program purposes the contingency fund shall be limited for start-up costs of new and unique programs and

meet the requirement of program approval in 5 MCAR § 1.0102.

3. For adult vocational program purposes the contingency fund shall be limited to operational costs of programs. In addition to meeting the requirements of program approval in 5 MCAR § 1.0112 adult vocational programs utilizing the contingency fund shall also meet the criteria set forth in B. below.

B. Criteria.

The following criteria shall be met before approval will be granted:

1. The AVTI considering a program shall submit the proposal to the department of economic development for their recommendation. The recommendation shall become part of the proposal submitted to the division of vocational-technical education.

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel qualified in the area for which training is to be provided. Training shall be made available but not limited to non-qualified personnel not recalled by the company.

4. The AVTI considering a program shall consult with the department of economic security to:

a. ascertain that no trained persons are available to fill the positions requested by industry and

b. identify potential students for the training program.

The AVTI considering a program shall also ascertain that no current graduating AVTI students are available to fill the positions.

The above information shall be included in the proposal to the division of vocational-technical education.

5. CETA prime sponsors shall be included in planning to provide for the utilization of CETA funds whenever the program or trainees qualify under CETA criteria.

6. The AVTI developing the program shall submit the proposal to the company for whom the training is being designed for their recommendation. A signed copy of the company's recommendation shall be included with the proposal to the division of vocational-technical education.

7. Two or more companies which have similar training needs, with a combined training need of ten or more, are eligible applicants if they agree to a combined training program.

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

3. Equipment purchase, lease or rental including cost of installation. Purchased equipment shall become property of the AVTI subject to the right of the department of education to transfer the property to another AVTI to further the purpose of the contingency fund. If so transferred the AVTI shall not retain any interest in the equipment. If equipment belonging to a company is installed

the cost of installation shall not be eligible for reimbursement.

4. Building rental or lease except properties of the company for whom training is provided.

5. Upon prior approval of the commissioner, project coordinators may be funded when the training project can not be satisfactorily handled by the adult vocational directors of the cooperating AVTI.

6. Secretarial costs directly related to the training program.

APPROVED AS TO FORM AND LEGALITY

OCT 22 1979

_____, 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joanne Hiderater

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION
DIVISION OF VOCATIONAL-
TECHNICAL EDUCATION

In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Proposed-Secondary Vocational-Technical and Adults Vocational-Technical Education

STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

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

Charles T. Mottl

CHARLES T. MOTTL
Special Assistant Attorney General

Dated: Oct. 15, 1979

STATE OF MINNESOTA

In the Matter of the Proposed
Adoption of Temporary Rules of
the State Board of Education
Governing Post-Secondary
Vocational-Technical and Adult
Vocational-Technical Education

ORDER ADOPTION RULES

The above-entitled proposed temporary rules were published in the State Register on August 27, 1979, pursuant to the authority in Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, Art. V, § 1 and Minn. Stat. § 15.0412, subd. 5.

After affording all interested persons an opportunity to submit data and view on the proposed temporary rule in writing as required by Minn. Stat. § 15.0412, subd. 5 (1978) having considered all the data and views adduced and applicable statutory standards and criteria and having confirmed the need for the above-captioned rules and the reasonableness thereof;

NOW THEREFORE, it is ordered that these rules identified as 5 MCAR §§ 1.0104 and 1.01051 attached hereto as Exhibit A as amended are adopted this 10th day of October, 1979 pursuant to the above authority.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Rud A. Myers
President
State Board of Education

Department of Educati

Vocational-Technical Division

Proposed Temporary Rules and Amendments Governing the Vocational Aid Program

Request for Public Comment

The State Board of Education has proposed the following temporary rules in response to Minn. Stat. chs. 121 and 124 (1978) as amended by Laws of 1979, ch. 334, Art. V §§ 1-3, 9-12 and 16-22. Authority to adopt such temporary rules is provided by Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, Art. V § 1 and by Minn. Stat. § 15.0412, subd. 5. Additionally, state agencies are directed by Minn Stat. § 15.0412, subd. 5, to repeal rules which are not in compliance.

All interested parties are hereby afforded the opportunity for 20 days after publication of this material in the State Register to submit data and views on the proposed by writing to Robert Van Tries, Assistant Commissioner for Vocational-Technical Education, 564 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Such publication is hereby ordered.

Any written materials received by the agency shall become part of the hearing record in the final adoption of the temporary rule.

August 7, 1979

Howard B. Casmey

Commissioner of Education

Temporary Rules and Amendments as Proposed

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 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.

1. AVTIs shall notify the Commissioner in writing of the intent to begin a part-time offering of a program at least 30 days prior to commencing instruction in the program. §9

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.

1. Adjustments to estimated average daily membership shall be reported by each AVTI to the Division of Vocational-Technical Education by the first of September, December, March and June.

C. Changes in estimates as authorized by Minn. Stat. § 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.

~~2. All tuition paid in advance shall be refundable on a pro rata basis as of the day of official termination.~~ § 20

2. No tuition shall be charged to handicapped/disadvantaged students for the additional hours of instruction received beyond the approved program length as established by Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, article V, section 10.

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition of $128 per 60 school day quarter shall be prorated at $2.13 per day or 35¢ per hour for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individualized instruction.

§ 20

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 deferment 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.

§ 10

G. Upon prior approval of the Commissioner, a district may add additional hours for membership not to exceed 10% of the approved hours of the program for disadvantaged or handicapped students. Handicapped students are those who are mentally retarded, hard of hearing, deaf, speech impaired, visually impaired, orthopedically impaired, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational educational program without special education assistance or who require a modified vocational education program. Disadvantaged students are those who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 F. 3. For such students the fifteen day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, article V, section 20 shall commence with the date of scheduled entry.

5 MCAR § 1.01051 Contingency fund (all new material). Art V § 17

A. Scope.

1. The contingency fund shall be utilized to promote new or expanding industry in Minnesota which creates ten or more new jobs in any given six month period. The employees sought to be trained must be in one general work classification, such as production workers, office personnel or management.

2. For post-secondary program purposes the contingency fund shall be limited for start-up costs of new and unique programs and meet the requirement of program approval in 5 MCAR § 1.0102.

3. For adult vocational program purposes the contingency fund shall be limited to operational costs of programs. In addition to meeting the requirements of program approval in 5 MCAR § 1.0112 adult vocational programs utilizing the contingency fund shall also meet the criteria set forth in B. below.

B. Criteria.

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1. The AVTI considering a program shall submit the proposal to the Department of Economic Development for their recommendation. The recommendation shall become part of the proposal submitted to the Division of Vocational-Technical Education.

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel qualified in the area for which training is to be provided. Training shall be made available but not limited to non-qualified personnel not recalled by the company.

4. The AVTI considering a program shall consult with the Department of Economic Security to:

a. ascertain that no trained persons are available to fill the positions requested by industry and

b. identify potential students for the training program.

The AVTI considering a program shall also ascertain that no current graduating AVTI students are available to fill the positions.

The above information shall be included in the proposal to the Division of Vocational-Technical Education.

5. CETA prime sponsors shall be included in planning to provide for the utilization of CETA funds whenever the program or trainees qualify under CETA criteria.

6. The AVTI developing the program shall submit the proposal to the company for whom the training is being designed for their recommendation. A signed copy of the company's recommendation shall be included with the proposal to the Division of Vocational-Technical Education.

7. Two or more companies which have similar training needs, with a combined training need of ten or more, are eligible applicants if they agree to a combined training program.

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

3. Equipment purchase, lease or rental including cost of installation. Purchased equipment shall become property of the AVTI subject to the right of the Department of Education to transfer the property to another AVTI to further the purpose of the contingency fund. If so transferred the AVTI shall not retain any interest in the equipment. If equipment belonging to a company is installed the cost of installation shall not be eligible for reimbursement.

4. Building rental or lease except properties of the company for whom training is provided.

5. Upon prior approval of the Commissioner, project coordinators may be funded when the training project can not be satisfactorily handled by the adult vocational directors of the cooperating AVTI.

6. Secretarial costs directly related to the training program.

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am the Secretary of the State Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education duly and properly called and held on the 6th day of August, 1979, that a quorum was present at said meeting, that a majority of those present voted for the resolution, that said resolution is set forth in the Minutes of said meeting, and has not been rescinded or modified.

RESOLVED, that Howard B. Casmey, Commissioner of Education, or a Deputy Commissioner of Education in the absence of the Commissioner, be and hereby is granted the authority and directed to provide for the publication of proposed temporary rules governing the vocational aid program in the State Register. Such rules shall be published in the form attached hereto, provided that the Commissioner or, in his absence, a Deputy Commissioner may make such changes, not substantial in nature, which he or, in his absence, a Deputy Commissioner deems appropriate prior to publication in the State Register.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of August, 1979,

HOWARD B. CASMEY
Secretary, State Board of Education

Member, State Board of Education

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Howard B. Casmey, do hereby certify that I am Secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 6th day of August, 1979; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the Minutes of said meeting and has not been rescinded or modified.

WHEREAS, authority is vested in us by Minn. Stat. §121.21 subd. 6 as amended by Minn. Laws, chap. 334, article V, section 1 to promulgate rules for the vocational aid program and,

WHEREAS, an agency has the authority to implement temporary rules pursuant to Minn. Stat. §15.0412 subd. 5,

THEREFORE, BE IT RESOLVED, that the temporary rules governing the vocational aid program are hereby approved and adopted to implement Minn. Stat. §124.11 subd. 2 as amended by Minn. Laws, chap. 334, article V, section 3; Minn. Stat. §124.562, subd. 2 as amended by Minn. Laws, chap. 334, article V, section 10; Minn. Stat. §124.5625; Minn. Stat. §124.565 subd. 3 as amended by Minn. Laws, chap. 334, article V, section 20; and Minn. Stat. §124.565 as amended by Minn. Laws, chap. 334, article V, section 22.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of August, 1979.

HOWARD B. CASMEY
Secretary, State Board of Education

Member, State Board of Education

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Howard B. Casmey, do hereby certify that I am Secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 6th day of August, 1979; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the Minutes of said meeting and has not been rescinded or modified.

WHEREAS, state agencies are directed by Minn. Stat. §15.0412 subd. 5 to repeal rules which are not in compliance with statute and,

WHEREAS 5 MCAR §1.0104 F 2 has been superseded by Minn. Stat. §124.565, subd. 3, as amended by Minn. Laws, chap. 334, article V, section 20,

NOW THEREFORE, BE IT RESOLVED that 5 MCAR §1.0104 F 2 be repealed pending compliance with Minn. Stat. §15.0412 subd. 4.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of August, 1979.

HOWARD B. CASMEY
Secretary, State Board of Education

Member, State Board of Education

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Hearings on Agency Rules September 3-7, 1979

Date	Agency and Rule Matter	Time & Place
Sept. 5	Board of Chiropractic Examiners Provisions Relating to Continuing Education Hearing Examiner: Harry Seymour Crump	1:00 p.m., Rm. 105, MN Health Dept. Bldg., 711 Delaware St. S.E., Minneapolis, MN.

Department of Education Vocational-Technical Division

Proposed Temporary Rules Governing the Vocational Aid Program

Request for Public Comment

The State Board of Education has proposed the following temporary rules in response to Minn. Stat. chs. 121 and 124 (1978) as amended by Laws of 1979, ch. 334, Art. V §§ 1-3, 9-12 and 16-22. Authority to adopt such temporary rules is provided by Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, Art. V § 1 and by Minn. Stat. § 15.0412, subd. 5. Additionally, state agencies are directed by Minn. Stat. § 15.0412, subd. 5, to repeal rules which are not in compliance.

All interested parties are hereby afforded the opportunity for 20 days after publication of this material in the *State Register* to submit data and views on the proposed by writing to Robert Van Tries, Assistant Commissioner for Vocational-Technical Education, 564 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Such publication is hereby ordered.

Any written materials received by the agency shall become part of the hearing record in the final adoption of the temporary rule.

August 7, 1979

Howard B. Casmey
Commissioner of Education

Temporary Rule as Proposed

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 1.0104 Foundation aid.

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Adjustments to estimated average daily membership shall be reported by each AVTI to the Division of Vocational-Technical Education by the first of September, December, March and June.

C. Changes in estimates as authorized by Minn. Stat. § 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.

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

2. No tuition shall be charged to handicapped/disadvantaged students for the additional hours of instruction received beyond the approved program length as established

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

by Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, article V, section 10.

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition of $128 per 60 school day quarter shall be prorated at $2.13 per day or 35¢ per hour for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individualized instruction.

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.

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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 deferment 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.

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H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 F.3. For such students the fifteen day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, article V, section 20 shall commence with the date of scheduled entry.

Temporary Rule as Proposed (all new material)

5 MCAR § 1.01051 Contingency fund.

A. Scope.

1. The contingency fund shall be utilized to promote new or expanding industry in Minnesota which creates ten or more new jobs in any given six month period. The employees sought to be trained must be in one general work classification, such as production workers, office personnel or management.

2. For post-secondary program purposes the contingency fund shall be limited for start-up costs of new and unique programs and meet the requirement of program approval in 5 MCAR § 1.0102.

3. For adult vocational program purposes the contingency fund shall be limited to operational costs of programs. In addition to meeting the requirements of program approval in 5 MCAR § 1.0112 adult vocational programs utilizing the contingency fund shall also meet the criteria set forth in B. below.

B. Criteria.

The following criteria shall be met before approval will be granted:

1. The AVTI considering a program shall submit the proposal to the Department of Economic Development for their recommendation. The recommendation shall become part of the proposal submitted to the Division of Vocational-Technical Education.

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel qualified in the area for which training is to be provided. Training shall be made available but not limited to non-qualified personnel not recalled by the company.

4. The AVTI considering a program shall consult with the Department of Economic Security to:

a. ascertain that no trained persons are available to fill the positions requested by industry and

b. identify potential students for the training program.

The AVTI considering a program shall also ascertain that no current graduating AVTI students are available to fill the positions.

The above information shall be included in the proposal to the Division of Vocational-Technical Education.

5. CETA prime sponsors shall be included in planning to provide for the utilization of CETA funds whenever the program or trainees qualify under CETA criteria.

6. The AVTI developing the program shall submit the proposal to the company for whom the training is being designed for their recommendation. A signed copy of the company's recommendation shall be included with the proposal to the Division of Vocational-Technical Education.

7. Two or more companies which have similar training needs, with a combined training need of ten or more, are eligible applicants if they agree to a combined training program.

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

3. Equipment purchase, lease or rental including cost of installation. Purchased equipment shall become property of the AVTI subject to the right of the Department of Education to transfer the property to another AVTI to further the purpose of the contingency fund. If so transferred the AVTI shall not retain any interest in the equipment. If equipment belonging to a company is installed the cost of installation shall not be eligible for reimbursement.

4. Building rental or lease except properties of the company for whom training is provided.

5. Upon prior approval of the Commissioner, project coordinators may be funded when the training project can not be satisfactorily handled by the adult vocational directors of the cooperating AVTI.

6. Secretarial costs directly related to the training program.

Department of Public Safety Merit System

Notice of Renumeration

Previously, all Merit System Rules have been referred to as 11 MCAR §§ 1.090-1.094, and 11 MCAR §§ 1.116-1.141. Effective with this publication in the *State Register*, these rules are being changed to conform to the current numbering system used by the Department of Public Safety. A complete list of Merit System Rules, converted to the new numbers, follows:

11 MCAR § 1.090 Definitions. is now 11 MCAR § 1.2090 Definitions.

11 MCAR § 1.091 Statement of policy. is now 11 MCAR § 1.2091 Statement of policy.

11 MCAR § 1.092 Organization. is now 11 MCAR § 1.2092 Organization.

11 MCAR § 1.093 Classification Plan. is now 11 MCAR § 1.2093 Classification Plan.

11 MCAR § 1.094 Compensation Plan. is now 11 MCAR § 1.2094 Compensation Plan.

11 MCAR § 1.116 Salary adjustments and increases. is now 11 MCAR § 1.2116 Salary adjustments and increases.

11 MCAR § 1.117 Salary computation provisions for full and part-time employment, vacation and sick leave pay upon termination, partial pay periods, overtime pay and part payment from another source. is now 11 MCAR § 1.2117 Salary computation provisions for full and part-time employment, vacation and sick leave pay upon termination, partial pay periods, overtime pay and part payment from another source.

11 MCAR § 1.118 Appointments, promotions, demotions, transfers, and reinstatements. is now 11 MCAR § 1.2118 Appointments, promotions, demotions, transfers, and reinstatements.

11 MCAR § 1.119 County regulations. is now 11 MCAR § 1.2119 County regulations.

11 MCAR § 1.125 Civil defense director group. is now 11 MCAR § 1.2125 Civil Defense Director group.

11 MCAR § 1.126 Assistant Civil Defense group — county and local. is now 11 MCAR § 1.2126 Assistant Civil Defense group — county and local.

11 MCAR § 1.127 Staff positions group. is now 11 MCAR § 1.2127 Staff positions group.

11 MCAR § 1.129 Clerical. is now 11 MCAR § 1.2129 Clerical.

11 MCAR § 1.140 Compensation Plan. is now 11 MCAR § 1.2140 Compensation Plan.

11 MCAR § 1.141 Provisions for computing monthly, hourly, less-than-full-time, bi-weekly, and four week salary rates. is now 11 MCAR § 1.2141 Provisions for

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."