

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATEMENT OF COMPLIANCE WITH

RULE MAKING PROCEDURES

I, Assistant Attorney General Michael J. Bradley, do hereby declare that I have examined the proposed temporary rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the rules have been properly adopted.

Michael J. Bradley
Assistant Attorney General

Dated: Nov 27, 1979

Our File #561

Permanent Rule _____

Temporary Rule X

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 11/28/79 DUE DATE 12/5/79

Resubmitted and Received 12/10

a. Returned to Agency w/o Filing w/Secretary of State _____

b. Approved 11/30 with exceptions - See Memo Date Sent Back to Agency _____

12/10 - Approval without Exception

Stat. Auth. for Temp Rule #4 Law of 79 Chp 334, Art VI, 32

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 _____
   Sufficiency _____

6. Secretary of State's List _____ (one copy only)

7. Certificate of Acquisition of Secretary of State's List _____

8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency _____

9. Affidavit of Mailing _____
   At least 30 days prior to hearing _____

10. Publication in State Register _____
    At least 30 days prior to hearing _____

11. Statement of Need and Evidence _____

12. Hearing Examiner's Report _____

13. Agency's Findings of Fact _____

14. Certificate of Board's Resolution Adopting Rules, where applicable _____

15. Order Adopting _____

16. Report of Chief Hearing Examiner _____

17. Order Approving Incorporation by Reference, where applicable _____

18. Certificate of Compliance with Rulemaking Procedures _____

19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____

20. Petition by Public, where applicable _____

Temporary Rule as Adopted

Chapter Forty-Two: Computer Systems

5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" refers to the State Board of Education.

2. "Commissioner" refers to the Commissioner of Education.

3. "Department" refers to the Department of Education.

4. "District" is defined as any independent, special, or common school district and includes the area vocational-technical institutes.

5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.

6. "ESV-IS" is the Elementary, Secondary, and Vocational Information System which is sometimes referred to as the "State-wide software" or the "software developed by MECC for the Department of Education".

7. "ESV-FIN" is the financial subsystems of the ESV-IS.

8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.

9. "ESV-SSS" is student support subsystem of the ESV-IS.

10. "Member", "member district", "membership" means affiliation through a joint powers agreement with one or more other districts or with an Educational Cooperative Service Unit which will provide the computer services required by these rules through a management information center.

11. "MECC" is the Minnesota Educational Computing Consortium.

12. "Region" and "regional management information center" is the administrative organization created to provide computer services to its membership.

13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.

14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report—1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

5 MCAR § 1.0901 Region plans and budgets.

A. By February 1 of each year each district shall submit to the regional management information center of which it is a member, a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

B. By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts, which has been approved by the governing board of that region, to the Commissioner for his approval.

C. Each region's plan and budget shall be on forms and in the format prescribed by the Commissioner and shall conform to UFARS.

D. Each region's plan shall contain sufficient information so that it can be determined by the Commissioner that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services, including data processing systems, equipment and facility utilization, for each of the member districts. The statement shall contain the following information for each district.

a. The systems within the ESV-IS which each district desires to use.

b. Other computer systems and related applications and operating software which the district desires or intends to use.

c. Data communications systems including but not limited to telecommunications, voice communications, equipment, and delivery services which each district desires or intends to use.

d. Modifications and enhancements to the current ESV-IS which each district intends to make or desires to have made by the region, the department, or MECC.

e. Training, workshops, and other personnel related services which each district desires to have provided by the region.

f. Such other items as the districts or the region determine should be included.

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity to participate to the extent of desired participation in the ESV-PPS, and ESV-SSS, through the availability of hardware, ESV-IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is staff, computer hardware and related equipment to provide the computer services requested by the member districts and approved by the regional governing board, and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. Where the services requested by a district are different from those approved by the regional governing board, the plan shall specify the difference, and why the requested services will not be provided by the region.

5. There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

6. The region has the ability to provide information required by the annual data acquisition calendar and by the Rules of the Board on behalf of its member districts by securing and operating such equipment and using the software designed by, for, or on behalf of the Department as is required to produce computer tapes which are machine readable on the computer designated by the Department.

7. The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

8. The region has the ability to collect, store and report, within 90 days, after the date of notification information requested by the Department, based on data elements not contained in the data element dictionary.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall provide space on the computer for each district, for storage of the data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903, subdivision C. The availability of this space shall be without cost to the district so long as the state provides subsidy funds to the region, which funds are designated by the law as a reporting subsidy.

F. The region agrees that prior to transmittal of any data to the department, the region shall provide the district with an opportunity to review the data and to certify or comment on its accuracy.

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board or by the proposed governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. Any district or region proposing to acquire computer equipment by any means must first receive the approval of the Commissioner. The Commissioner shall review any proposed equipment acquisition to determine whether the services provided by such equipment justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall determine whether or not the services to be provided by the region can be provided in a more cost effective manner, such that the Commissioner shall deny the plan and budget if it is determined that, had the plan and budget been an application for a new region, the application would have been denied. The Commissioner shall notify the region of his decision by June 1 of each year or within 15 days following the adjournment of the legislature, whichever is later. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment changes which occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to and approved by the Commissioner.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to MECC for a final determination.

5 MCAR § 1.0902 Creation of regions.

A. Criteria for new regions.

Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names, addresses and numbers of the districts desiring to participate in the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and the operating software proposed for the region is compatible to the hardware and operating software specified in the state computing plan.

b. The applications software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to intermediate AVTI districts included within the region are separately included in the proposed region plan and budget.

e. The governance structure of the proposed region shall include a governing board which conforms to Minn. Stat. § 471.59, or § 123.58 whichever is appropriate.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region to reduce those costs by the utilization of different hardware and staff, while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions or the ability and willingness of other districts to join the existing region in order to meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership fees and service charges for the member districts compared with the membership fees and service charges if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary, Secondary, and Vocational Computer Services Advisory Task Force, the Commissioner shall make a recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

5 MCAR § 1.0903 Data element dictionary.

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary, and vocational educational system in Minnesota; or

2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or

3. The data is needed to meet the goals and objectives assigned to the department by the Board, the governor or the legislature; or

4. The data are needed in order to provide information required by the Board, the governor, the legislature or the federal government; or

5. The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.

2. The description of the physical characteristics of the data element.

3. The definition of the data element.

4. The purpose for which the data element is collected.

D. The Commissioner shall establish an ad hoc data acquisition review committee with representation from school districts as well as from the department. The committee shall review each proposed data element and make recommendation to the Commissioner whether:

1. It is appropriate for the Department to collect the data described by the data element.

2. The data element meets the criteria described in 5 MCAR § 1.09033.

3. The data element is not already contained in the data element dictionary.

4. The costs to collect the data does not exceed the benefits obtained from collecting the data, except in the instance where state or federal statute or rule requires collection of the data.

5. The collection of data conforms to the Minnesota Government Data Practices Act.

Notice of the review of the proposed data element shall be sent to each region prior to the date of review.

E. Each data element contained in the data element dictionary shall be reviewed by the committee not less than once every three years. Notification of the review shall be sent to each region and an opportunity shall be given them to review and comment on the need to continue to collect the data described in the data element.

F. After receiving the recommendation of the data acquisition review committee, the Commissioner shall determine whether to include or delete a data element from the data element dictionary.

G. At least 180 days notice to the region shall be given prior to the collection of any new data element.

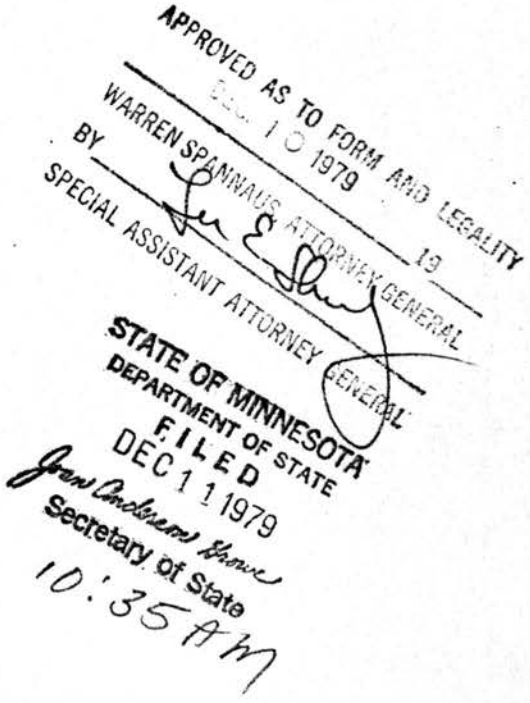
5 MCAR § 1.0904 Data acquisition calendar.

A. By September 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed forms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.



ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : HOWARD B. CASMEY
Commissioner of Education

DATE: November 30, 1979

Attn: Lois E. Steinhaus

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Education Computer Systems.

The above-captioned temporary rules are hereby approved with the following exceptions:

1. As was discussed with your staff, 5 MCAR § 1.0900 A (7) must be amended to strike the word "accounting" based upon comments submitted by the Minnesota Educational Computing Consortium with which your staff concurs.

2. 5 MCAR § 1.0900 A (11) must be changed to correct the typographical error in that the word "Education" should be changed to "Educational."

3. Having designated by rule what constitutes the "state computing plan", future changes in the documents that constitute the plan must be done pursuant to the Minnesota Administrative Procedure Act. Therefore, 5 MCAR § 1.0900 A (15) (h) is improper and must be deleted.

While the statute relating to temporary rules does not require the following procedure, this office recommends that a copy of the temporary rules as adopted and an Order Adopting should be filed with the Secretary of State by the agency. Of course, the agency is responsible for compliance with the notice of adoption and other requirements of Minn. Stat. § 15.0412, Subd. 5. If you have any questions, do not hesitate to contact me.

LES/bw
cc: Marshall Whitlock
Duane Harves
Michael Bradley

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
~~736 Capitol Square Bldg.~~
550 Cedar St.

TO : Joanne E. Hinderaker
Special Ass't. Attorney General

DATE: 11-28-79

FROM : Lois E. Steinhaus LES.
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of Temporary Rule, Chapter Forty-Two: Computer Systems

Enclosed is a Statement of Compliance from our assistant attorney general and the following material:

Certificate of Board's Authorizing Resolution (2)

Certificate of Board's Adoption of Rules Resolution (2)

Order Adopting Rules attached to Temporary Rules as Adopted (3)

Temporary Rules as they were sent to the State Register (2)

Temporary Rules as they appeared in the State Register (2)

Temporary as Adopted showing changes (1)

All correspondence received.

Please call me when ready and I will have some one come and pick it up.

Thank you.

STATE OF MINNESOTA

In the Matter of the Proposed
Adoption of Temporary Rules of
the State Board of Education
Governing Education Computer
Systems

ORDER ADOPTING RULES

The above-entitled proposed temporary rules were published in the State Register on October 1, 1979, pursuant to the authority in Laws of 1979, ch. 334, art. VI, § 1, and § 32.

After affording all interested persons an opportunity to submit data and recommendations on the proposed temporary rule in writing as required by Minn. Stat. § 15.0412, subd. 5 (1978), having considered all the data and recommendations received 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 temporary rules identified as 5 MCAR §§ 1.0900 - 1.0904 attached hereto as Exhibit A as amended are adopted this 5th day of November, 1979 pursuant to the above authority.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Ruth A Myers
President
State Board of Education

Temporary Rule as Adopted

Chapter Forty-Two: Computer Systems

5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" refers to the State Board of Education.

2. "Commissioner" refers to the Commissioner of Education.

3. "Department" refers to the Department of Education.

4. "District" is defined as any independent, special, or common school district and includes the area vocational-technical institutes.

5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.

6. "ESV-IS" is the Elementary, Secondary, and Vocational Information System which is sometimes referred to as the "State-wide software" or the "software developed by MECC for the Department of Education".

7. "ESV-FIN" is the financial accounting subsystems of the ESV-IS.

See MECC comment

8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.

9. "ESV-SSS" is student support subsystem of the ESV-IS.

10. "Member", "member district", "membership" means affiliation through a joint powers agreement with one or more other districts or with an Educational Cooperative Service Unit which will provide the computer services required by these rules through a management information center.

11. "MECC" is the Minnesota Education Computing Consortium.

12. "Region" and "regional management information center" is the administrative organization created to provide computer services to its membership.

13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.

14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report--1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

h. Such other documents as the State Board of Education may from time to time designate as an amendment to the State Plan.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

5 MCAR § 1.0901 Region plans and budgets.

A. By February 1 of each year each district shall submit to the regional management information center of which it is a member, a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

B. By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts, which has been approved by the governing board of that region, to the Commissioner for his approval.

See M.S. § 121.16

Same as dep't. ? – See Subd. 3 regarding "dep't" approval

C. Each region's plan and budget shall be on forms and in the format prescribed by the Commissioner and shall conform to UFARS.

D. Each region's plan shall contain sufficient information so that it can be determined by the Commissioner that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services, including data processing systems, equipment and facility utilization, for each of the member districts. The statement shall contain the following information for each district.

a. The systems within the ESV-IS which each district desires to use.

b. Other computer systems and related applications and operating software which the district desires or intends to use.

c. Data communications systems including but not limited to telecommunications, voice communications, equipment, and delivery services which each district desires or intends to use.

d. Modifications and enhancements to the current ESV-IS which each district intends to make or desires to have made by the region, the Department, or MECC.

e. Training, workshops, and other personnel related services which each district desires to have provided by the region.

f. Such other items as the districts or the region determine should be included.

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity to participate [to the extent of desired participation] in the ESV-PPS, and ESV-SSS, through the availability of hardware, ESV-IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is staff, computer hardware and related equipment to provide the computer services requested by the member districts and approved by the regional governing board, and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. Where the services requested by a district are different from those approved by the regional governing board, the plan shall specify the difference, and why the requested services will not be provided by the region.

5. There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

6. The region has the ability to provide information required by the annual data acquisition calendar and by the Rules of the Board on behalf of its member districts by securing and operating such equipment and using the software designed by, for, or on behalf of the Department as is required to produce computer tapes which are machine readable on the computer designated by the Department.

7. The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

8. The region has the ability to collect, store and report, within 90 days, after the date of notification information requested by the Department, based on data elements not contained in the data element dictionary.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall provide space on the computer for each district, for storage of the data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903, subdivision C. The availability of this space shall be without cost to the district so long as the state provides subsidy funds to the region, which funds are designated by the law as a reporting subsidy.

F. The region agrees that prior to transmittal of any data to the department, the region shall provide the district with an opportunity to review the data and to certify or comment on its accuracy.

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board or by the proposed governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. Any district or region proposing to acquire computer equipment by any means must first receive the approval of the Commissioner. The Commissioner shall review any proposed equipment acquisition to determine

whether the services provided by such equipment justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall determine whether or not the services to be provided by the region can be provided in a more cost effective manner, such that the Commissioner shall deny the plan and budget if it is determined that, had the plan and budget been an application for a new region, the application would have been denied. The Commissioner shall notify the region of his decision by June 1 of each year or within 15 days following the adjournment of the legislature, whichever is later. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment changes which occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to and approved by the Commissioner.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to MECC for a final determination.

5 MCAR § 1.0902 Creation of regions.

A. Criteria for new regions.

Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names, addresses and numbers of the districts desiring to participate in the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and the operating software proposed for the region is compatible to the hardware and operating software specified in the state computing plan.

b. The applications software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to intermediate AVTI districts included within the region are separately included in the proposed region plan and budget.

e. The governance structure of the proposed region shall include a governing board which conforms to Minn. Stat. § 471.59, or § 123.58 whichever is appropriate.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region

to reduce those costs by the utilization of different hardware and staff, while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions or the ability and willingness of other districts to join the existing region in order to meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership fees and service charges for the member districts compared with the membership fees and service charges if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary, Secondary, and Vocational Computer Services Advisory Task Force, the Commissioner shall make a recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

5 MCAR § 1.0903 Data element dictionary.

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary, and vocational educational system in Minnesota; or

2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or

3. The data is needed to meet the goals and objectives assigned to the Department by the Board, the governor or the legislature; or

4. The data are needed in order to provide information required by the Board, the governor, the legislature or the federal government; or

5. The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.

2. The description of the physical characteristics of the data element.

3. The definition of the data element.

4. The purpose for which the data element is collected.

D. The Commissioner shall establish an ad hoc data acquisition review committee with representation from school districts as well as from the Department. The committee shall review each proposed data element and make recommendation to the Commissioner whether:

1. It is appropriate for the Department to collect the data described by the data element.

2. The data element meets the criteria described in 5 MCAR § 1.0903B.

3. The data element is not already contained in the data element dictionary.

4. The costs to collect the data does not exceed the benefits obtained from collecting the data, except in the instance where state or federal statute or rule requires collection of the data.

5. The collection of data conforms to the Minnesota Government Data Practices Act.

Notice of the review of the proposed data element shall be sent to each region prior to the date of review.

E. Each data element contained in the data element dictionary shall be reviewed by the committee not less than once every three years. Notification of the review shall be sent to each region and an opportunity shall be given them to review and comment on the need to continue to collect the data described in the data element.

F. After receiving the recommendation of the data acquisition review committee, the Commissioner shall determine whether to include or delete a data element from the data element dictionary.

G. At least 180 days notice to the region shall be given prior to the collection of any new data element.

5 MCAR § 1.0904 Data acquisition calendar.

A. By September 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed forms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.

MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM

2520 Broadway Drive • Saint Paul, Minnesota 55113 • (612) 376-1120

October 16, 1979

TO: Don Thomas

FROM: John Haugo
Dale Schneiderhan

SUBJECT: Comments on Proposed Rules

RECEIVED
OCT 24 1979
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

1.0900 Definitions

A.7 Delete "accounting" since the ESV-FIN is broader than just financial accounting.

A.11 Change "Education" to "Educational"

A.13 The definition is that usually given for the term "data." A basic data element is a discrete item of data such as birthdate, grade level, room number, etc. A distinction between basic and derived data elements should also be made. A derived element is like the "number of fourth grade black girls."

A.14 Data element dictionary should also be defined here since it is referred to throughout the rules. See 16.93 (subd 6) c. 334, art VI

A.15 Reference should also be made to MECC adopted documents as part of the state plan.

1.0901

D.7 Thirty days is not enough time.

E. Add "designated" between "the" and "data" in the second line because the data element dictionary will define many derived data elements needed by the Department.

H. The provision should state that the Commissioner will approve or request the plan, not just "make a determination."

What?

COST OF THIS COPY PAID BY MINNESOTA TAXPAYERS

1.0902

A.3d Change "schools" to "districts."

1.0903

B.1-6 Change "is" to "are."

B.3&4 Consolidate to "planning and evaluation of educational programs."

B.5 Delete "adequate."

C.2 Naming conventions especially as related to the COBOL program name for the data element.

General:

Nothing is said about the security or privacy of data. It should be understood that the region is the custodian of the data and not responsible for its content.

One could read the rules and not understand that overall ESV plans and budgets and facilities and services proposals are reviewed by MECC for final approval. This should be discussed somewhere in 1.0911.

JEH:sg

COST OF THIS COPY PAID BY MINNESOTA TAXPAYERS

INDEPENDENT SCHOOL DISTRICT 719

Gateway Center 15870 Franklin Trail

PRIOR LAKE, MINNESOTA 55372

Nov 5 '79

CY F. KRUSE, ED. D.
Superintendent of Schools
(612) 447-2185

LES C. SONNABEND, PH. D.
Assistant Superintendent
(612) 447-2185

CARTER A. CHRISTIE
Director of Business Affairs
(612) 447-2185

DAN A. DAHLGREN, Principal
Senior High School
15860 Fish Point Road S.E.
(612) 447-4131

JOHN D. KALTON, Principal
Junior High School
5061 Minnesota Street S.E.
(612) 447-2188

RONALD E. MACHACEK, Principal
Five Hawks Elementary
16620 Five Hawks Avenue
(612) 447-4139

DARWIN A. FOSSE, Principal
WestWood Elementary
5370 Eveleth Avenue S.E.
(612) 447-2178

November 2, 1979

Mr. Don Thomas
Director of Education Data Systems
State Department of Education
Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Re: Proposed Temporary SDE Rules

Dear Mr. Thomas:

On behalf of the Prior Lake School District I am requesting that the adoption of the proposed Temporary Rules regarding Computer Systems in Education, be delayed until the finalization of the data element dictionary. Some of the information to be required by the State Department of Education is not currently stored on the computer, since it is easier to compile the information manually. Without knowing the contents of the data element dictionary it is extremely difficult to determine the impact of these temporary rules on our school district.

I am also suggesting that the date of submission of a district's proposed budget be changed from February 1 to June 30 of each year to be consistent with UFARS.

Sincerely,

Carter Christie

Carter Christie
Director of Business Affairs

CC:ojr

UFARS requires final by June 30, so tentative by Feb. 1 is required.

SPECIAL SCHOOL DISTRICT NO. 1

PUBLIC SCHOOLS

AN EQUAL OPPORTUNITY EMPLOYER

807 NORTHEAST BROADWAY, MINNEAPOLIS, MINNESOTA 55413

Telephone 612/348-6034

Office of the
SUPERINTENDENT OF SCHOOLS

September 7, 1979

Mr. Ronald J. Laliberte
Minnesota State Department of Education
Capitol Square
550 Cedar Street
St. Paul, Minnesota 55101

Dear Mr. Laliberte:

The Minneapolis Public Schools submit the following comments for the September 7, 1979 review of the proposed rules regarding computerization by school districts. We ask that these comments be entered into the record on our behalf.

General Comments

1. The state should allow two classes of regional membership, i.e.:

   a. Regular membership which would include costs for operation and management for a region.

   b. An affiliate membership which would include a minimal fee and a usage fee for preparing summary reports to the State Department of Education on an as needed basis.

2. The SDE should adopt the Federal report deadlines, which allow seven months for the implementation of a new report requirement.

3. The rules generally lack provision for the necessary security of district data. The pertinent data privacy legislation and any other requirements limiting access to, or distribution of, data elements should be addressed in the final rules.

4. In regard to the data element dictionary and the data acquisition plan, the legal authority to collect data and the authorized legal use of the data should be specified for every data element and report.

5. The submission of reports "directly to the Department" by districts is referred to at least twice. We believe that reporting in any way other than through the "state computing plan" is beyond the scope of this rule-making authority and should be deleted.

6. References to "the Commissioner" and "the Department" seem to be used interchangeably. We believe that all aspects of review and approval should vest authority in the Commissioner.

The following comments refer to specific sections of the proposed rules:

1.0900. 4. The role of intermediate/AVTI districts should be clarified.

1.0900.15. The "State computing plan" should be published in one formal document and go through the appropriate rule-making procedure. The assortment of documents referred to as the plan is inadequate. To formalize those documents as a part of the rules under consideration is, in our opinion, inappropriate.

1.0901 (in general) What are the consequences of a region's inability to demonstrate that it can provide the necessary services and information? The rules seem to assume that, with adequate funding, all else will follow. We believe that the options available to districts in the event of an unsatisfactory level of service and/or cost should be clarified.

1.0901.C.2. The law does not state that districts "will fully participate in the comprehensive financial reporting system . . ." The law states that districts will have "the opportunity to participate fully". This section should be modified accordingly.

1.0901.C.3. The resources described here should also be demonstrated to be cost-effective.

1.0901.C.4. A description of the source of funding should also be required.

1.0901.C.7. The word "not" in the second line should be deleted.

1.0901.F., G., and J. It is not clear to whom a region shall submit the annual and biennial budgets. Submission of budgets and changes in the level of service should take place only after approval by each member district.

1.0902.A.3. Reference is made again to the state computing plan. As indicated earlier, the state computing plan needs to be formally reviewed and approved.

Sec. a requires tape compatible with state computer plan. Dept. design plan therefore conforms with law

The law requires that regions provide information "on computer tape which is machine readable using the software designed by the department of education". Section a. goes beyond this requirement and should be modified to conform to the law.

1.0903.B.3, 4, 5, and 6. These needs are too general and go beyond what should reasonably be required. Items 1. and 2. are reasonable and adequate by themselves. Also, the process for determining what constitutes reasonable requests under 1. and 2. should be described.

1.0903.C.4. The intended use of the data should also be described.

1.0904.A. It should be stated that any district costs attendant to amendments shall be borne by the State Department of Education.

1.0904.D. It should be stated that the Commissioner will approve all forms as well as all data elements.

We appreciate the opportunity to participate in the review and comment process. District representatives will be in attendance at the September 7 meeting.

Sincerely,

R G Arveson /RFJ

Raymond G. Arveson
Superintendent of Schools

RGA:RFJ:js

cc: Howard B. Casmey, Commissioner of Education
Board of Education
Superintendent's Cabinet
John M. Palmer
August Rivera

7-24-79

MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM
Management Information Services (MIS) Division
Hennepin Square Building - 2021 East Hennepin - LL #40
Minneapolis, Minnesota 55413
612/376-1600

ESV

DATE: July 20, 1979

TO: Don Thomas

FROM: Dale Schneiderhan DS

RE: RULES RELATING TO MIS 16.93

As I understand the law, SDE will be releasing a data element dictionary for ESV by January 1, 1980. As a follow-up to this dictionary, it would be very helpful if SDE would require the use of a common naming convention for all programs that are written in COBOL and interface with ESV-IS and/or SDE-IS.

Implications for such a rule would include:

1. A standard naming convention would have to be identified.
2. Existing programs would have to be modified.
3. Communication between programmers and analysts should be easier and improve.
4. Programs developed by a district or region could easily be shared with the rest of the state.
5. Sharing of staff expertise across agencies should be much easier.

DS:mfc

cc: J. Jolley

INDEPENDENT SCHOOL DISTRICT NO. 274
1001 STATE HIGHWAY NO. 7
HOPKINS, MINNESOTA 55343

LEE J. RODEL
Educational Information Systems Coordinator

Nov 14 '79

November 12, 1979

Mr. Donald Thomas, Director
Education Data Systems Section
Department of Education
550 Cedar Street
St. Paul, MN 55101

Dear Mr. Thomas:

This is to comment on the Proposed Temporary Rules Governing Education Computer Systems. I wish these comments to become part of the written record of the November 19 public hearing with respect to these proposed rules.

I am commenting from the perspective of an employee of the Hopkins School District where I've been employed in the use of computerized information systems for over eight years. In addition, since we are coordinating educational computing services for the Eden Prairie and Mound/Westonka School Districts out of the Hopkins offices, my comments reflect the experiences in computing in three school districts.

My comments on the proposed temporary rules are the following:

1. Relationship of Proposed Rules to the Governor's Evaluation of the Regional MIS System Concept

   As charged by M.S. Laws 1979, Chapter 334, the Governor's office is currently undertaking an evaluation of the development of the regional management information system by the Minnesota Educational Computing Consortium (MECC) for the regional management information centers. This evaluation by Peat, Marwick, Mitchell, and Company is due to be completed on January 15. Included in the evaluation is to be consideration of the efficiency and cost effectiveness of (a) the use of centralized systems, (b) the assignment of districts to MIS regions, (c) hardware procurement decisions, etc.

   The proposed temporary rules governing education computer systems currently under consideration seem to assume positive results of the governor's office evaluation of the MIS regional concept. I would suggest that before proposed rules regarding regional MIS centers are developed and implemented the results of the governor's evaluation of the regional center concept be fully reviewed and taken into account.

2. Individual District Versus Regional Center Control of Data and Reporting

I am greatly concerned with the general tone of the propsoed rules with regard to the responsibility for control and reporting of data being stored at the regional centers. Specifically, I disagree with the philosophy that "it is the region that shall maintain the data base containing required data base elements, shall report to the state as required," etc. Rather, I believe that the individual district member of the region must be designated as being responsible for the collection, maintenance, and reporting of data. The district must be in control of its information (not the region). The district merely uses the capabilities of the regional center to facilitate its individual district reporting.

3. The Data Dictionary and Data Acquisition Calendar

The concept of a Data Dictionary and Data Acquisition Calendar is indeed appealing. However, as a school district employee directly involved in the use of MIS, I have yet to see even a draft of the SDE-developed Data Dictionary. I therefore find it a bit difficult to provide valid comment on proposed rules which are based on the existence of a Data Dictionary and Data Acquisition Calendar. For this same reason I find it difficult to understand how these same proposed rules could be adopted prior to the final development, distribution, and review of the Data Dictionary and Data Acquisition Calendar.

I would hope that the above comments receive full consideration prior to final adoption of Rules Governing Education Computer Systems. Thank you.

Sincerely,

Lee J. Rodel

Lee J. Rodel
Data Processing Specialist
Hopkins Public Schools

LJR:ca

11/1/79

page 7, item 8.

within

90 days,

add a phrase to give an "out" if some data elements you want to add are very complex.

I suggest

.... within

90 days or some other ~~date~~ agreed upon time,

after the date of ...

Robert D. Nelson
Richfield

BOARD OF EDUCATION

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HINCKLEY PUBLIC SCHOOLS

Independent School District No. 573

HINCKLEY, MINNESOTA 55037

O.W. PAT OSTRAND
Superintendent

H. PETER VOS
High School Principal

JOHN V. REISHUS
Elementary School
Principal

October 17, 1979

Mr. Donald Thomas, Director
Education Data Systems Section
Department of Education
550 Cedar Street
St. Paul, MN 55101

Dear Mr. Thomas:

I am writing to you in regard to the Proposed Temporary Rules Governing Education Computer Systems, laws of 1979, Ch. 334, Art. VI, S1, Computerization by School Districts.

It is my understanding that a school must be a member of a region for data processing. We are on the extreme eastern boundary of MECC Region III. We are a member of Minnesota School Districts Data Processing Joint Board (TIES) and have been, with permission of the State Department of Education, since July of 1974.

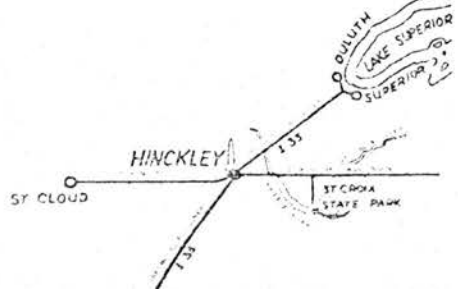
Originally we were given the understanding that we would be a permanent member of TIES. In 1977 at an evening TIES meeting, we were informed by you that no change would have to be made until equal or better services could be provided by MECC. In March of 1977, we sent a letter to you stating the reasons we did not want to leave TIES. We asked you to advise us on the position of the SDE. We did not receive an answer. As a result, we believed our present TIES membership would be left intact.

We are extremely pleased with the quality of service we receive from TIES, and would like to reemphasize our strong desire to continue receiving services from them.

The following reasons are what we have based our decision on:

1. We have been a member of TIES for six years and are completely satisfied.

2. We have several thousand dollars invested in equipment, which may not be compatible to MECC MIS.



3. We are located on Interstate 35, about half way between Duluth and St. Paul, which is approximately the same distance as it is to St. Cloud. Our mail is first sent to the Twin Cities and then rerouted to St. Cloud. There are no major public transportation systems running between Hinckley and St. Cloud.

4. We have no major business ties with the St. Cloud area. All service contracts for equipment and machinery are with Twin Cities firms. We are able to conduct business with SDE while in St. Paul for TIES meetings.

5. TIES provides more data systems than Region III, of which we use all but one.

6. TIES has been in existence for 12 years and has proven to us and the SDE that it has become efficient and a national leader in the data processing field.

7. To become a member of Region III MIS, we would have to buy additional equipment.

8. Region III has a weekly delivery system, TIES has daily delivery system.

9. We would have to go through a file rebuild to transfer from TIES to MECC.

10. It is also our understanding that there would be no FX telephone line to Region III in St. Cloud. This would cause additional cost for long distance telephone calls. We now have a full time FX line to the Twin Cities.

11. The change over from TIES to MECC Region III would be costly, both in time and materials.

We are hopeful that it will be possible for us to remain a member of TIES.

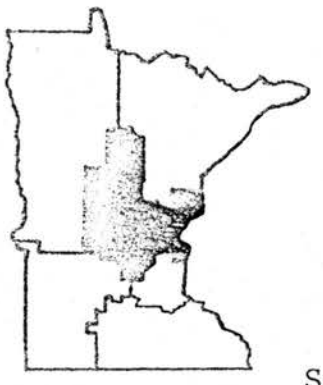
Best wishes,

O. W. Pat Ostrand

O. W. Pat Ostrand

OWO/bc

cc: Senator Florian Chmielewski
Representative Doug Carlson
Dr. Ron Carruth
Mr. Thomas Campbell
Mr. James Sydow
Dr. Jerry Foecke



ESV REGION III

Dr. Jerome F. Foecke Executive Director

570 1st Street S.E.
St. Cloud, MN 56301
(612) 252-0832

SEP 27 '79

September 24, 1979

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Mr. G. Wagner
Upsala Public School
Director

Mr. Bruce Wehrer
[illegible] Public Schools
Director

Mr. Don Thomas
Director - EDSS
Department of Education
550 Cedar St.
St. Paul, MN 55101

Dear Don:

My major concern about the Rules Governing Education Computer Systems lies with the definition and clarification of regional boundaries and memberships. At the present time we have some ESV Computer Services Advisory Task Force Guidelines which say that a district must obtain services from its region once that region has capabilities. There are actions being taken to introduce legislation which would give districts the option of staying where they currently receive service, join their own region, or possibly form other regions.

While it could possibly be monetarily more rewarding to Region III to have "open" membership so we could serve any district that makes the request, we feel that it would be politically unwise and would tend to introduce instability as districts might "boundary-hop" because of minor problems or a "better deal" from another region.

A strong definitive stance by the SDE could go far toward bringing the non-conforming districts into place by requiring them to make an honest evaluation of what is available from their own region rather than letting them make their decision from a position based upon assumptions and lack of information.

Sincerely,

J. Foecke

J. Foecke
Executive Director

cc: W. Tollefson

JF/dmd

8-14-79

METRO IC

Educational Management
Information Systems

360 Colborne Street St. Paul, Minnesota 55102 Telephone (612) 227-9261

August 13, 1979

MEMORANDUM

TO: Don Thomas
State Department of Education

FROM: M. H. Johnson
Executive Director

RE: Rules Governing Educational Computer Systems

First, I believe the overall draft to be quite well done. There are needs which are not sufficiently addressed:

1. The information to be presented to the region by each district must be explicit along with specific dates for submitting their projected plans and budgets. This should certainly be done by January 1 annually for the coming fiscal year if regions are to submit composite plans by March 1 for S.D.E. and MECC review.

2. What services districts are required to buy vs. what reporting means and is must be explicit.

3. The process of appeal must be to the S.D.E. after MECC has reviewed, approved/rejected/recommended changes in the composite regional plan on behalf of its members.

4. The data elements and naming conventions within all systems which are to be standard must be specifically identified in each of the data bases. Every district must be informed of the requirements for gathering this data. (I would recommend the S.D.E. have a select group of school personnel and S.D.E. officials to standardize and name each required unit.)

Finally, each of our districts are informed of the rule making currently in process and have been asked to communicate further specific changes to you directly.

MHJ:md

SPECIAL SCHOOL DISTRICT NO. 1

PUBLIC SCHOOLS

AN EQUAL OPPORTUNITY EMPLOYER

807 NORTHEAST BROADWAY, MINNEAPOLIS, MINNESOTA 55413

INFORMATION SERVICES CENTER

TELEPHONE 612/348- 6120

July 24, 1979

JUL 25 '79

Donald Thomas
Capitol Square Bldg - Room 803
550 Cedar Street
St. Paul, Mn. 55101

Dear Mr. Thomas:

This is in response to the State Department of Education's call for outside opinion regarding the drafting of rules to implement MS 16.93, Subd. 5 (1979), for the review of plans and budgets, the creation of regional computing centers, and the inclusion of data elements in the data element dictionary and data acquisition calendar.

We believe that the State Department of Education plan for regionalization should allow flexibility to local districts who currently have MIS capability. This flexibility should allow districts to coordinate their reporting through a region regardless of local district hardware and software and regional affiliation.

The state should allow two classes of regional membership, i.e.:

1. Regular membership which would include costs for operation and management for a region
2. An affiliate membership which would include a minimal fee and a usage fee for preparing summary reports to the State Department of Education on an as needed basis.

In regard to the data acquisition calendar, this document should specify the legal authority and use of all items requested on each form listed. The SDE should also describe the process used in adding and deleting items from each form listed in the calendar.

The SDE should also set reasonable report deadlines, taking into account the size and complexity of each of the school districts.

We would be happy to elaborate further on each of the points listed in this letter at your convenience.

We would also appreciate receiving a copy of your schedule for distributing the proposed written rules, the adoption of temporary rules by the State Board of Education and the dates for the public hearings prior to final adoption of these rules.

Sincerely,
INFORMATION SERVICES CENTER

August Rivera

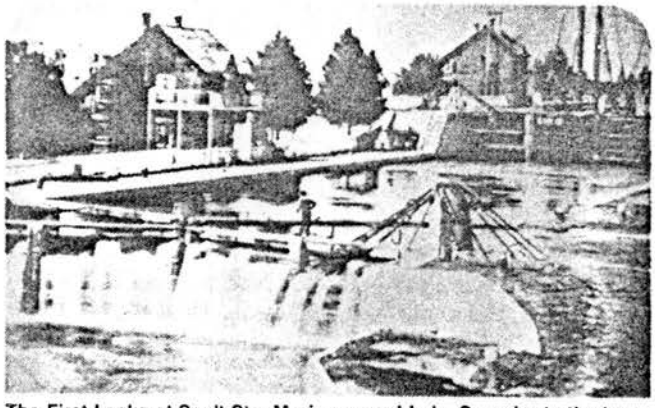
August Rivera, Director

AR:ms
cc: John Palmer Vern Indehar

Department of Personnel

Notice of Extension of Adopted Temporary Rules Governing Travel and Relocation Reimbursement, Probationary Period, Vacation Leave and Holidays

The temporary rules proposed at *State Register*, Volume 3, No. 48, pages 2106-2113, June 4, 1979 (3 S.R. 2106) and adopted at *State Register*, Volume 4, No. 6, page 117, August 13, 1979 (4 S.R. 117), are continued in effect until December 27, 1979.



The First Locks at Sault Ste. Marie opened Lake Superior to the lower lakes in 1855. (Courtesy of Port of Duluth Superior)

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 October 8-12, 1979

Date	Agency & Rule Matter	Time & Place
Oct. 9 & 10	Dept. of Administration Building Code Rules Hearing Examiner: Peter Erickson	9:30 a.m., Rm. 83, State Office Bldg., St. Paul, MN
Oct. 10	Dept. of Natural Resources Mineland Reclamation Hearing Examiner: Howard Kaibel	9:00 a.m., Rm. 135, Mesabi Community College, Virginia, MN

Department of Education School Management Services Division

Proposed Temporary Rules Governing Education Computer Systems

Request for Public Comment

Notice is hereby given that the Department of Education has proposed the following temporary rules for the purpose of implementing the provisions of Laws of 1979, ch. 334, Art. VI, § 1, Computerization by School Districts.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to:

Donald Thomas, Director
Education Data Systems Section
Department of Education
550 Cedar Street
St. Paul, Minnesota 55101

The temporary rules may be revised on the basis of comments received.

Any written material received shall become part of the record and the final adoption of the temporary rule.

September 10, 1979

Howard B. Casmey
Commissioner of Education

Temporary Rule as Proposed (all new material)

Chapter Forty-two: Computer Systems

5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" means the State Board of Education.

2. "Commissioner" refers to the Commissioner of Education.

3. "Department" refers to the Department of Education.

4. "District" is defined as any independent, special, or common school district.

5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.

6. "ESV-IS" is the Elementary Secondary and Vocational Information System which is sometimes referred to as the "State-wide software" and the "software developed by MECC for the Department of Education."

7. "ESV-FIN" is the financial accounting subsystems of the ESV-IS.

8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.

9. "ESV-SSS" is student support subsystem of the ESV-IS.

10. "ESV-IMS" is the instructional management subsystem of the ESV-SSS.

11. "MECC" is the Minnesota Education Computing Consortium.

12. "Region" and "regional management information center" is the administrative organization created to provide computer services to the school districts within the region and designated as a regional management information center by the Department of Education.

13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.

14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report — 1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

h. Such other documents as the State Board of Education may from time to time designate as an amendment to the State Plan.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

5 MCAR § 1.0901 Region plans and budgets.

A. By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts to the Department of Education for its approval.

B. This plan and budget shall be on forms and in the format prescribed by the Commissioner.

C. The plan shall contain sufficient information so that it can be determined by the Department that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services for each of the member districts.

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."

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity to fully participate or has an opportunity to participate to the extent of desired participation in the ESV-PPS, and/or ESV-SSS, and/or ESV-IMS through the availability of hardware, ESV-IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is sufficient staff, computer hardware and related equipment to meet the needs expressed by the member districts and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

5. The region has the ability to provide information required by the annual data acquisition calendar and by the Rules of the Board on behalf of its member districts by securing and operating such equipment using the software designed by, for, or on behalf of the Department as is necessary to produce computer tapes which are machine readable on the computer designated by the Department.

6. The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

7. The region has the ability to collect, store and report within 30 days, information requested by the Department, based on data elements not contained in the data element dictionary.

D. By February 1 of each year each district shall submit to the regional management information center a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall maintain a database for each school district of data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903 C.

F. The region shall submit a proposed annual budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. The Commissioner shall review any proposed equipment acquisition to determine whether the services requested justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall notify the region of his decision. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment or changes that occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to or approved by the Department.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

5 MCAR § 1.0902 Creation of regions.

A. Criteria for new regions. Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names and addresses of the districts who desire to operate the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and its operating software proposed for the region is compatible to the hardware and operating software specified in the plan.

b. The software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to AVTI schools located within the region are included in the proposed region plan and budget.

e. Communication networks are configured in the least costly manner.

f. The governance structure of the proposed region cconforms to Minn. Stat. § 471.59.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region to reduce those costs by the utilization of different hardware, and staff while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions who will meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership and service fees for the member districts compared with the membership and service fees if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary Secondary and Vocational Computer Services Advisory Task Force, the Commissioner shall make recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

5 MCAR § 1.0903 Data element dictionary.

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary and vocational educational system in Minnesota; or

2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or

3. The data is needed for the planning of educational programs; or

4. The data is needed for the evaluation of educational programs; or

5. The data is needed for adequate management of the Department; or

6. The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.

2. The description of the physical characteristics of the data element.

3. The definition of the data element.

4. The purpose for which the data element is collected.

D. Data elements proposed for inclusion in, or deletion from, the data element dictionary shall be reviewed and approved by the Commissioner. At least 90 days notice to the region shall be given prior to the collection of any new data element.

5 MCAR § 1.0904 Data acquisition plan.

A. By June 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to

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submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed froms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.

Department of Education

Proposed Temporary Rules Governing Standards and Procedures for the Provision of Special Education Instruction and Services for Children and Youth Who Are Handicapped

Request for Public Comment

Notice is hereby given that the Department of Education has proposed the following temporary rules for the purpose of implementing the provisions of Laws of 1979, ch. 334, Article III, subd. 3b., Procedures For Decisions.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to Wilfred Antell, Ed.D., Assistant Commissioner, Division of Special and Compensatory Education, Department of Education, 550 Cedar Street, St. Paul, Minnesota 55101. The temporary rules may be revised on the basis of the comments received. Any written material received shall become part of the record in the final adoption of the temporary rules.

September 10, 1979

Howard B. Casmey, Secretary
State Board of Education

Temporary Rules as Proposed

Chapter Seven: Standards and Procedures for the Provision of Special Education Instruction and Services for Children and Youth Who Are Handicapped

5 MCAR § 1.0120 ~~EDU 120~~ Policies and definitions.

A. Policies.

1. Provision of full services. All children and youth who are handicapped and who are eligible for special education services shall have access to free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

2. Least restrictive alternative. To the extent that there are no detrimental effects, children who are handicapped shall be educated with children who do not have handicaps and shall attend regular classes. A handicapped person shall be removed from a regular educational program only when the nature or severity of the handicap is such that education in a regular educational program cannot be accomplished satisfactorily. Furthermore, there must be an indication that the person will be better served outside of the regular program. The needs of the person shall determine the type and amount of services needed.

3. Individualized programs. All children who are handicapped must be afforded special education services based on an individual educational plan. Such programs need to include an assessment of the student's performance utilizing licensed personnel, a determination of the student's needs in a team process, an identification of appropriate goals and objectives, a selection of teaching strategies designed to enhance learning, delivery of services in an environment which is conducive to learning, and periodic review and evaluation of the performance of the student.

4. Procedural safeguards. When a change in the educational placement or special education service of a child is proposed, including the assessment and program planning processes, procedural safeguards must be assured by the school district. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. When a child's parents or legal guardians are not available, the school district shall contact the local county welfare department and request the public welfare system intervene on behalf of the child.

5. Parental involvement. Parents of handicapped children have a right to be involved by the school district in the education decision making process. Only by consistent and direct involvement of parents will the school receive sufficient input to design and implement an effective program for the handicapped student. Parents and schools are encouraged to cooperate in an open and objective manner, utilizing periodic conferences when possible so that formal hearings are necessary only when substantive disagreements exist between the parties.

6. Accountability for instruction and services. As provided in Minn. Stat. § 120.17, subd. 2, the district of residence is responsible for maintaining an appropriate pro-

Adopted Temporary Rule (with amendments)

Chapter Forty-Two: Computer Systems

5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" ~~means~~ refers to the State Board of Education.

2. "Commissioner" refers to the Commissioner of Education.

3. "Department", refers to the Department of Education.

4. "District" is defined as any independent, special, or common school district and includes the area vocational technical institutes.

5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.

6. "ESV-IS" is the Elementary, Secondary, and Vocational Information System which is sometimes referred to as the "State-wide software" ~~and~~ or the "software developed by MECC for the Department of Education".

7. "ESV-FIN" is the financial accounting subsystems of the ESV-IS.

8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.

KEY: Underlining indicates additions to proposed rule language.
~~Strike-outs~~ indicate deletions from proposed rule language.

9. "ESV-SSS" is student support subsystem of the ESV-IS.

10. ~~"ESV-IMS" is the instructional management subsystem of the ESV-SSS.~~

"Member", "member district", "membership" means affiliation through a joint powers agreement with one or more other districts or with an Educational Cooperative Service Unit which will provide the computer services required by these rules through a management information center.

11. "MECC" is the Minnesota Education Computing Consortium.

12. "Region" and "regional management information center", is the administrative organization created to provide computer services to its membership. ~~the school districts within the region and designated as a regional management information center by the Department of Education.~~

13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.

14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report--1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

h. Such other documents as the State Board of Education may from time to time designate as an amendment to the State Plan.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

5 MCAR § 1.0901 Region plans and budgets.

A. ~~B.~~ By February 1 of each year each district shall submit to the regional management information center of which it is a member, a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

B. ~~A.~~ By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts, which has been approved by the governing board of that region, to the ~~Department of Education~~ Commissioner for ~~its~~ his approval.

C. ~~B.~~ ~~This~~ Each region's plan and budget shall be on forms and in the format prescribed by the Commissioner and shall conform to UFARS.

D. ~~C.~~ ~~The~~ Each region's plan shall contain sufficient information so that it can be determined by the ~~Department~~ Commissioner that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services, including data processing systems, equipment and facility utilization, for each of the member districts. The statement shall contain the following information for each district.

a. The systems within the ESV-IS which each district desires to use.

b. Other computer systems and related applications and operating software which the district desires or intends to use.

c. Data communications systems including but not limited to telecommunications, voice communications, equipment, and delivery services which each district desires or intends to use.

d. Modifications and enhancements to the current ESV-IS which each district intends to make or desires to have made by the region, the department, or MECC.

e. Training, workshops, and other personnel related services which each district desires to have provided by the region.

f. Such other items as the districts or the region determine should be included.

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity ~~to fully participate or has an opportunity~~ to participate to the extent of desired participation in the ESV-PPS, and~~/or~~ ESV-SSS, ~~and/or ESV-IMS~~ through the availability of hardware, ESV-IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is ~~sufficient~~ staff, computer hardware and related equipment to ~~meet the needs expressed~~ provide the computer services requested by the member districts and approved by the regional governing board, and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. Where the services requested by a district are different from those approved by the regional governing board, the plan shall specify the difference, and why the requested services will not be provided by the region.

5. ~~4.~~ There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

6. ~~5.~~ The region has the ability to provide information required by the annual data acquisition calendar and by the Rules of the Board on behalf of its member districts by securing and operating such equipment and using the software designed by, for, or on behalf of the Department as is ~~necessary~~ required to produce computer tapes which are machine readable on the computer designated by the Department.

7. ~~6.~~ The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

8. ~~7.~~ The region has the ability to collect, store and report, within ~~30~~ 90 days, after the date of notification information requested by the Department, based on data elements not contained in the data element dictionary.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall ~~maintain a database~~ provide space on the computer for each ~~school~~ district, for storage of the data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903, subdivision C. The availability of this space shall be without cost to the district so long as the state provides subsidy funds to the region, which funds are designated by the law as a reporting subsidy.

~~F. The region shall submit a proposed annual budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.~~

F. The region agrees that prior to transmittal of any data to the department, the region shall provide the district with an opportunity to review the data and to certify or comment on its accuracy.

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board or by the proposed governing board which shall conform to

the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. Any district or region proposing to acquire computer equipment by any means must first receive the approval of the Commissioner. The Commissioner shall review any proposed equipment acquisition to determine whether the services ~~requested~~ provided by such equipment justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall determine whether or not the services to be provided by the region can be provided in a more cost effective manner, such that the Commissioner shall deny the plan and budget if it is determined that, had the plan and budget been an application for a new region, the application would have been denied. The Commissioner ~~and~~ shall notify the region of his decision by June 1 of each year or within 15 days following the adjournment of the legislature, whichever is later. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment ~~or~~ changes ~~that~~ which occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to ~~or~~ and approved by the ~~Department~~ Commissioner.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to MECC for a final determination.

5 MCAR § 1.0902 Creation of regions.

A. Criteria for new regions.

Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names, ~~and~~ addresses and numbers of the districts ~~who desire~~ desiring to ~~operate~~ participate in the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and ~~its~~ the operating software proposed for the region is compatible to the hardware and operating software specified in the state computing plan.

b. The applications software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to intermediate AVTI ~~schools located~~ districts included within the region are separately included in the proposed region plan and budget.

~~e. Communication networks are configured in the least costly manner.~~

e. ~~f.~~ The governance structure of the proposed region shall include a governing board which conforms to Minn. Stat. § 471.59~~.~~, or § 123.58 whichever is appropriate.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region to reduce those costs by the utilization of different hardware~~,~~ and staff, while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions ~~who will~~ or the ability and willingness of other districts to join the existing region in order to meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership fees and service ~~fees~~ charges for the member districts compared with the membership fees and service ~~fees~~ charges if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary, Secondary, and Vocational Computer Services Advisory Task Force, the Commissioner shall make a recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

5 MCAR § 1.0903 Data element dictionary.

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary, and vocational educational system in Minnesota; or

2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or

3. ~~The data is needed for the planning of educational programs; or~~ The data is needed to meet the goals and objectives assigned to the department by the Board, the governor or the legislature; or

4. ~~The data is needed for the evaluation of educational programs; or~~ The data are needed in order to provide information required by the Board, the governor, the legislature or the federal government; or

~~5. The data is needed for adequate management of the Department; or~~

5. ~~6.~~ The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.

2. The description of the physical characteristics of the data element.

3. The definition of the data element.

4. The purpose for which the data element is collected.

D. The Commissioner shall establish an ad hoc data acquisition review committee with representation from school districts as well as from the department. The committee shall review each proposed data element and make recommendation to the Commissioner whether:

1. It is appropriate for the Department to collect the data described by the data element.

2. The data element meets the criteria described in 5 MCAR § 1.0903B.

3. The data element is not already contained in the data element dictionary.

4. The costs to collect the data does not exceed the benefits obtained from collecting the data, except in the instance where state or federal statute or rule requires collection of the data.

5. The collection of data conforms to the Minnesota Government Data Practices Act.

Notice of the review of the proposed data element shall be sent to each region prior to the date of review.

E. Each data element contained in the data element dictionary shall be reviewed by the committee not less than once every three years. Notification of the review shall be sent to each region and an opportunity shall be

given them to review and comment on the need to continue to collect the data described in the data element.

F. ~~D. Data elements proposed for inclusion in, or deletion from, the data element dictionary shall be reviewed and approved by the Commissioner.~~ After receiving the recommendation of the data acquisition review committee, the Commissioner shall determine whether to include or delete a data element from the data element dictionary.

G. At least ~~90~~ 180 days notice to the region shall be given prior to the collection of any new data element.

5 MCAR § 1.0904 Data acquisition ~~plan~~ calendar.

A. By ~~June 1~~ September 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed forms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.

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 10th day of September, 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 Education Computer Systems 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 10th day of September, 1979.

Howard B. Casmey
HOWARD B. CASMEY
Secretary, State Board of Education

Dorothea M Chelgren
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 5th day of November, 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 the Laws of 1979, ch. 334, art. VI, section 1, to promulgate rules for the computerization by school districts,

WHEREAS, the Board has been granted the authority to adopt temporary rules pursuant to Minn. Laws 1979, ch. 334, art. VI, section 32, according to the procedure of Minn. Stat. § 15.0412, subd. 5,

THEREFORE, BE IT RESOLVED, that the temporary rules governing the computerization by school districts, as amended, are hereby approved and adopted to implement the above referenced laws.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 5th day of November, 1979.

HOWARD B. CASMEY
Secretary, State Board of Education

Ruth A. Myers
Member, State Board of Education

Department of Education

School Management Services Division

Proposed Temporary Rules Governing Education Computer Systems

Request for Public Comment

Notice is hereby given that the Department of Education has proposed the following temporary rule for the purpose of implementing the provisions of Laws of 1979, ch. 334, Art. VI, § 1, Computerization by School Districts.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the State Register by writing to:

Donald Thomas, Director
Education Data Systems Section
Department of Education
550 Cedar Street
St. Paul, Minnesota 55101

The temporary rules may be revised on the basis of comments received.

Any written material received shall become part of the record and the final adoption of the temporary rule.

September 10, 1979

Howard B. Casmey
Commissioner of Education

Temporary Rule as Proposed (all new material)

Chapter Forty-two: Computer Systems

5 MCAR § 1.0900 Definitions.

A. Definitions. For the purpose of these rules, the following definitions are used:

1. "Board" means the State Board of Education.

2. "Commissioner" refers to the Commissioner of Education.

3. "Department", refers to the Department of Education.

4. "District" is defined as any independent, special, or common school district.

5. "ESV" refers to the elementary, secondary, and vocational education system in Minnesota and includes all school districts as defined above.

6. "ESV-IS" is the Elementary Secondary and Vocational Information System which is sometimes referred to as the "State-wide software" and the "software developed by MECC for the Department of Education".

7. "ESV-FIN" is the financial accounting subsystems of the ESV-IS.

8. "ESV-PPS" is the personnel payroll subsystem of the ESV-IS.

9. "ESV-SSS" is student support subsystem of the ESV-IS.

10. "ESV-IMS" is the instructional management subsystem of the ESV-SSS.

11. "MECC" is the Minnesota Education Computing Consortium.

12. "Region" and "regional management information center", is the administrative organization created to provide computer services to the school districts within the region and designated as a regional management information center by the Department of Education.

13. "Data element" is any representation of information such as alphabetic characters, or numbers or signs to which meaning may be assigned and which is suitable for communication, interpretation or processing by humans or by automated means.

14. "Data acquisition calendar" is the list of forms, applications, memoranda, or other instruments through which the districts are required to collect, record or report data, and indicates the date when such data is due to the Department.

15. "State computing plan" is the following collection of documents:

a. "A proposed educational computing services organization: its facilities and services" revised edition February 15, 1973.

b. "Minnesota educational computing consortium 'MECC' report--1974" February, 1974.

c. "MECC update" September, 1974.

d. "Minnesota educational data processing to 1980" October, 1974.

e. "Summary of Minnesota educational computing plans and budget for the 1977-79 biennium" November, 1976.

f. "Summary of Minnesota educational computing plans and budgets for the 1979-81 biennium" November, 1978.

g. "Minnesota area vocational-technical institutes state plan for instructional data processing" July 1, 1979.

h. Such other documents as the State Board of Education may from time to time designate as an amendment to the State Plan.

16. "UFARS" is the Uniform Financial Accounting and Reporting System established in 5 MCAR §§ 1.0760-1.0769 adopted by the Board pursuant to Minn. Stat. §§ 121.90-121.928.

5 MCAR § 1.0901 Region plans and budgets.

A. By April 1 of each year, each regional management information center shall submit an annual plan and budget on behalf of its member districts to the Department of Education for its approval.

B. This plan and budget shall be on forms and in the format prescribed by the Commissioner.

C. The plan shall contain sufficient information so that it can be determined by the Department that:

1. The region has conducted a survey of each member district and has developed a statement of the needs for computer services for each of the member districts.

2. That each district will fully participate in the comprehensive financial reporting system utilizing the ESV-FIN system and that each district has an opportunity to fully participate or has an opportunity to participate to the extent of desired participation in the ESV-PPS, and/or ESV-SSS, and/or ESV-IMS through the availability of hardware, ESV-IS software, and staff specialists to operate these systems during the normal working hours of the regional computer centers.

3. There is sufficient staff, computer hardware and related equipment to meet the needs expressed by the member districts and that the hardware and related equipment is compatible with the hardware and communication equipment used by the ESV-IS.

4. There are sufficient funds to support the staff, hardware, communication and other related costs of the regional management information center.

5. The region has the ability to provide information required by the annual data acquisition calendar and by the Rules of the Board on behalf of its member districts by securing and operating such equipment using the software designed by, for, or on behalf of the Department as is necessary

to produce computer tapes which are machine readable on the computer designated by the Department.

6. The region has a data base which it maintains for each school district which contains the data elements in the data element dictionary and the region has the necessary equipment and software to report to the Department, within 15 days, information based on these data elements using software designed by, for, or on behalf of the Department, on computer tape, which is machine readable on the computer designated by the Department.

7. The region has the ability to collect, store and report within 30 days, information requested by the Department, based on data elements not contained in the data element dictionary.

D. By February 1 of each year each district shall submit to the regional management information center a proposed budget and plan for computer services identifying the computer equipment, computer software, and staff it will use, the costs related to those items and any service fees or other computer related costs which will be incurred by the district and will not be provided by the region.

E. Each district shall collect, and shall store on the region computer, for reporting to the Department, the data elements contained in the data element dictionary. Each region shall maintain a database for each school district of data elements in the data element dictionary in the format according to the standards contained in 5 MCAR § 1.0903, subdivision C.

F. The region shall submit a proposed annual budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

G. By April 1 of each even numbered year, each existing region and any proposed region shall submit a proposed biennial budget approved by its governing board which shall conform to the Uniform Financial Accounting and Reporting Standards as contained in 5 MCAR §§ 1.0760-1.0769 and Minn. Stat. §§ 121.90-121.92.

H. The Commissioner shall review any proposed equipment acquisition to determine whether the services requested justify the expenditures; and will review all costs to determine whether they are justified by the level of services to be provided.

I. The Commissioner shall make a determination whether there are sufficient funds to implement the annual or biennial plan and budget as presented and shall notify the region of his decision. In the instance where the decision of the Commissioner is adverse to the desires of the region, the region may have the matter referred to the Minnesota Educational Computing Consortium for a final determination.

J. Any change in level of service provided by the region or proposed equipment or changes that occur after a plan and budget has been approved must be separately approved by the Commissioner.

K. During the course of any year, the Commissioner may revoke a previously granted approval of a plan and budget on the basis that:

1. There has been an amendment to the plan or budget which materially affects the provision of services to members of the region and which has not been reported to or approved by the Department.

2. The region no longer has the ability to provide services according to the standards established in 5 MCAR § 1.0901 and 5 MCAR § 1.0902 necessary for the creation of a region.

5 MCAR § 1.0902 Creation of regions.

A. Criteria for new regions.

Two or more districts which desire to establish a new regional management information center shall submit to the Commissioner the following information:

1. Names and addresses of the districts who desire to operate the new region.

2. A plan and budget which meets the requirements of 5 MCAR § 1.0901.

3. A statement showing how the proposed region conforms to the state computing plan in that:

a. The hardware and its operating software proposed for the region is compatible to the hardware and operating software specified in the plan.

b. The software used is the ESV-IS software.

c. The staff is or will be trained on the ESV-IS and will be able to provide user coordination and data control services to the districts.

d. Services to AVTI schools located within the region are included in the proposed region plan and budget.

e. Communication networks are configured in the least costly manner.

f. The governance structure of the proposed region conforms to Minn. Stat. § 471.59.

4. The determination of whether the proposed region is cost effective will be based upon the following information:

a. The cost for data communications, hardware, staff, space rental, and other associated costs compared with projected costs if instead the member districts were to belong to existing regions that are in proximity to the member districts. Where the level and types of services in the proposed region differ from those which have been provided by regions in proximity to the member districts, those differences along with the costs associated with those differences must be documented.

b. Any continuing financial obligations where member districts are withdrawing from a previously existing region.

c. Any additional cost to other districts where a member district withdraws from an existing region, and the ability of the existing region to reduce those costs by the utilization of different hardware, and staff while still meeting its obligations under 5 MCAR § 1.0901. If the existing region cannot continue in a cost effective manner, the ability of the remaining member districts to join different regions who will meet their needs as specified in the existing plan filed pursuant to 5 MCAR § 1.0901, and the costs related to such a change.

d. The anticipated membership and service fees for the member districts compared with the membership and service fees if instead the member districts were to belong to existing regions that are in proximity to the member districts. Any difference in level of service between the proposed region and the regions in proximity must be documented.

B. Upon examination of the evidence presented in support of the creation of a new region, and after consultation with the Elementary Secondary and Vocational Computer Services Advisory Task Force, the Commissioner shall make recommendation to the Board for its determination.

C. Any new region which is approved pursuant to this rule shall come into existence on the July 1 of the next odd numbered year after its creation or when the Legislature makes express appropriations of regional subsidies for the region, whichever occurs first.

D. Any district which seeks to terminate membership in an existing region and affiliate with another existing region must file the same documentation and complete the same process as provided for the creation of a new region.

5 MCAR § 1.0903 Data element dictionary.

A. The purpose of the data element dictionary is to provide a standardized table of data elements which districts are required to collect, store and report either directly to the Department or through the regional management information center.

B. The criteria for inclusion of a data element in the data element dictionary are:

1. The data is needed in order for the Department to properly disburse funds in support of the elementary, secondary and vocational educational system in Minnesota; or

2. The data is needed to make reports defined or required by state or federal statute, rules, or regulations; or

3. The data is needed for the planning of educational programs; or

4. The data is needed for the evaluation of educational programs; or

5. The data is needed for adequate management of the Department; or

6. The data is needed for the implementation of research or special projects in education, and which have been approved by the Commissioner.

C. Each data element in the data element dictionary shall contain:

1. The standard names of the data element.

2. The description of the physical characteristics of the data element.

3. The definition of the data element.

4. The purpose for which the data element is collected.

D. Data elements proposed for inclusion in, or deletion from, the data element dictionary shall be reviewed and approved by the Commissioner. At least 90 days notice to the region shall be given prior to the collection of any new data element.

5 MCAR § 1.0904 Data acquisition plan.

A. By June 1 of each year, the Department shall transmit to each district and region an annual data acquisition calendar specifying the reports which school districts are required to submit either directly to the Department or through the regional management information center. Amendments may be made to the calendar each quarter thereafter.

B. The data acquisition calendar shall contain, at a minimum, the name and description of the form and the date when it is due to the Department.

C. Only data elements contained in the data element dictionary shall be included in the form and shall be used according to the standards established in the data element dictionary.

D. Proposed forms to be included or deleted from the data acquisition calendar shall be approved only after each data element has been approved by the Commissioner as provided in 5 MCAR § 1.0903.